

Tentative Agenda for the WAVERLY CITY COUNCIL MEETING to be held on April 22, 2025 at 6:00 PM. This meeting will be held at the Waverly City Office Building, 14130 Lancashire, Waverly, NE 68462. A current Agenda shall be readily available for public inspection at the office of the City Clerk during normal business hours.

1. **Call to Order**
 - 1.a) Roll Call
 - 1.b) Pledge of Allegiance
 - 1.c) Acknowledgement of the "Open Meetings Act" poster that is posted by the south entrance.
 - 1.d) Adoption of Agenda
 - 1.e) Approval of the Consent Agenda Items*

All items listed with an asterisk (*) are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member or a Citizen so requests, in which event the item will be removed from the Consent Agenda status and considered in its normal sequence on the Agenda.
 - 1.f) Proclamations and Presentations
 - 1.f.i) Presentation of Fire and Emergency Service Provider Awards to Waverly Fire/Rescue Members
 - 1.f.ii) Arbor Day Proclamation
2. **Public Hearings**
3. **Sheriff's Report**
4. **Public Comments**
5. **Approval of Minutes**
 - 5.a) *Minutes of the April 8, 2025 City Council Meeting
6. **Consideration of Claims and Financial Reports**
 - 6.a) Claims for Payment
 - 6.b) Keno & Sales Tax Reports
 - 6.c) TIF Annual Report to Council
7. **Introduction of Resolutions**
 - 7.a) Consideration of Resolution 25-07 to Approve the Installation of Advance Warning Beacon and Under Pavement Traffic Sensor at the Intersection of US Highway 6 and N 141st Street.
 - 7.b) Consideration of Resolution 25-09 a Resolution Calling the Notes for Redemption for Aquatic Center Municipal Improvement Bonds.
8. **Introduction of Ordinances**
 - 8.a) Consideration of the First Reading of Ordinance No. 25-03 an Ordinance of the City of Waverly, Nebraska to Rename a Portion of Williams Street, from Williams Street to North 151st Street.
 - 8.b) Consideration of the First Reading of Ordinance 25-04 Authorizing the Issuance of Long-Term Financing for Aquatic Center Municipal Improvements.
9. **Introduction of Business and Communications**
 - 9.a) Consideration of a Streetlight Extension Agreement with Lincoln Electric System.
10. **Committee Reports**
 - 10.a) Human Services (Park & Recreation): Council Member Stark

- 10.b) Public Works (Utilities & Street): Council Member Delahoyde
- 10.c) Public Health (Fire & Safety): Council Member Jespersen
- 10.d) Fiscal & Economic Development: Council Member Nielson
- 10.e) City Administrator Fisher

11. Adjournment

The Governing Body reserves the right to go into Executive Session at any time for the reasons outlined in State Statute 84-1410.

The following rules are established for audience members and participants at a Council meeting:

- (1) Any person wishing to address the Council shall first state their name and address.
- (2) Public comments may be for agenda or non-agenda items.
- (3) Remarks shall be limited to five (5) minutes.

Nebraska State Fire Marshall Training Certifications

Tyler Tongish – Firefighter 1 and Hazardous Materials Operations

On December 14, 2024, Tyler Tongish, a 3-year volunteer member of Waverly Fire Rescue, earned his Firefighter 1 certification from the Nebraska State Fire Marshall Training Division. On March 1, 2025, Tongish earned his Hazardous Materials Operations certification. 86 course hours for Firefighter 1, 32 course hours for Hazardous Material Operations and additional self-study hours were put into his efforts to successfully complete the class and earn his certification that meets the requirements established by the National Board on Fire Service Professional Qualifications and the International Fire Services Accreditation Congress. Prerequisite certifications required – None.

Ryan Mueller – Fire Officer 1

On February 23, 2025, Ryan Mueller, a 15-year volunteer member and current Fire Chief of Waverly Fire Rescue, earned his Fire Officer 1 certification from the Nebraska State Fire Marshall Training Division. 32 course hours for Fire Officer 1 and additional self-study hours were put into his efforts to successfully complete the class and earn his certification that meets the requirements established by the National Board on Fire Service Professional Qualifications and the International Fire Services Accreditation Congress. Prerequisite certifications required – Firefighter II, Hazardous Material Operations, Fire and Emergency Services Instructor 1.

ARBOR DAY PROCLAMATION

WHEREAS: IN 1872 J. STERLING MORTON PROPOSED TO THE NEBRASKA BOARD OF AGRICULTURE THAT A SPECIAL DAY BE SET ASIDE FOR THE PLANTING OF TREES, AND

WHEREAS: THIS HOLIDAY, CALLED ARBOR DAY, WAS FIRST OBSERVED WITH THE PLANTING OF MORE THAN A MILLION TREES IN NEBRASKA, AND IS NOW OBSERVED THROUGHOUT THE NATION AND THE WORLD, AND

WHEREAS: TREES CAN REDUCE THE EROSION OF OUR PRECIOUS TOPSOIL BY WIND AND WATER, CUT HEATING AND COOLING COSTS, MODERATE THE TEMPERATURE, CLEAN THE AIR, PRODUCE OXYGEN AND PROVIDE HABITAT FOR WILDLIFE, AND

WHEREAS; TREES ARE A RENEWABLE RESOURCE GIVING US PAPER, WOOD FOR OUR HOMES, FUEL FOR OUR FIRES AND COUNTLESS OTHER WOOD PRODUCTS, AND

WHEREAS; TREES IN OUR CITY INCREASE PROPERTY VALUES, ENHANCE THE ECONOMIC VITALITY OF BUSINESS AREAS, AND BEAUTIFY OUR COMMUNITY, AND

WHEREAS; NEBRASKA IS THE WORLDWIDE HOME OF ARBOR DAY,

NOW THEREFORE, I, ABBEY L. PASCOE, MAYOR OF THE CITY OF WAVERLY, NEBRASKA, DO HEREBY PROCLAIM APRIL 25, 2025 AS ARBOR DAY IN THE CITY OF WAVERLY, AND URGE ALL CITIZENS TO CELEBRATE ARBOR DAY, SUPPORT EFFORTS TO PROTECT OUR TREES AND WOODLANDS, AND PLANT TREES TO GLADDEN THE HEART AND PROMOTE THE WELL-BEING OF THIS AND FUTURE GENERATIONS.

DATED THIS 22ND DAY OF APRIL, 2025.

Abbey L. Pascoe
Mayor

ATTEST:

Megan K. Frye
City Clerk/Human Resources Assistant

(SEAL)

MINUTES OF A WAVERLY CITY COUNCIL MEETING HELD ON APRIL 8, 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, and Aaron Delahoyde were in attendance. Council Member Allison Stark was absent. Other City Officials present were City Administrator Stephanie Fisher, City Attorney Anthony Aerts, and City Clerk Megan Frye. Others present were Disaster Preparedness Manager Terry Spoor. 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, and Delahoyde. The following Council Members voted "NAY": None. Motion Carried. 3-0.

APPROVAL OF CONSENT AGENDA

Minutes of the March 25, 2025 City Council Meeting

Consideration of Resolution 25-04 authorizing no parking signs along N 148th Street on July 4, 2025 from 9:00 a.m. to 2:00 p.m. for the Fourth of July Parade.

Consideration of the Waverly Community Chamber of Commerce July, 4, 2025 Parade Route.

Consideration of the Waverly Community Chamber of Commerce use of Lawson Park for the July 4, 2025 Community Fireworks Display.

Consideration of a contribution of one-half of the firework retail license revenues to the Waverly Community Chamber of Commerce for the Community Fireworks Display in an amount not to exceed \$2,000.00.

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

The following Council Members voted "YEA": Nielson, Delahoyde, and Jespersen. The following Council Members voted "NAY": None. Motion Carried. 3-0.

PROCLAMATIONS AND PRESENTATIONS

None.

PUBLIC HEARINGS

None.

SHERIFF'S REPORT

None.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Minutes of the March 25, 2025 City Council Meeting

Consent Agenda.

CONSIDERATION OF CLAIMS AND FINANCIAL REPORTS**Claims for payment**

Claims for Payment: March 26th - April 8th, 2025		
Group A		
Vendor	Description	Amount
Marc Burt	Utility Deposit Refund	\$ 100.00
Ethan McClellan	Utility Deposit Refund	\$ 100.00
Eric Peterson	Utility Deposit Refund	\$ 100.00
Andrew Ruder	Utility Deposit Refund	\$ 100.00
ADP Fees	Payroll Fees	\$ 190.18
ADP Payroll	Payroll	\$ 42,000.20
ALLO Communications	Phone/Internet Services	\$ 885.62
Black Hills Energy	Natural gas	\$ 729.44
Colonial Life	Insurance	\$ 43.92
Core & Main	Meter & Readout Purchase	\$ 24,621.99
Cubby's, Inc.	Fuel	\$ 2,461.30
DataVizion, LLC	Microsoft 365 Business, Support, Backup Services	\$ 1,773.36
Hamilton Equipment Co.	Cutting edge, bolts and lock return	\$ (794.86)
Hawkins, Inc.	Supplies	\$ 2,148.90
HBE LLP	Year End 2024 Audit	\$ 22,196.31
Heermann Economic Development	Economic development consulting services	\$ 2,900.00
Horizon Bank	Monthly ACH Fees	\$ 10.00
JEO Consulting Group, Inc.	New Well Siting, 134 & Hwy 6 Drainage Improvement	\$ 6,732.50
John Hancock USA	Retirement	\$ 3,663.11
Karly Schnieder	Volleyball tournament refund	\$ 150.00
Lancaster Co. Sheriff Office	April 2025	\$ 38,093.00
Lancaster County Engineering	Signs-address signage change	\$ 210.48
Life-Assist, Inc.	Medical Supplies	\$ 1,533.20
Lincoln Electric System	Electricity	\$ 19,772.74
Logan Contractors Supply, Inc.	Supplies	\$ 2,720.30
MacQueen Emergency	Jackets & pants	\$ 12,122.00
Mammoth Station	Fuel	\$ 47.42
Menards-Lincoln North	Supplies	\$ 1,695.84
Meyer's Equipment Mfg. Corp.	Single axle spreader w/ freight	\$ 40,230.13
Midwest Laboratories, Inc.	Lab fees	\$ 407.59
Nebraska Dept Revenue Waste	Utility Sales Tax	\$ 8,977.23
Nebraska Landscape Solutions	Supplies	\$ 363.44
NMC, INC.	Supplies	\$ 273.95
One Call Concepts, Inc.	One-Call Service	\$ 65.95
Paul Davis Restoration, Inc.	Services	\$ 250.00
Pavers Inc.	Supplies	\$ 105.84
Pinnacle Bank	Supplies	\$ 3,889.97
Production Creek Specialty Adv	Park Supplies	\$ 195.00
S & L Trenching LLC	Sewer service lines - Danvers St	\$ 3,750.00
Small Engine Specialists	Supplies	\$ 969.98
Tell Hanes	EMT class reimbursement	\$ 197.00
The Voice News	Advertising & Printing	\$ 153.72

Tony's Lawn Care LLC	Fertilizer-Lawson Park Field 1	\$ 126.00
Total Tool Supply, Inc.	Supplies	\$ 549.60
U.S. Postmaster	Stamps/Postage	\$ 292.00
U.S. Bank Equipment Finance	Ricoh Copier	\$ 143.95
Uribe Refuse Services	Restroom Rental	\$ 96.00
Visual Edge IT	Copies	\$ 99.74
Whitehead Oil Co.	Fuel	\$ 245.25
Claims Group A Total		\$ 247,689.29

Council Member Jespersen moved to approve claims in the amount of \$247,689.29. Council Member Nielson seconded the motion.

The following Council Members voted "YEA": Delahoyde, Jespersen, Nielson. The following Council Members voted "NAY": None. Motion Carried. 3-0.

Treasurer's Report and Budget & Expense Report

Council Member Jespersen moved to approve Treasurer's Report and Budget & Expense Report. Council Member Nielson seconded the motion.

The following Council Members voted "YEA": Jespersen, Nielson, and Delahoyde. The following Council Members voted "NAY": None. Motion Carried. 3-0.

INTRODUCTION OF RESOLUTIONS

Consideration of Resolution 25-04 authorizing no parking signs along N 148th Street on July 4, 2025 from 9:00 a.m. to 2:00 p.m. for the Fourth of July Parade.

Consent Agenda.

Consideration of Resolution 25-05 approving new Fire/Rescue Department Member Shelby Miller.

Council Member Jespersen moved to approve Resolution 25-05 approving new Fire/Rescue Department Member Shelby Miller. Council Member Nielson seconded the motion.

Introduction of Miller; Mayor Pascoe thanked Miller for joining.

The following Council Members voted "YEA": Nielson, Delahoyde, and Jespersen. The following Council Members voted "NAY": None. Motion Carried. 3-0.

INTRODUCTION OF ORDINANCES

None.

NEBRASKA CLASS / NPAIT MERGER

Consideration of a Letter of Intent to pass a resolution authorizing the investment of funds with Nebraska Public Agency Investment Trust (NPAIT).

Council Member Jespersen moved to approve Letter of Intent to pass a resolution authorizing the investment of funds with Nebraska Public Agency Investment Trust (NPAIT). Council Member Nielson seconded the motion.

City Administrator Fisher explained currently the City of Waverly has funds invested with Nebraska CLASS, a public funds investment company and they are merging with NPAIT so we will now have NPAIT as the organization in charge of investments. The City of Waverly used NPAIT years ago and we have great comfort in working with them.

The following Council Members voted "YEA": Delahoyde, Jespersen, and Nielson. The following Council Members voted "NAY": None. Motion Carried. 3-0.

Consideration of Resolution No. 25-06 the Nebraska Public Agency Investment Trust (NPAIT) Enabling Resolution

Council Member Jespersen moved to approve Resolution No. 25-06 the Nebraska Public Agency Investment Trust (NPAIT) Enabling Resolution. Council Member Nielson seconded the motion.

City Administrator Fisher explained this outlines the representatives authorized to do the day-to-day operations and Mayor Pascoe added this is the same as with Nebraska CLASS.

The following Council Members voted “YEA”: Jespersen, Nielson, and Delahoyde. The following Council Members voted “NAY”: None. Motion Carried. 3-0.

INTRODUCTION OF BUSINESS AND COMMUNICATIONS

Presentation - Understanding Waverly's Water Supply.

City Administrator Fisher provided information regarding the water system and our current situation. Fisher reported two snow events in March helped improve drought conditions, shifting the classification for northern Lancaster County from a moderate drought up to an abnormally dry intensity, but the region is still experiencing below-average moisture levels. During the winter months when there is no outdoor watering, Waverly averages about 400,000 gallons of water usage per day and as the weather warms up and outdoor watering begins, that daily demand can easily double or even triple.

Fisher shared precipitation from 1950 to present and advised in the past 5 years we have seen less than 30” of precipitation each year, with 2022 the driest year at just 19.92”. This long-term trend of reduced precipitation puts additional stress on our water supply, especially during high-demand periods. Fisher shared the static water levels—the depth from the ground surface to the water in the well when it is not actively pumping—over the past 5 years, which have dropped 10-12’ over time. Fisher advised the city monitors static levels of each well to track trends, plan for future demand, and make informed decisions about water conservation, infrastructure, and new well development. Fisher stated during dry conditions, groundwater usage increases everywhere, resulting in declining static water levels across the region affecting the many types of wells across the state.

Fisher shared the City’s course of action, starting with exploratory drilling later this year in targeted areas to evaluate future groundwater availability and potential pumping capacities in the Waverly area. This project will assess up to 13 possible sites for the development of a new well, testing both water quality and site suitability to determine the most viable location. Based on the results of these test wells, we may move forward with the process of adding a new production well as early as next year. All related study documents are available on our website for public review. There are 4 areas designated from Olsson’s Well Siting Study: Confluence, Camp Creek, Salt Creek, and Existing Wellfield. The city is now working with JEO to develop information to share with property owners and manage the test well program.

Fisher shared information shared by Dave Miesbach’s City Council meeting presentation: Well depth and placement are limited by geology. Groundwater is replenished by recharge. Groundwater recharge is slow at about 2.3 inches per year. Groundwater movement is slow at about 110-160 feet per year. Drought conditions limit recharge. Fisher stated all of our wells are drilled to bedrock, as deep as they can be. If there’s not water coming to the top of the earth, there’s no water to trickle down to the aquifer.

Fisher shared information from the UNL Extension when Dr. Loren Giesler and Sarah Browning presented on the topic of lawn watering and fertilizing. In the spring and fall, our lawns need approximately 1” of water per week and during the summer when it’s hot and dry, clay type soil needs 1.5” per week and sandy soils need approximately 2” per week. Kentucky Bluegrass is extremely drought tolerant and can go dormant then be restored when it has enough rain. They recommended watering deeply and infrequently, also known as “soak and cycle”. Look for wilting symptoms and you may need

to water your lawn: your lawn may change in color and leaf blades don't spring back. Fisher stated you can also test the moisture with a screwdriver and the City also has free moisture testers available to residents which work really well to tell you when to water your lawn.

Fisher stated we are in a 365-day conservation policy currently with a lawn watering schedule in place because water conservation remains the most powerful and effective tool for managing demand. Fisher shared the watering schedule: Even numbered houses water on Sundays and Wednesdays and Odd numbered houses water on Tuesdays and Saturdays; No watering between 10:00 a.m. and 4:00 p.m. on any day, when it's the hottest part of the day and you lose water due to evaporation. Fisher noted with the lawn watering schedule, everyone is still able to water gardens, water bushes/shrubs, water trees, wash vehicles, and fill up swimming pools/hot tubs. The only thing we are asking is people work on water conservation on water that is used on their lawns. We thank everyone doing their part to help with conservation efforts and if there are any questions, please reach out to us at the City Office. There is also a wealth of information on our website; there's links in this PowerPoint presentation and links for the material covered in the PowerPoint also.

Council Member Jespersen addressed concerns seen on social media: why residents must conserve water, but new homes are still being built. Fisher responded our current infrastructure is sufficient to serve a growing population. Right now, we are limited materially by the decreasing levels because of a drought situation. Water is a natural resource that we cannot renew on our own so conservation is always a good practice. Jespersen added a study concluded that we have the proper infrastructure for up to 10,000 people and we are not even at 5,000 people. Jespersen recalled the conservation measures were established according to other towns similar sizes around our area to help build our conservation measures. Mayor Pascoe shared examples of strict conservation measures enacted in southeast Nebraska communities due to regional drought issue, stating it's not just in Waverly. Pascoe stated we are trying to conserve until we can get out of a drought and allow our aquifer to recharge. Jespersen noted expert recommendations on lawn irrigation. Pascoe advised of the potential usage charges over 10,000 gallons of water that were voted down because the council didn't want to do that; they would rather use conservation efforts. Council Member Nielson stated when we get back to normal rainfall, our aquifers will replenish, and we will get back to normal.

Council Member Jespersen addressed the misconceptions of the watering schedule seen on social media—the alternate watering schedule only refers to lawn irrigation/watering and residents are encouraged to continue watering gardens, bushes, and trees—we want to see new trees planted in the city. Jespersen provided examples of other public utility conservation efforts. Council Member Delahoyde agreed with education over penalization, just need everyone to follow guidelines. Council Member Nielson advised I water once a week according to the UNL recommendations and my lawn is just as good as most in Waverly.

Jespersen advised the proper way to address concerns is to contact the city office or council members and Jespersen encouraged emailing council members any questions. Pascoe stated we are sharing information by recording this meeting and putting out a newsletter, both of which has had information about our water in it. Pascoe stated we are really trying to put out as much information as possible in the right avenue and the right channels to dispel any kind of misinformation that could be out there. Pascoe encouraged questions be asked to city officials.

Terry Spoor asked if the city considered any plan or contingences in the event this is not a cyclical event, and the downward precipitation trend continues. Nielson responded the city is trying to find new water for wells. Jespersen stated we have reached out to the City of Lincoln and Lancaster County Rural Water—both were not interested. Spoor added it appears we are at a high risk of our overall precipitation decreasing over our lifetimes or perhaps several generations and I just want to make sure the city

considers this, particularly when we're expanding additional users. Jespersen stated the Lincoln answer seems like the obvious because their pipe runs right through the city but it is far more complicated than just tapping in. Spoor noted the cost. City Administrator Fisher stated and if there is a continued decline in static water levels, it won't just be the city of Waverly; it will be regional issue so I can assure you that every community is monitoring this as much as we are. Spoor advised green yards are part of social norms that were created but is a very artificial construct—I don't water my yard.

Consideration of an agreement with the State of Nebraska Department of Transportation for Advance Warning Beacons and Underpavement Traffic Sensors at the Intersection of US Highway 6 and North 141st Street in Waverly.

Council Member Jespersen moved to approve agreement with the State of Nebraska Department of Transportation for Advance Warning Beacons and Underpavement Traffic Sensors at the Intersection of US Highway 6 and North 141st Street in Waverly. Council Member Nielson seconded the motion.

Mayor Pascoe stated I asked for warning lights to be installed on Highway 6 and both east and west of N 141st Street three years ago and it is finally going to happen but won't happen until November. Pascoe advised the lights tells drivers to slow down; hopefully this will help prevent a few accidents, especially encourage semis to slow down. Delahoyde asked if the cost was budgeted and City Administrator Fisher responded yes, but we won't receive the invoice until next budget year.

The following Council Members voted “YEA”: Nielson, Delahoyde, and Jespersen. The following Council Members voted “NAY”: None. Motion Carried. 3-0.

Consideration of the Waverly Community Chamber of Commerce July, 4, 2025 Parade Route. Consideration of the Waverly Community Chamber of Commerce use of Lawson Park for the July 4, 2025 Community Fireworks Display.

Consent Agenda.

Consideration of a contribution of one-half of the firework retail license revenues to the Waverly Community Chamber of Commerce for the Community Fireworks Display in an amount not to exceed \$2,000.00.

Consent Agenda.

Consideration of authorizing the mayor to sign a Letter of Support for the Southeast Nebraska Affordable Housing Council's application to establish a Middle-Income Workforce Housing Investment Fund in Lancaster County and the City of Waverly.

Council Member Jespersen moved to approve authorizing the mayor to sign a Letter of Support for the Southeast Nebraska Affordable Housing Council's application to establish a Middle-Income Workforce Housing Investment Fund in Lancaster County and the City of Waverly. Council Member Nielson seconded the motion.

City Administrator Fisher stated prior to this year, any community in Lancaster County was not eligible and the legislature made a change to the qualifications to that so now other communities outside of Lincoln in Lancaster County are eligible for those funds. Southeast Nebraska Development District (SEND) also operates as Southeast Nebraska Affordable Housing Council (SENAHC) is applying for middle income workforce housing funds to the Nebraska Department of Economic Development (DED), asking for \$1 million in workforce housing funds used for down payment assistance and construction costs, with some focus on Waverly—being the largest community in Lancaster County. I've tried to work closely with them to show our desire to get some affordable housing in our community. The projects may include infill lots or vacant lots that need uplift; if lots become available those will be targeted. Fisher stated for this program, the City would be committing up to \$10,000, which targets more affordable

homes with intentions of selling price just under \$300,000, up to 1300 sq ft home with an unfinished basement.

The following Council Members voted “YEA”: Delahoyde, Jespersen, and Nielson. The following Council Members voted “NAY”: None. Motion Carried. 3-0.

Consideration of authorizing the mayor to sign the Letter of Commitment for the Southeast Nebraska Affordable Housing Council (SENAHC) Middle-Income Workforce Housing Grant Application matching funds in an amount not to exceed \$10,000.

Council Member Jespersen moved to approve authorizing the mayor to sign the Letter of Commitment for the Southeast Nebraska Affordable Housing Council (SENAHC) Middle-Income Workforce Housing Grant Application matching funds in an amount not to exceed \$10,000. Council Member Nielson seconded the motion.

The following Council Members voted “YEA”: Jespersen, Nielson, and Delahoyde. The following Council Members voted “NAY”: None. Motion Carried. 3-0.

Consideration of authorizing the mayor to sign a Letter of Support for the Nebraska Housing Resource's application for investment funds from the Middle-Income Workforce Housing Funds for builder construction loans on qualified new single family for sale houses in Waverly.

Council Member Jespersen moved to approve authorizing the mayor to sign a Letter of Support for the Nebraska Housing Resource's application for investment funds from the Middle-Income Workforce Housing Funds for builder construction loans on qualified new single family for sale houses in Waverly. Council Member Nielson seconded the motion.

City Administrator Fisher stated this is another workforce housing program with the Nebraska Housing Resource Council, who will also apply for middle income housing funds from DED; they are requesting a letter of support only—no matching funds from the city. If awarded funds, they will be used for builder construction loans to buy down the interest rate on construction projects.

The following Council Members voted “YEA”: Nielson, Delahoyde, and Jespersen. The following Council Members voted “NAY”: None. Motion Carried. 3-0.

COMMITTEE REPORTS

Human Services (Park & Recreation): Council Member Stark

City Administrator Fisher reported we have hired a new Parks and Recreation Director as of yesterday, Clayton Hufford, and he will start April 21. He currently works at UNO as the Assistant Director of Competitive Sports, he has worked with Special Olympics, has led a campus field rejuvenation project, and manages the 12 sport clubs. He is excited to get started and we are excited to have him here.

Fisher reported the restrooms in Wayne Park have been opened. Parks and Rec Assistant Manning has been working with schools to get the baseball games up and going at Lawson Park. The school district is making arrangements to improve the catcher’s area around the bull pens at Lawson at their expense; putting in about \$1,300 worth of work out there and we appreciate that cooperative attitude with the school. Aquatics Manager Hagaman is working on getting everything set up for the pool; we are starting new software, getting all lifeguards and other staff hired. She has been doing a really great job. Kudos also to City Treasurer Cadwell who has really been helping getting things set up with the new software at the pool. Without a Park and Rec Director, we are all splitting tasks. The Aquatic Center will open the Saturday before Memorial Day. All sign-ups for pool passes will be online this year, getting ready to go live. We've been hiring seasonal staff for the summer; we have some returning parks seasonal staff and all of our mowing staff is returning. Everybody is working hard getting ready to go for the summer. The goal is hire about 30 lifeguards and we are nearly staffed.

Public Works (Utilities & Street): Council Member Delahoyde

Council Member Delahoyde reported the new manure spreader arrived today for the wastewater biosolids application, right after they finished up spreading 79 tons of dry biosolids on the fields. They crack sealed N 130th Street, they've been out using the street sweeper all week to clean the streets from the winter storms and have done a really nice job. trying to get up the sand and gravel for 5 days and are now finished until they get dirty again. School zone flashers were repaired on Amberly Road. 15 sewer laterals were televised for the water main replacement project. They have been replacing the water lines on Danvers Street and the water main is in the ground and hooked up to the N 143rd street water main. The project should be done in a few weeks.

Public Health (Fire & Safety): Council Member Jespersen

Council Member Jespersen reported there were 10 Calls for Service so far in April, the fire department received a \$1,000 grant from Frontier to be used toward grain auger grain entrapment, which is extremely important. We also have a new member that was approved tonight.

Fiscal and Economic Development: Council Member Nielson

No report.

City Administrator Fisher

City Administrator Fisher reported I closed out the CCCFF Grant which was the \$562,000 grant we received from the Nebraska Department of Economic Development for our Aquatic Center. We made our final reimbursement request for \$281,000 and received those funds, so now we will be able to refinance that second bond that we had down to a \$1.5 million bond. Approval for the refinance will be on an upcoming meeting. Tree City USA Arbor Day Celebration is tentatively scheduled for Friday, April 25 at the intermediate school, we are working with Justin Evertson—more information to come.

On Waverly Ridge, the sewer is about 90% installed for the entire first phase, the box culverts are about 70% complete, they are just getting started on the water, storm sewers and paving will come after that.

Mayor Pascoe stated over the past couple weeks, we only have 13 employees and when we are down one employee, the city employees feel it. I just want to take a quick moment to express my gratitude to everyone for picking up the slack. Parks Assistant Manning has only been here 9 months and has done an incredible job including stepping up and getting the high school baseball games going up to their standards. I want to give kudos to 4 city mowers—all the branches in Wayne Park from all the storms needed picked up prior to starting to mow and they all decided to take care of that themselves. A lot of times these people who work for the city only hear negative comments about what doesn't get done so I just want to thank them for all the tireless, extra work on top of their actual job they have been doing the last several weeks. Great work and thank you; and hopefully it gets easier in the next couple of weeks.

ADJOURNMENT

Council Member Jespersen moved to adjourn the meeting at 6:54 p.m. Council Member Nielson seconded the motion.

The following Council Members voted "YEA": Delahoyde, Jespersen, and Nielson. The following Council Members voted "NAY": None. Motion Carried. 3-0.

Abbey L. Pascoe
Mayor

Megan K. Frye
City Clerk/Human Resources Assistant

Claims for Payment: April 9th - 22nd, 2025

Group A			
Vendor	Description	Amount	Date Paid
ADP Fees	Payroll Fees	\$ 129.99	4/25/2025
ADP Payroll	Payroll	\$ 35,821.87	4/18/2025
Andrew Toy	Meal reimbursement - wastewater training class	\$ 23.88	
Blue Cross Blue Shield	Health Insurance	\$ 15,988.39	5/1/2025
Carquest Auto Parts	Filters, hydraulic lube, oil	\$ 192.90	
Chad Hartwick	Meal reimbursement - wastewater training class	\$ 23.86	
Columbus Bank & Trust Company	TIF L - NW Electric May 2025	\$ 10,279.61	
Diamond Vogel Paint Center	Traffic paint	\$ 82.50	
DP Plumbing Co.	Lawson Park concession repair	\$ 377.36	
Faughn Electric	Park lights repair	\$ 2,914.75	
General Traffic Controls Inc.	Traffic light repair N 141 St.	\$ 345.00	
Heritage Landscape Supply	Sprinkler repair	\$ 7,355.11	
Hometown Leasing	FD Copier	\$ 71.48	
IIMC	IIMC Membership Dues	\$ 195.00	
Interstate All Battery Center	F150 truck battery & battery return	\$ 207.95	
JEO Consulting Group, Inc.	Oak Lane & Danvers Water Main, On-Call GIS, Small Subdivision Review	\$ 21,033.75	
John Hancock USA	Retirement	\$ 3,072.74	4/18/2025
K2 Construction	Danvers St. & Oak Ln. Water Main Construction	\$ 180,333.75	
Kacey Mendyk	Blastball refund	\$ 35.00	
Lieb Locating & Plumbing LLC	Camera/locates sewer - Oak Ln.	\$ 3,250.00	
Life-Assist, Inc.	Medical Supplies	\$ 1,572.55	
Lincoln Electric System	Electricity	\$ 238.92	
Lincoln Winwater Works Co.	Swing connect saddles	\$ 2,853.37	
MacQueen Emergency	Waverly 21 repair	\$ 4,775.87	
Matheson Tri-Gas, Inc.	Oxygen	\$ 133.73	
Menards-Lincoln North	Airless hose, well 10/11 repair	\$ 113.56	
Mutual of Omaha	Life & Vision Insurance	\$ 478.77	
Nadia Koval	Cleaning Service	\$ 439.23	
NE Dept. of Transportation	Snow Removal Agreement	\$ 3,604.30	
Nebraska Dept. of Revenue	Lottery Tax	\$ 15,747.00	
Nebraska Landscape Solutions	Fertilizer	\$ 2,500.79	
NE Public Health Environ. Lab	Lab fees	\$ 111.00	
Nebraska State Fire School	2025 Fire School	\$ 470.00	
NSVFA	Membership Dues	\$ 25.00	
One Billing Solutions	March 2025 Billing-EMS	\$ 524.84	
Paul Davis Restoration, Inc.	Laundering Bunker Gear	\$ 50.00	
Ray Estes	Meal reimbursement - wastewater class	\$ 25.55	
Rembolt Ludtke LLP	TIF Matters	\$ 410.00	
Rembolt Ludtke LLP	Legal Fees & Wage Survey	\$ 15,000.00	
S & L Trenching LLC	Water line repair	\$ 150.00	
Savannah Bomberger	T-ball refund	\$ 40.00	
Shayna Murrell	Onboard new Parks Director	\$ 108.90	
S.E.Rural Fire Protection Dist	EMS Calls	\$ 500.00	
Stingray Technology Services	Add/remove accounts to camera systems	\$ 125.00	
Sunbelt Rentals, Inc.	Rental-crack sealing	\$ 736.87	
Titan Machinery-Lincoln	Cutting edge, plow bolt	\$ 904.00	
U.S. Postmaster	Stamps/Postage	\$ 304.07	
Union Bank & Trust Co.	HSA Accounts	\$ 2,500.00	5/1/2025
USA Blue Book	Solution, pH buffer pack, gloves	\$ 270.37	
Verizon Wireless	Phone Service	\$ 383.37	
Waverly Chamber Of Commerce	Donation - July 4th Fireworks	\$ 2,000.00	
Storage Ninjas - Waverly	Storage for Engine 34 - F.D. debit card purchase	\$ 139.00	
Claims Group A Total		\$ 338,970.95	

Abbey Pascoe, Mayor

Cheris Cadwell, City Treasurer/Deputy Clerk

City of Waverly

March, 2025

Gross Sales

Waverly \$ 226,772.10

Gross Sales 100.00% **\$ 226,772.10**

Prizes (Payouts)

Waverly

Prizes (Payouts) 73.0132% **\$165,573.66**

Operator Commission 12.0000% \$27,212.65

City Share 14.5016% \$32,885.54

Uncollected Winnings 0.4852% \$1,100.25

Interest \$7.51

Total to city **\$33,993.30**

YTD SALES \$ 1,442,252.90

City 7%min earned YTD \$100,957.70

Paid YTD \$77,147.55

Due City **\$23,810.15**

Sales Tax Collections: sales tax earned two months prior-- shown as month paid to City

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025		
January		\$32,992.14	\$29,189.49	\$29,531.36	\$32,688.55	\$32,284.36	\$33,172.54	\$46,014.14	\$41,917.94	\$46,648.43	\$90,625.85	\$103,786.45	\$105,194.37	\$104,708.89	\$125,496.52		
February		\$29,537.64	\$30,246.77	\$64,480.25	\$36,940.26	\$41,698.05	\$41,692.99	\$60,599.43	\$46,095.47	\$54,122.85	\$109,289.36	\$116,586.73	\$131,852.76	\$114,253.11	\$133,595.25		
March		\$26,920.56	\$26,887.71	\$30,457.12	\$35,161.97	\$35,290.80	\$40,821.47	\$40,219.57	\$42,933.14	\$42,610.56	\$75,928.93	\$99,352.41	\$95,771.88	\$82,176.63	\$123,786.47		
April		\$28,796.53	\$28,137.26	\$29,420.11	\$29,176.72	\$30,227.87	\$34,683.45	\$41,461.95	\$34,740.53	\$47,940.60	\$77,700.69	\$111,903.31	\$97,168.62	\$111,029.70	\$101,190.07		
May	\$8.24	\$35,288.09	\$34,362.26	\$34,621.55	\$31,802.05	\$39,108.51	\$43,465.17	\$52,003.47	\$47,233.51	\$44,064.34	\$93,473.57	\$97,854.57	\$101,491.84	\$105,729.62			
June	\$21,243.02	\$32,198.24	\$28,426.22	\$38,672.07	\$31,794.65	\$33,427.73	\$40,781.58	\$45,768.13	\$41,378.54	\$52,572.46	\$99,944.43	\$95,376.36	\$111,660.31	\$96,112.09			
July	\$25,244.63	\$30,457.75	\$31,952.30	\$39,768.61	\$43,691.63	\$5,327.24	\$45,632.90	\$50,294.37	\$52,805.83	\$45,600.18	\$98,328.54	\$100,142.61	\$106,592.60	\$107,047.20			
August	\$29,839.16	\$36,192.83	\$33,585.11	\$32,131.22	\$31,226.35	\$44,897.74	\$48,886.02	\$51,641.21	\$50,411.52	\$59,379.70	\$107,707.62	\$121,477.70	\$130,326.31	\$99,092.02			
September	\$30,988.54	\$37,130.93	\$34,002.03	\$41,645.33	\$49,711.78	\$36,561.46	\$41,391.36	\$42,353.80	\$50,953.89	\$67,428.76	\$99,848.37	\$104,395.19	\$103,737.29	\$91,604.71			
October	\$29,229.16	\$36,993.71	\$38,297.05	\$35,077.10	\$36,328.32	\$39,165.85	\$45,678.64	\$52,076.81	\$57,694.98	\$55,385.72	\$99,986.54	\$119,671.73	\$114,754.32	\$95,256.32			
November	\$29,346.34	\$32,505.44	\$41,745.15	\$37,159.48	\$36,419.27	\$47,264.28	\$50,944.62	\$42,158.82	\$58,477.36	\$56,647.46	\$118,010.17	\$109,006.57	\$102,350.94	\$104,667.52			
December	\$27,622.05	\$29,632.44	\$17,238.71	\$32,581.21	\$22,368.15	\$35,162.51	\$48,520.21	\$45,481.83	\$45,307.48	\$90,445.57	\$87,009.84	\$14,777.74	\$102,439.75	\$83,758.65			
Total Year	\$193,521.14	\$388,646.30	\$374,070.06	\$445,545.41	\$417,309.70	\$420,416.40	\$515,670.95	\$570,073.53	\$569,950.19	\$662,846.63	\$1,157,853.91	\$1,194,331.37	\$1,303,340.99	\$1,195,436.46	\$484,068.31	\$322,712.37	\$161,355.94
Monthly Ave	\$24,190.14	\$32,387.19	\$31,172.51	\$37,128.78	\$34,775.81	\$35,034.70	\$42,972.58	\$47,506.13	\$47,495.85	\$55,237.22	\$96,487.83	\$99,527.61	\$108,611.75	\$99,619.71	\$121,017.08		



City of Waverly, Nebraska

14130 Lancashire Street, P.O. Box 427
Waverly, Nebraska 68462
Phone: 402-786-2312 Fax: 402-786-2490
www.citywaverly.com

Mayor
Abbey L. Pascoe

April 21, 2025

Council Members
David M. Jespersen
David L. Nielson
Aaron R. Delahoyde
Allison R. Stark

Waverly City Council
14130 Lancashire Street
Waverly, NE 68462

City Administrator
Stephanie A. Fisher

City Clerk
Human Resources Asst.
Megan K. Frye

RE: 2024 Annual Tax Increment Financing (TIF) Report

City Treasurer
Deputy Clerk
Cheris R. Cadwell

In accordance with Neb. Rev. Stat. 18-2117.02, the Community Redevelopment Authority of the City of Waverly provides the following information regarding the approval and progress of redevelopment projects that are financed in whole or part through the division of taxes as provided in 18-2147.

Total Number of Active TIF Projects Approved to Date:	6
Total Estimated Project Costs for Active Redevelopment Projects	\$10,707,259.30
Initial Projected Valuations v. January 1,2025 Actual Accessed Valuations:	See attached spreadsheet
Number of TIF Projects Paid in Full During Past Calendar Year:	0
Number of TIF Projects Approved During Past Year:	0
Percentage of the City has been Designated as Blighted:	43.3%

If you have any questions, please feel free to contact me.

Sincerely,

Cheris Cadwell
City Treasurer

PROJECT	YEAR COMPLETE	INITIAL VALUATION	2024 VALUATION	INCREASE IN VALUATION
TIF G (Bucket Area & Snap Fitness)	2027	\$25,900.00	\$547,700.00	\$521,800.00
TIF H (Tractor Supply Dist Center)	2032	\$14,249,800.00	\$29,299,300.00	\$15,049,500.00
TIF I (Tractor Supply Retail Store)	2032	\$109,500.00	\$2,113,000.00	\$2,003,500.00
TIF J (Amberly Dental)	2032	\$92,800.00	\$526,800.00	\$434,000.00
TIF K (Empire Fence & Netting)	2034	\$166,000.00	\$1,745,400.00	\$1,579,400.00
TIF L (Northwest Electric)	2036	\$57,900.00	\$1,206,800.00	\$1,148,900.00
Totals		\$14,701,900.00	\$35,439,000.00	\$20,737,100.00

RESOLUTION NO. 25-07

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF TRANSPORTATION FOR PROJECT NUMBER ELEC-6-6(1060) FOR ADVANCE WARNING BEACON INSTALLATION AND UNDER PAVEMENT SENSOR AT THE INTERSECTION OF US HIGHWAY 6 AND NORTH 141ST STREET

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

WHEREAS, the City of Waverly, Nebraska, (the “City”) shall enter into an Agency Agreement with the State of Nebraska, Department of Transportation for Project Number ELEC-6-6(1060); and

WHEREAS, the City Council and Mayor of Waverly, Nebraska is hereby authorized and directed to execute said agreement on behalf of the City of Waverly and the City Clerk is authorized to attest said execution.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 2025.

Abbey L. Pascoe
Mayor

ATTEST:

Megan K. Frye,
City Clerk/Human Resources Assistant

(Seal)

A meeting of the Mayor and City Council of the City of Waverly, Nebraska, was held at the _____ in said City on the _____ day of April, 2025, at _____ o'clock ____ M. Present were: Mayor: _____. Council Members: _____

Absent: _____. Notice of the meeting was given in advance thereof by _____, a designated method for giving notice, as shown by the (Affidavit of Publication) (Certificate of Posting Notice) attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. In accordance with Section 84-1412, R.R.S. Nebraska, 2025, the public was provided with an opportunity to speak at the meeting.

Council Member _____ introduced Resolution No. 25-09 and moved its adoption. Council Member _____ seconded the foregoing motion and upon roll call on the passage and adoption of Resolution No. 25-09, the following Council Members voted

AYE:

. The following voted NAY: _____. The passage and adoption of said resolution having been concurred in by a majority of all members elected to the Council, the Mayor declared said resolution passed and adopted. A true, correct, and complete copy of said resolution is as follows:

RESOLUTION NO. 25-09

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

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

Municipal Improvement Bonds, Series 2023, dated April 21, 2023, in the outstanding principal amount of \$2,500,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
\$ 2,500,000	December 15, 2026	943776 MC5

Section 2. Said bonds are payable at the offices of BOK Financial, N.A., as Paying Agent and Registrar, in Lincoln, Nebraska.

Section 3. The Mayor and City of the City (each, an “Authorized Officer”) are hereby authorized at any time on or after the date of this resolution to determine the call date for said bonds on behalf of the City and such determination, when made in writing (the “Designation of Call Date”), shall constitute the action of the City without further action of the Mayor and Council. The Call Date may be set for any time after the date of this Resolution, provided, however, that after December 31, 2025, the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent and Registrar for the bonds and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing the bonds and in accordance with the Designation of Call Date.

PASSED AND APPROVED this ____ day of April, 2025.

Mayor

ATTEST:

City Clerk

(S E A L)

ORDINANCE NO. 25-03

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA TO RENAME A PORTION OF WILLIAMS STREET, FROM WILLIAMS STREET TO NORTH 151ST STREET.

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

- Section 1.** That a portion of Williams Street, located South of the South boundary line of Section 10-11-08 more commonly known as Waverly Road, as shown on the attached map marked as Exhibit “A” is hereby renamed North 151st Street.
- Section 2.** That any ordinance in conflict with this ordinance is hereby repealed.
- Section 3.** That the City Clerk is hereby directed to take such actions as are necessary and appropriate to effectuate the change as set forth above on the official zoning map of the City.
- Section 4.** That this ordinance shall take effect and be in force from and after its passage, approval, and publication according to the law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2025.

Abbey L. Pascoe
Mayor

ATTEST:

Megan K. Frye
City Clerk/Human Resources Assistant

(SEAL)

Thereafter Council Member _____ introduced Ordinance No. 25-04 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF MUNICIPAL IMPROVEMENT REFUNDING BONDS, SERIES 2025, OF THE CITY OF WAVERLY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) TO PICK UP AND PAY A PORTION OF THE CITY'S OUTSTANDING MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, WHICH WERE ISSUED TO PAY THE COSTS OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE AQUATIC CENTER OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; MAKING CERTAIN PLEDGES, COVENANTS, AND AGREEMENTS TO SECURE SAID BONDS; PLEDGING FUNDS TO BE RECEIVED FROM LOCAL SALES AND USE TAX FOR PAYMENT OF THE BONDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

and moved that the statutory rule requiring reading on three different days be suspended. Council Member _____ seconded the motion to suspend the rule and upon roll call vote on the motion the following Council Members voted YEA:

_____ . The following voted NAY: _____. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member _____ moved for final passage of the ordinance, which motion was seconded by Council Member _____. The Mayor then stated the question was "Shall Ordinance No. _____ be passed and adopted?" Upon roll call vote, the following Council Members voted YEA:

.
The following voted NAY:

_____. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved

the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct, and complete copy of said ordinance is as follows:

ORDINANCE NO. 25-04

AN ORDINANCE AUTHORIZING THE ISSUANCE OF MUNICIPAL IMPROVEMENT REFUNDING BONDS, SERIES 2025, OF THE CITY OF WAVERLY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) TO PICK UP AND PAY A PORTION OF THE CITY'S OUTSTANDING MUNICIPAL IMPROVEMENT BONDS, SERIES 2023, WHICH WERE ISSUED TO PAY THE COSTS OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE AQUATIC CENTER OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; MAKING CERTAIN PLEDGES, COVENANTS, AND AGREEMENTS TO SECURE SAID BONDS; PLEDGING FUNDS TO BE RECEIVED FROM LOCAL SALES AND USE TAX FOR PAYMENT OF THE BONDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. The Mayor and Council hereby find and determine as follows:

(a) The City imposes a sales and use tax in the amount of one and one-half percent (1.5%) upon the same transactions within the City (the "Sales Tax") on which the State of Nebraska is authorized to impose a tax pursuant to the Local Option Revenue Act, Section 77-27,142, R.R.S Nebraska, 2018 (the "Act");

(b) Effective as of October 1, 2020, pursuant to authorization by vote of the registered voters in the City at an election held within the City, the City increased the Sales Tax by one-half percent (0.5%) and designated that such increase in the Sales Tax would continue for a period of sixteen (16) years until October 1, 2036;

(c) The City has constructed certain additions and improvements to the aquatic center of the City (the "Project") to serve the municipal purposes of the City;

(d) The City is authorized to issue bonds pursuant to the Act to provide financing for municipal purposes, including the Project, and to pledge receipts from the Sales Tax and dedicate a portion of its property tax levy authority, as provided in Section 77-3442, R.R.S. Nebraska, 2018, for the payment of such bonds;

(e) To fund construction of the Project, the City has issued its Municipal Improvement Bonds, Series 2023, dated April 21, 2023 (the "Outstanding Bonds"), in the original principal amount of \$2,500,000 which mature on December 15, 2026;

(f) To provide permanent financing to pay the portion of the Project not funded from grants and other sources, the City desires to issue municipal improvement bonds payable over the remaining period of time during which the additional 0.5% Sales Tax remains in force;

(g) Pursuant to the Act, the City is authorized to issue its municipal improvement bonds to pay the costs of the Project, to pledge funds received from the Sales Tax to fund debt service on such bonds, and to designate a portion of its property tax authority in such amount as will provide funds, together with receipts from the Sales Tax and other available funds, sufficient to make payments of the principal and interest on such bonds as the same fall due;

(h) Other than the Outstanding Bonds, the City has no bonds or indebtedness outstanding issued pursuant to the Act payable from the Sales Tax;

(i) The City has applied all the net proceeds of the Outstanding Bonds to pay the cost to construct the Project; and

(j) All conditions, acts and things required to exist or to be done precedent to the issuance of Municipal Improvement Refunding Bonds, Series 2025, in the principal amount of not to exceed \$1,600,000 pursuant to the Act do exist and have been done as required by law.

Section 2. For purposes as set out in Section 1 hereof, there shall be and there are hereby ordered issued Municipal Improvement Refunding Bonds, Series 2025, dated the date of delivery, in the principal amount of not to exceed \$1,600,000 (the “Bonds”), *provided* that the bonds mature in the principal amounts on the dates and bear interest at the rates per annum as set out in the Bond Purchase Agreement (the “Agreement”) signed by the Mayor or City Clerk (each, an “Authorized Officer”, and together, the “Authorized Officers”) on behalf of the City and which may be agreed to by D.A. Davidson & Co. (the “Underwriter”), which Agreement may also determine or modify the principal amount for each maturity of the Bonds, mandatory redemption provisions (if any), and pricing terms, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$1,600,000;
- (b) the true interest cost (TIC) of the Bonds shall not exceed 5.50%;
- (c) the underwriter’s discount shall not exceed 1.00%; and
- (d) the longest maturity of the Bonds shall not be later than October 15, 2036.

An Authorized Officer shall be authorized to enter into an Agreement within the above parameters without further action of the Mayor and Council, provided, however, that on and after December 31, 2025, the Authorized Officers shall have no authority without further action of the Mayor and Council of the City. The Bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be computed on the basis of a three hundred sixty-day year consisting of twelve thirty-day months. Interest on the Bonds shall be payable semiannually on the dates set forth in the Agreement (each such date, an “Interest Payment Date”). The interest due on each Interest Payment Date shall be payable to the registered

owners of record as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the Bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. In the event Bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of the Bond at maturity or any interest installment is not paid when due, the delinquent Bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. BOK Financial, N.A., of Lincoln, Nebraska is hereby designated as Paying Agent and Registrar for the Bonds, provided that the Mayor may, in his or her discretion, designate the City Treasurer or some bank with trust powers or trust company to serve as Paying Agent and Registrar under the terms of this Ordinance as may be determined from time to time. The Authorized Officers, or either of them, is authorized to sign an agreement with said Paying Agent and Registrar for the provisions of such services. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the office of the Paying Agent and Registrar or the office of any duly appointed successor, as applicable. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar 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 register such transfer and 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 such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a

Bond, the surrendered Bond or Bonds shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all 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. In the event that payments of interest due on the Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. The Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of their issue, 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 from such optional redemption in its sole discretion, but Bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. Any Bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the Mayor and Council designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent 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 6. The Bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Bond, which may be a facsimile seal. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her

official Bond. Such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Nebraska 2012, as amended, and shall cause the same to be filed with the office of the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each Bond in the name of its initial registered owner as designated by the initial purchaser. Each Bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Bonds shall be issued initially as “book-entry only” bonds using the services of The Depository Trust Company (the “Depository”), with one typewritten Bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the “Letter of Representations”) in the form required by the Depository (which may include any “blanket” letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

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

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

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

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

The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

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

custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

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

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

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

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

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement (if any).

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

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF LANCASTER
CITY OF WAVERLY

MUNICIPAL IMPROVEMENT REFUNDING BOND, SERIES 2025

No.			\$	
	<u>Interest Rate</u> %	<u>Maturity Date</u>	<u>Date of Original Issue</u> _____, 2025	<u>CUSIP</u>

Registered Owner: _____

Principal Amount: _____

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Waverly, in the County of Lancaster, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay, out of the special sources herein designated, to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Said interest shall be payable semiannually on the _____ day of _____ and _____ in each year, starting _____, 2025. If this bond is not paid upon presentation of the bond at maturity or if any interest installment is not paid when due, such bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity shall be paid on each interest payment date by the Paying Agent and Registrar for the City by wire transfer (but only in accordance with the limited terms of the authorizing ordinance), check or draft mailed to the registered owner hereof, as shown on the records of the Paying Agent and Registrar as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the interest payment date, at such owner's registered address as it appears on the books of registration of the City. The principal of this bond and the interest due at maturity are payable on presentation and surrender to the Paying Agent and Registrar, at the office of the Paying Agent and Registrar in Lincoln, Nebraska, or the principal office of any duly appointed successor, as applicable. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

The City, however, reserves the right and option of paying bonds of this issue maturing on or after _____, in whole or in part, on the fifth anniversary of the date of issue, or at any time thereafter, at the principal amount thereof plus accrued interest to the date fixed for redemption.

[In addition, the bonds maturing on _____ are issued as term bonds subject to mandatory redemption and shall be redeemed, in part, prior to their stated maturity, with such mandatory redemptions and payment at maturity to be on the dates and in the amounts set forth below:

\$ _____ Term Bonds Maturing _____	
<u>Date of Redemption</u>	<u>Amount Required to be Redeemed</u>
_____, 20__	\$ _____
_____, 20__	\$ _____
_____, 20__ (final maturity)	\$ _____

\$ _____ Term Bonds Maturing _____	
<u>Date of Redemption</u>	<u>Amount Required to be Redeemed</u>
_____, 20__	\$ _____
_____, 20__	\$ _____
_____, 20__ (final maturity)	\$ _____

\$ _____ Term Bonds Maturing _____	
<u>Date of Redemption</u>	<u>Amount Required to be Redeemed</u>
_____, 20__	\$ _____
_____, 20__	\$ _____
_____, 20__ (final maturity)	\$ _____]

Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner’s address in the manner provided in the ordinance authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof.

This bond is one of an issue of fully registered bonds in the total principal amount of \$ _____ of like tenor herewith except as to denomination, date of maturity and rate of interest, issued by said City for the purpose of paying a portion of the City’s outstanding Municipal Improvement Bonds, Series 2023, dated April 21, 2023, which were issued to pay the costs of constructing additions and improvements to the aquatic center of the City and paying the costs of issuance of the bonds, all in pursuance of the provisions of Sections 10-142, R.R.S. Nebraska 2022 and 77-27,142, R.R.S. Nebraska 2018. The issuance of said bonds has been authorized by an ordinance duly passed by the Mayor and Council of said City, all in strict conformity with the laws of the State of Nebraska.

For the prompt payment of the principal and interest on this bond and other bonds of the same issue, the City has pledged all receipts now or hereafter received by the City from the sales and use tax imposed by the City pursuant to Section 77-27,142, R.R.S. Nebraska 2018. Such pledge shall not prevent the City from applying receipts from the sale and use tax in any year for other purposes so long as sufficient amounts from such fund or other legally available sources have been set aside for payment of the principal and interest on the bonds falling due in such year. To the extent such sales and use tax receipts and funds available from other sources are not sufficient

to pay the principal and interest on the bonds when the same comes due, the City has further agreed that it will designate a portion of its property tax authority pursuant to Section 77-3442, R.R.S. Nebraska 2018, in such amount as will, when combined with other funds available for debt service as set forth herein, be sufficient to pay the principal and interest on the bonds.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

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

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

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and the series of which this bond is a part in order to make the same legal and binding obligations of said City according to the terms thereof, do exist, have happened and have been performed in due time, form and manner as required by law, and that before the issuance of this bond provision has been duly

made for the collection and segregation of the sales and use tax revenue of the City and for the application of the same as hereinbefore provided.

IN WITNESS WHEREOF, the Mayor and Council of the City of Waverly, Nebraska, have caused this bond to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto all as of the date of original issue shown above.

CITY OF WAVERLY, NEBRASKA

By: _____ (Do not sign)
Mayor

ATTEST:

(Do not sign)
City Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

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

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

By: _____ (Do not sign)
Authorized Signer

(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: _____

SIGNATURE GUARANTEED

Registered Owner

By: _____

Authorized Officer

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

whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. For the payment of the Bonds, the City hereby pledges all receipts now or hereafter received by the City from the Sales Tax. The pledge provided for herein shall not prevent the City from applying receipts from the Sales Tax in any year for other purposes so long as sufficient amounts from such fund or other legally available sources have been set aside for the payment of the principal or redemption price of and interest on the Bonds falling due in such year. Pursuant to the requirements of the Act, to the extent that other legally available money of the City available or appropriated for such purposes is insufficient to pay the principal or redemption price of and interest on the Bonds when and as the same shall become due, the City hereby further agrees that it will designate a portion of its property tax authority pursuant to Section 77-3442, R.R.S. Nebraska, as amended, in such amount as will provide funds which, together with receipts from the Sales Tax as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on the Bonds as the same fall due. The provisions of this Ordinance shall constitute a contract between the City and the owners of the Bonds, and any owner may either in law or equity, by suit, action, mandamus, or other proceedings enforce or compel performance of this Ordinance.

Section 9. The Bonds are hereby sold to D.A. Davidson & Co. (the “Initial Purchaser”) upon the terms set forth in the Agreement approved by the Authorized Officers and the City Treasurer is authorized to deliver the Bonds to the Initial Purchaser upon receipt of the purchase price for the Bonds as set forth in the Agreement plus accrued interest to date of payment. The Bonds are sold to the Initial Purchaser subject to the opinion of Rembolt Ludtke LLP, as Initial Purchaser’s bond counsel that the Bonds are lawfully issued; that the Bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on the Bonds is exempt from both Nebraska state and federal income taxes. Such purchaser and its agents, representatives and counsel (including Initial Purchaser’s bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository (as defined herein) at closing. The proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof. The City may also pay costs of issuance from the proceeds of the Bonds.

Section 10. The City Council hereby authorizes the Mayor and City Clerk, or either of them, to approve and declare final on behalf of the City the preliminary Official Statement prepared with respect to the Bonds and hereby authorizes the Mayor and Clerk or either of them to approve and deliver on behalf of the City a final Official Statement relating to and describing the Bonds. The officers of the City are further authorized to take any and all actions deemed necessary by them in connection with the carrying out and performance of the terms of this Ordinance.

Section 11. In accordance with the requirements of Rule 15c2-12 of the Securities Exchange Act of 1934 (the “Rule”) promulgated by the Securities and Exchange Commission, the City, being the only “obligated persons” with respect to the Bonds, agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the “MSRB”) in an electronic format as prescribed by the MSRB for such series of Bonds:

- (a) at least annually not later than nine months after the end of the City’s fiscal year, financial information or operating data for the City which is customarily prepared by the City and is publicly available, including the City’s audited financial statements and information of the type included in the final official statement under the heading “Financial Statement”;
- (b) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:
 - (1) principal and interest payment delinquencies;
 - (2) non-payment related defaults, if material;
 - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
 - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
 - (5) substitution of credit or liquidity providers, or their failure to perform;
 - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
 - (7) modifications to rights of the holders of the Bonds, if material;
 - (8) Bond calls, if material, and tender offers;
 - (9) defeasances;
 - (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
 - (11) rating changes;
 - (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
 - (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
 - (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;

- (15) incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

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

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above. The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the applicable series 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 this Ordinance. The continuing disclosure obligations of the City with regards to a series of the Bonds, as described above, shall cease when none of the Bonds of such series remain outstanding.

Section 12. Nothing in this ordinance shall be construed in such a manner as to prevent the issuance by the City of additional municipal improvement bonds payable on a parity with the Bonds and equally and ratably secured by a pledge of the Sales Tax and property tax authority as provided herein so long as the maximum annual debt service on all municipal improvement bonds of the City does not exceed the total of the City’s receipts from the Sales Tax and the amounts expected to be available for debt service as part of the City’s levy under the provisions of Section 77-3442, R.R.S. Nebraska 2018.

Section 13. The City hereby covenants to the purchasers and holders of the Bonds that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended, (the “Code”) and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Bonds with respect to taxpayers generally but not including insurance companies

or corporations subject to the additional minimum tax. The City hereby designates the Bonds as its “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2025 in an amount in excess of \$10,000,000 (taking into account the exclusion for refunding issues deemed designated as qualified tax-exempt obligations).

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

Section 16. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) City has previously adopted a Post-Issuance Compliance Policy and Procedures which remains in full force and effect and is applicable to the Bonds.

Section 17. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this _____ day of April, 2025.

Mayor

ATTEST:

City Clerk

(S E A L)

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

City Clerk

(SEAL)

STREETLIGHT EXTENSION AGREEMENT

This Streetlight Extension Agreement (“Agreement”) is entered into by and between the City of Lincoln, Neb. d/b/a Lincoln Electric System (“LES”) and the City of Waverly, Neb. (“Waverly”) on this ____ day of April, 2025. LES and Waverly may also be referred to herein as the “Party” or “Parties”.

RECITALS

- I. The Parties have previously entered into a Franchise Agreement dated November 1, 2006 (“Franchise”) which provides LES the exclusive right to build, operate, repair, and maintain an electric distribution system for the purpose of furnishing electric energy to Waverly and its inhabitants, businesses and industries within Waverly’s corporate boundaries.
- II. LES owns, operates and maintains a streetlighting system (“Streetlight System”) in Waverly pursuant to the Franchise consisting of equipment including but not limited to conductors, poles, arms and luminaires.
- III. Waverly has requested certain extensions and modifications to the Streetlight System and LES has agreed to make those extensions.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

1. Requested Streetlight Extension. Waverly has requested LES own, construct and maintain extensions to the Streetlight System as described in Exhibit “A” (hereinafter “2025 Upgrades”) to this Agreement which is attached to this Agreement and incorporated herein by reference and LES shall own, construct and maintain the 2025 Upgrades.
2. Cost and Payment. LES shall present a written estimate to Waverly for LES’s total costs to design and construct the 2025 Upgrades. Prior to LES performing any construction work on the 2025 Upgrades, Waverly shall pay the amount of the written estimate to LES. Following completion of LES’s construction work to construct the 2025 Upgrades, LES shall determine the actual total cost of the design and construction of the 2025 Upgrades and shall either invoice Waverly for any additional cost above the earlier estimated amount paid by Waverly or reimburse Waverly for any positive difference between the amount previously paid and the actual total cost of the design and construction.

3. Operation and Maintenance. Following completion of construction, LES shall own the 2025 Upgrades and be responsible for all future maintenance on the 2025 Upgrades. Following completion of construction, any repair or replacements of the 2025 Upgrades made necessary due to damage caused by a third party or weather event shall be invoiced to Waverly in the same manner as all other equipment comprising the Streetlight System.
4. Billing. Following completion of construction of the 2025 Upgrades, LES shall include the equipment which comprise the 2025 Upgrades in its monthly streetlight invoicing to Waverly including charges for energy and maintenance.
5. Severability. If any of the terms of this Agreement are held by a court of competent jurisdiction to be invalid, all other terms of this Agreement shall remain in full force and effect.
6. Non-Waiver. Failure of either Party to insist upon the strict performance of the terms, agreements, or conditions contained herein, or any of them, shall not constitute or be construed as a waiver or relinquishment of either Party's right to enforce any such term, agreement, or condition, but shall continue in full force and effect.
7. Successors and Assigns. This Agreement shall be binding on and shall inure to the benefit of the parties to this Agreement and to their respective successors and assigns.
8. Order of Precedence. Where this Agreement is in conflict with the Franchise and/or LES Rate Schedules and Service Regulations, the latter shall have precedence over this Agreement.
9. Amendments. No amendment of this Agreement shall be valid unless it is in writing and is signed by the parties or their duly authorized reore

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first written above.

CITY OF LINCOLN, NEB. d/b/a LINCOLN ELECTRIC SYSTEM

By: _____
Chief Executive Officer

CITY OF WAVERLY, NEB.

By: _____
Mayor

Proposed Designs and Cost Estimates

Amberly Road – Hwy 6 to Ash Hollow Channel

- **\$111,000 (includes 15% Contingency)**

N 148th Street – Bluff Road to Interstate 80 Bridge

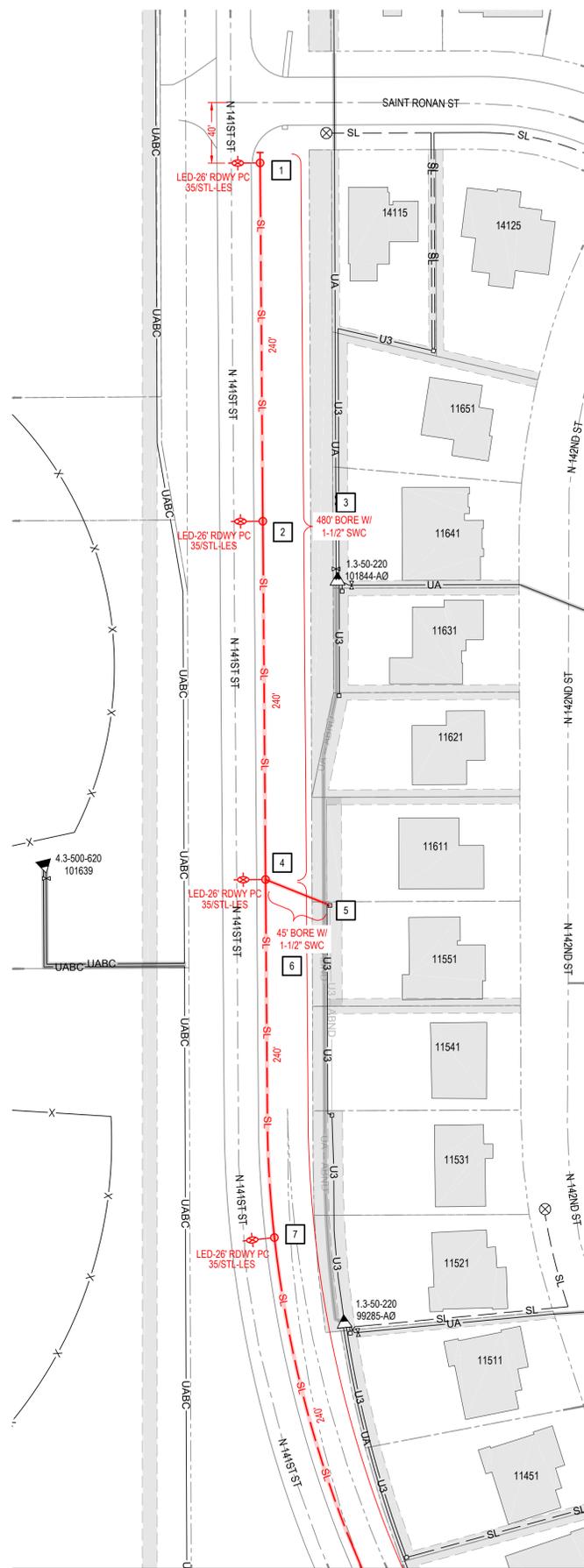
- **\$157,000 (includes 15% Contingency)**

N 141st Street – Mansfield to St Ronan Street

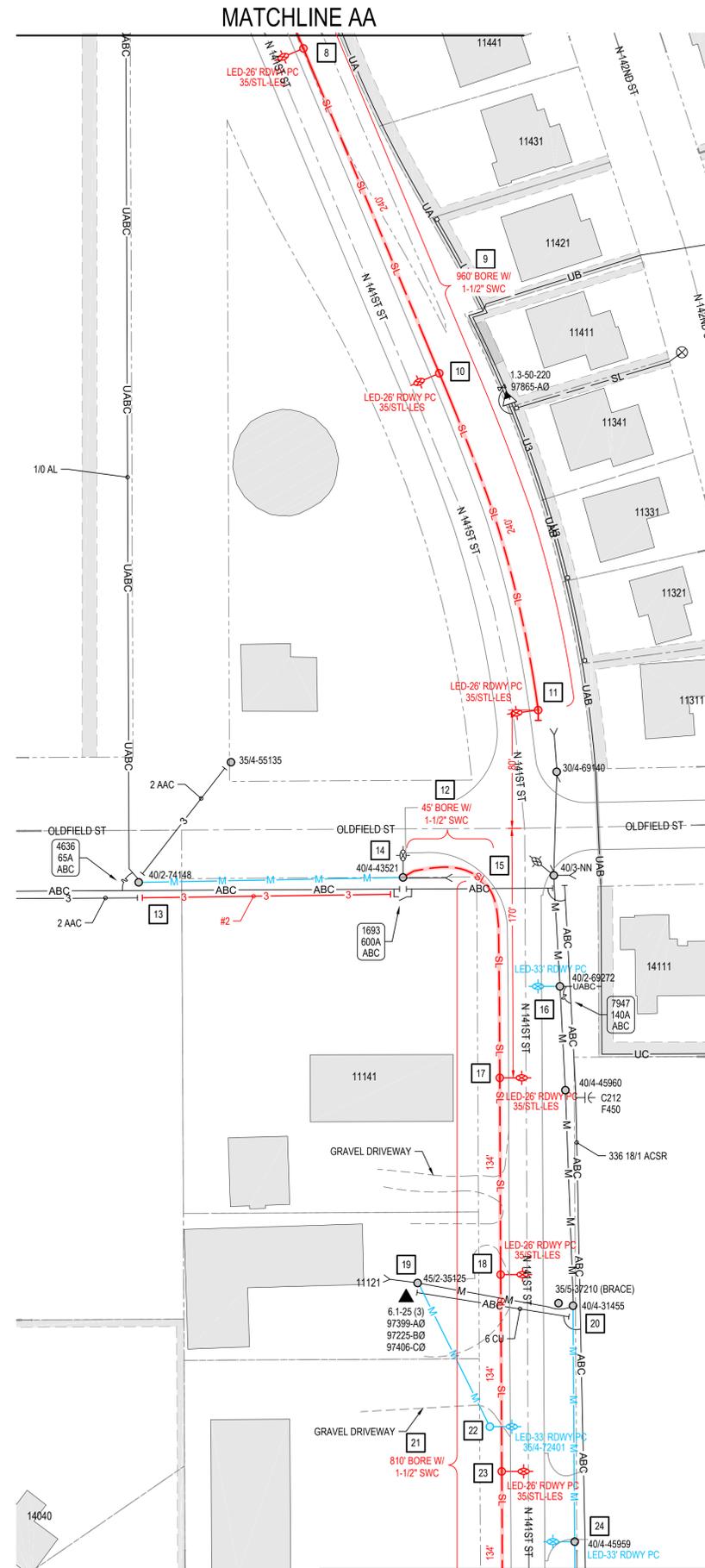
- **\$85,000 (includes 15% Contingency)**

**These are estimated costs. After the projects are completed, we will be invoiced for any costs above the estimate or reimbursed for any overpayment of actual cost.

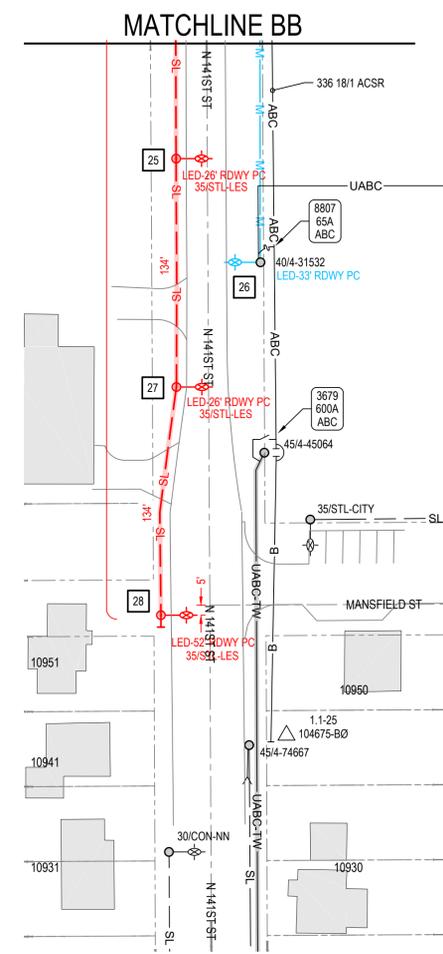
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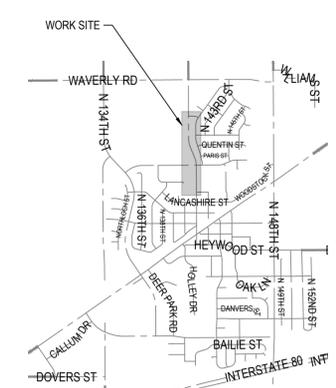
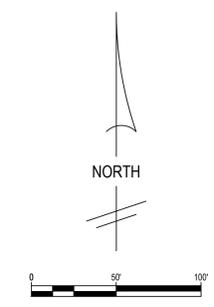
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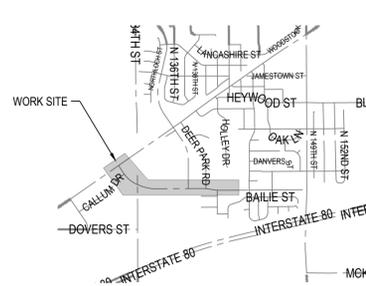
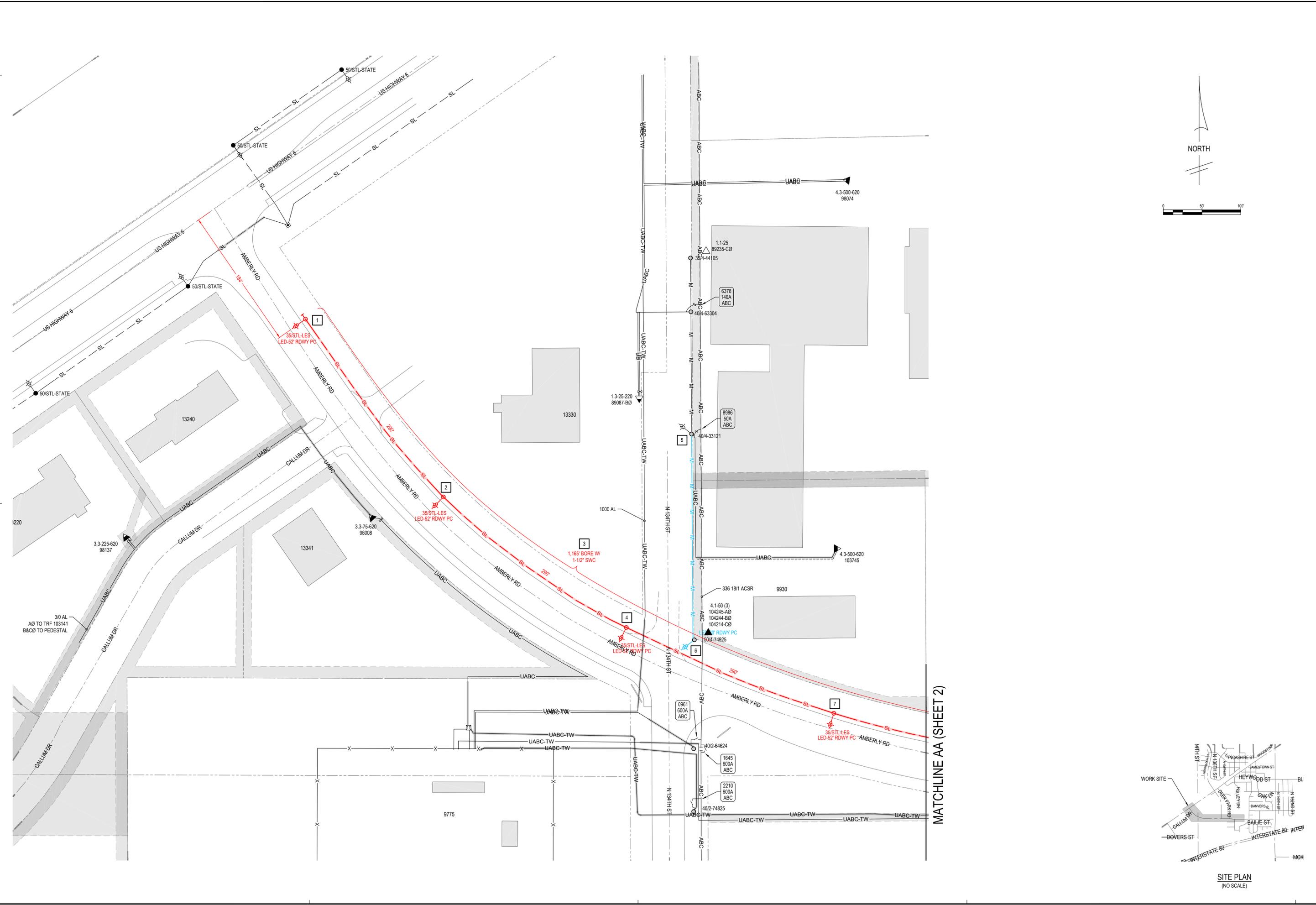
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NETWORK: 56072	DATE: 10/25/2024
W.O.:	DESIGNER: E STEFFEN
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INSTALL STREETLIGHTS
N 141ST ST, SAINT ROMAN ST - MANSFIELD ST
DRAWING NO. LA-D-0705
SHT. 1 of 1



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NETWORK: 54074	E STEFFEN		

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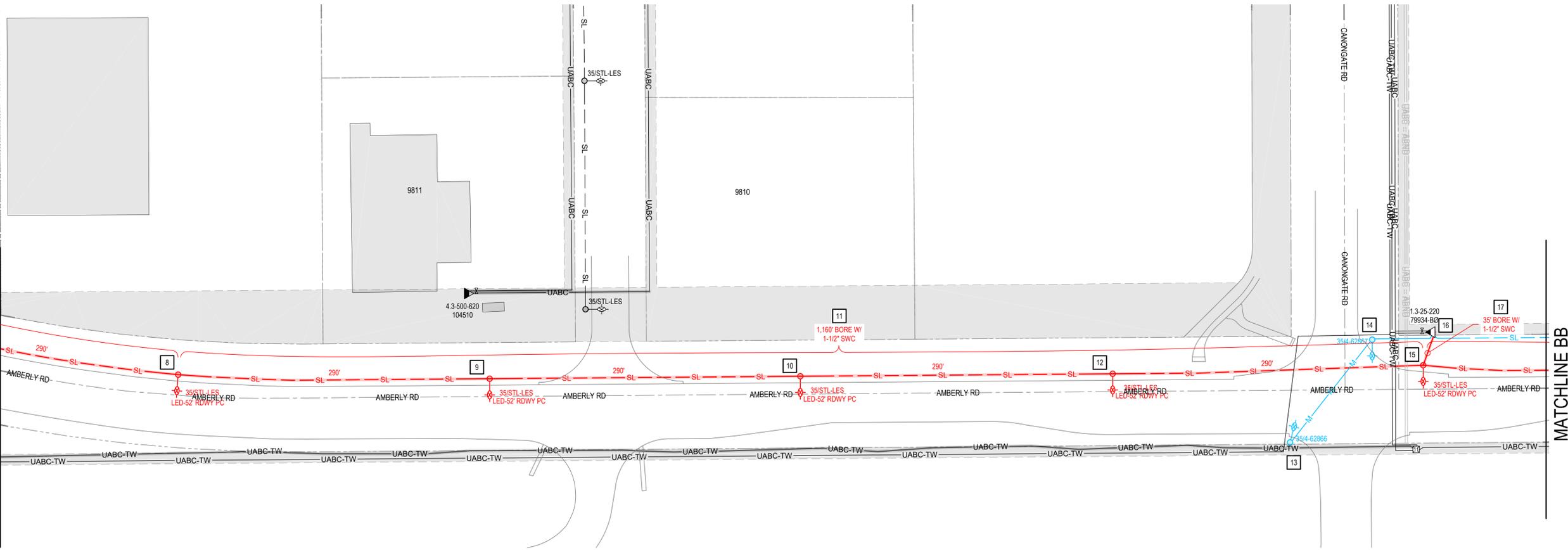
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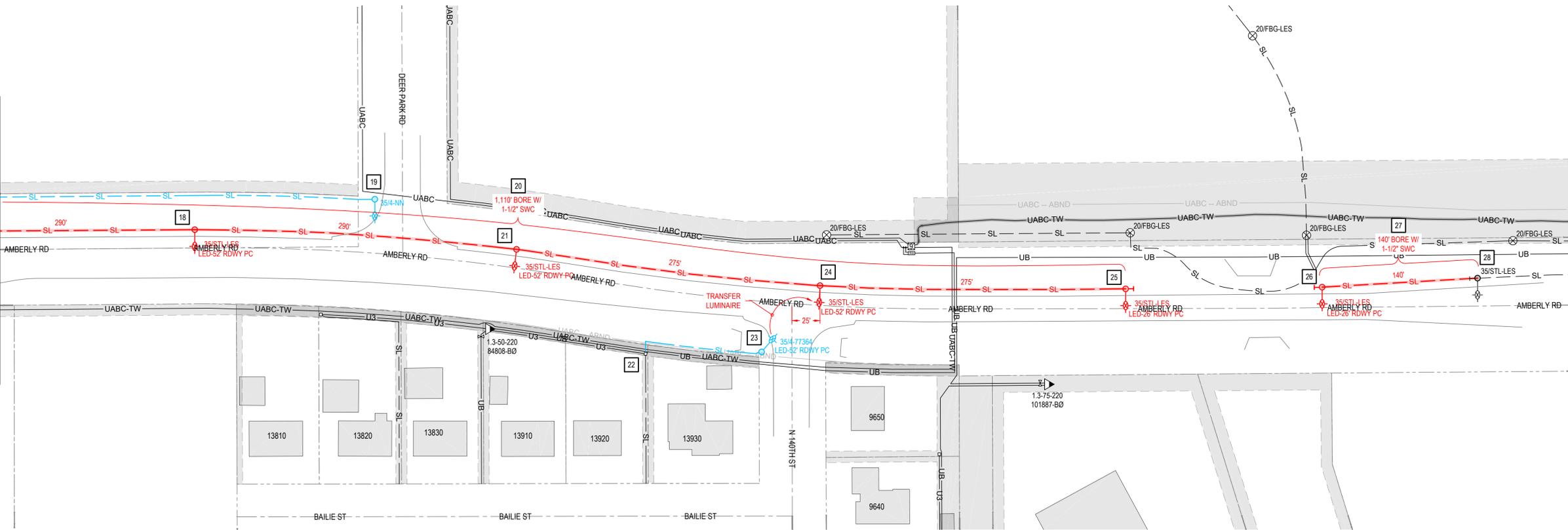
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MATCHLINE AA (SHEET 1)



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REVISIONS

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STRATTON	E STEFFEN		

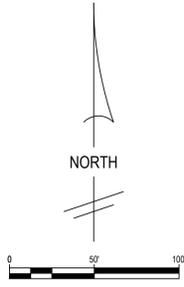
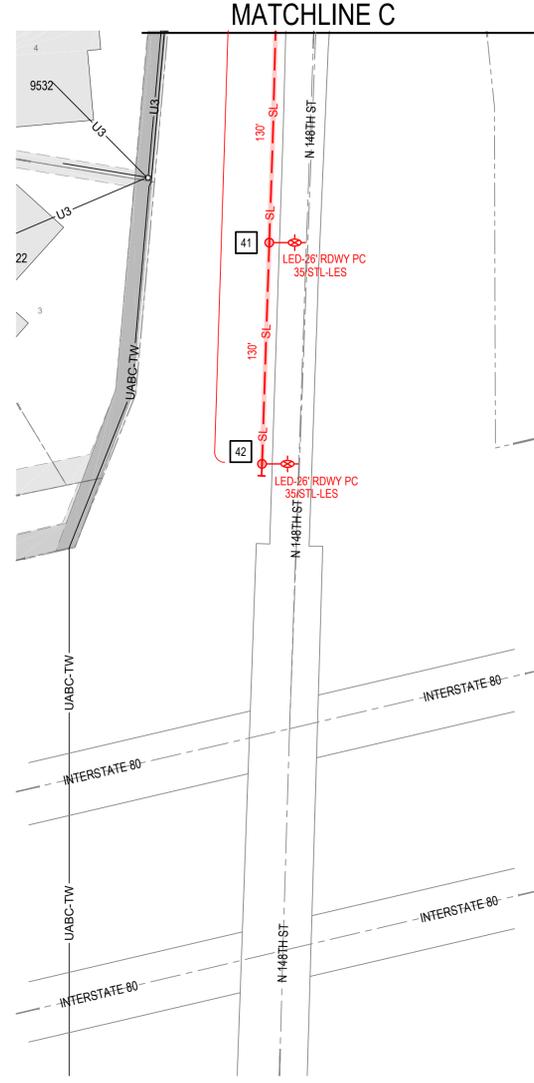
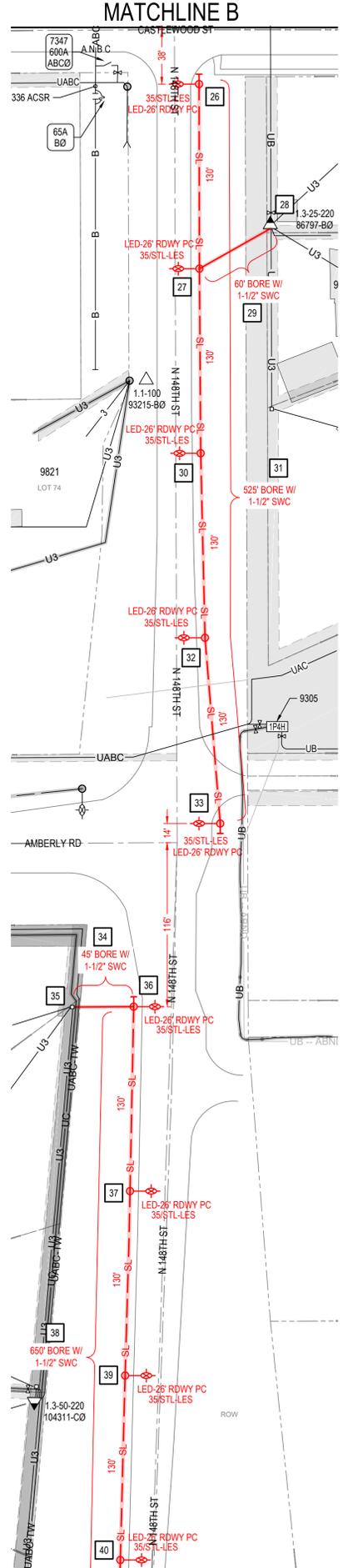
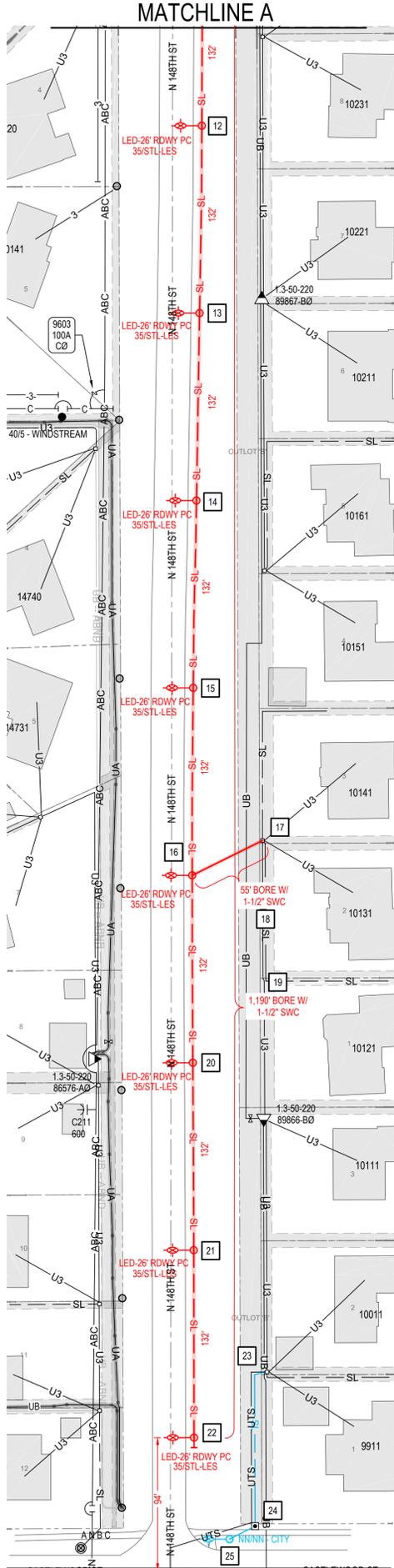
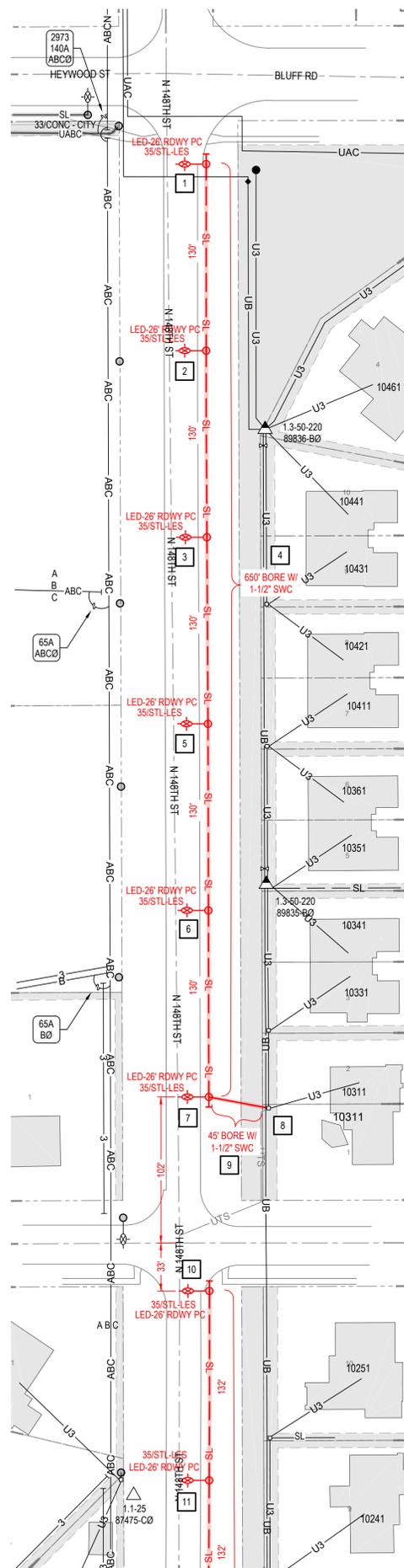
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INSTALL STREET LIGHTS
 AMBERLY RD. HWY 6 - 140TH ST

DRAWING NO.
 LA-D-0706
 SHT. 2 of 2



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DRAWING NO.		LA-D		Sht. 1 of 1	
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