Tentative Agenda for the WAVERLY CITY COUNCIL MEETING to be held on November 25, 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
2. **Public Hearings**
   - 2.a) Public Hearing: Resolution Establishing an Annual Municipal Employee Recognition Event and Related Expenditures.
3. **Sheriff's Report**
4. **Public Comments**
5. **Approval of Minutes**
   - 5.a) *Minutes of the November 10, 2025 City Council Meeting
6. **Consideration of Claims and Financial Reports**
   - 6.a) Claims for Payment
   - 6.b) Keno & Sales Tax Reports
7. **Introduction of Resolutions**
   - 7.a) *Consideration of Resolution 25-28 a Resolution Establishing an Annual Municipal Employee Recognition Event and Related Expenditures.
   - 7.b) *Consideration of Resolution 25-29 regarding deposit of municipal funds for the 2025-2026 fiscal year.
   - 7.c) Consideration of Resolution 25-30 adopting and revising the Employee Handbook
8. **Introduction of Ordinances**
   - 8.a) Consideration of the Second Reading of Ordinance 25-25 Amending Chapter 94 of the Waverly Municipal Code relating to Animals
   - 8.b) Consideration of the Second Reading of Ordinance 25-26 Amending Chapter 31 of the Waverly Municipal Code relating to Appointed City Officials; And Amending Chapter 32 of the Waverly Municipal Code relating to Departments, Boards, and Commissions.
   - 8.c) Consideration of the Second Reading of Ordinance 25-27 Amending Chapter 71 of the Waverly Municipal Code relating to Traffic Regulations
9. **Introduction of Business and Communications**

9.a) *Consideration of Maintenance Agreement Renewal with the Nebraska Department of Transportation (NDOT) for snow removal on US Highway 6 from I-80 and US Highway 6 Off Ramp to the East City Limits in the amount of $7,750.60.

9.b) *Consideration of Certificate of Compliance with Nebraska Department of Transportation (NDOT) and authorizing Mayor to sign.

9.c) Discussion of Proposed Sofos Power Project.

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.

MINUTES OF A WAVERLY CITY COUNCIL MEETING HELD ON NOVEMBER 10, 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 Pascoe and Council Members Aaron Delahoyde, David Jespersen, and Dave Nielson were in attendance. Council Member Allison Stark was absent. Other City Officials present were City Administrator Stephanie Fisher, City Attorney Mark Fahleson, and City Clerk Megan Frye. Also in attendance were Fire Chief/Emergency Services Coordinator Robin Hoffman, Disaster Preparedness Manager Terry Spoor, and Lancaster County Sheriff Deputy Jason Brownell. 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 October 28, 2025 City Council Meeting
Council Member Jespersen moved to approve the Consent Agenda. Council Member Nielson seconded the motion.
The following Council Members voted "YEA": Nielson, Delahoyde, and Jespersen. The following Council Members voted "NAY": None. Motion Carried. 3-0.

PROCLAMATIONS AND PRESENTATIONS
None.

PUBLIC HEARINGS
None.

SHERIFF'S REPORT
Deputy Brownell shared LSO campaign: "You Drink, You Drive, You Lose" and shared the importance of public safety and planning ahead if consuming alcohol.

PUBLIC COMMENTS
None.

APPROVAL OF MINUTES
Minutes of the October 28, 2025 City Council Meeting
Consent Agenda.

CONSIDERATION OF CLAIMS AND FINANCIAL REPORTS
Claims for Payment

Claims for Payment: October 29th - November 10th , 2025		
Group A		
Vendor	**Description**	**Amount**
Amanda & Jacob Hollman	Utility Deposit Refund	$ 100.00

Carson & Jessica Hoover	Utility Deposit Refund	$	100.00
Kayla & Chase Ostergard	Utility Deposit Refund	$	100.00
Michael Yardley	Utility Deposit Refund	$	100.00
ADP Fees	Payroll Fees	$	139.36
ADP Payroll	Payroll	$	41,605.18
ALLO Communications	Phone/Internet Services	$	988.49
Andrew Toy	Meal reimbursement - water class	$	17.35
Armor Equipment	Root cutter for sewer jetter	$	4,445.00
Black Hills Energy	Natural gas	$	174.85
Carquest Auto Parts	Oil, oil filters, air filters, o-rings, seals for blower	$	242.85
Chad Hartwick	Meal reimbursement - water class	$	17.02
Colonial Life	Insurance	$	43.92
Columbus Bank & Trust	TIF L - NW Electric November 2025	$	10,279.61
DataVizion, LLC	Microsoft 365 Business, Support	$	1,900.26
Consolidated Elect. Distributor	Auxiliary contact block	$	199.78
gWorks	Annual License Fee w/ FrontDesk	$	15,108.00
HBE LLP	Keno audit	$	4,160.00
Heermann Economic Development	Economic development consulting services	$	2,900.00
Hippo Equipment	Supplies	$	17.43
Horizon Bank	Monthly ACH Fees	$	10.00
John Deere Financial	Spreader	$	3,000.00
John Hancock USA	Retirement	$	3,737.19
Lancaster Co. Sheriff Office	November 2025	$	38,759.00
Lancaster County Clerk	Printing & mailing postcards	$	559.86
Life-Assist, Inc.	Medical Supplies	$	3,733.89
Lincoln Electric System	Electricity	$	4,282.34
Mammoth Station	Fuel	$	455.78
Matheson Tri-Gas, Inc.	Rental	$	57.43
Menards-Lincoln North	Supplies	$	660.24
MGX Equipment Services LLC	Pump for salt brine applicator	$	2,337.71
Midwest Laboratories, Inc.	Lab fees	$	114.47
Nebraska Dept Revenue Waste	Utility Sales Tax	$	10,115.78
NMC, Inc.	Snow blades	$	7,840.00
One Call Concepts, Inc.	One-Call Service	$	83.95
One Source-Background Check Co	Background check	$	57.00
Pavers Inc.	Cold mix asphalt	$	222.11
Pinnacle Bank	Santa Express beverage dispensers	$	301.98
Pinnacle Bank	Rec & utilities supplies, memorial bench	$	3,876.42
Production Creek Specialty Adv	Employee clothing	$	100.00
Rembolt Ludtke LLP	Real Estate Acquisitions	$	2,756.75
Rembolt Ludtke LLP	Real Estate Acquisitions	$	1,737.00
Rembolt Ludtke LLP	Legal Fees	$	7,493.75
Safe Rack	Well & clarifier stairs	$	22,837.00
Stingray Technology Services	Cameras & IT services	$	537.50
Sunbelt Rentals, Inc.	Forklift & trailer rental	$	1,294.69
The Voice News	Advertising & Printing	$	441.80
Truck Center Companies	Fire truck repair	$	382.49
U.S. Postmaster	Stamps/Postage	$	312.00
U.S. Bank Equipment Finance	Ricoh Copier	$	143.95

Uribe Refuse Services	Restroom Rental	$	96.00
Visual Edge IT	Copies	$	109.40
RecDesk	Monthly Deposit Charge	$	25.00
RecDesk	Monthly Deposit Charge	$	25.00
Point C	Health Reimbursement Account	$	832.45
	Claims Group A Total	**$**	**201,969.03**

Council Member Jespersen moved to approve Claims Group A in the amount of $201,969.03. 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.

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
None.

INTRODUCTION OF ORDINANCES
Consideration of the First Reading of Ordinance 25-25 Amending Chapter 94 of the Waverly Municipal Code relating to Animals
Council Member Jespersen moved to approve the First Reading of Ordinance 25-25 Amending Chapter 94 of the Waverly Municipal Code relating to Animals. Council Member Nielson seconded the motion.

City Attorney Fahleson read the ordinance by title:
ORDINANCE 25-25 AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA, AMENDING TITLE IX, CHAPTER 94 OF THE WAVERLY MUNICIPAL CODE RELATING TO ANIMALS

City Administrator Fisher provided information on the amendments including licensing fee increases, language that allows greater enforcement including adding Irresponsible Animal Owners and False Information, and increasing the fees in Penalty for Violation with most now holding a Class I Misdemeanor. Mayor Pascoe reported this provides law enforcement and the City with actions that were not previously available.

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

Consideration of the First Reading of Ordinance 25-26 Amending Chapter 31 of the Waverly Municipal Code relating to Appointed City Officials; And Amending Chapter 32 of the Waverly Municipal Code relating to Departments, Boards, and Commissions.
Council Member Jespersen moved to approve the First Reading Ordinance 25-26 Amending Chapter 31 of the Waverly Municipal Code relating to Appointed City Officials; And Amending Chapter 32 of the Waverly Municipal Code relating to Departments, Boards, and Commissions. Council Member Nielson seconded the motion.

City Attorney Fahleson read the ordinance by title:

ORDINANCE 25-26 AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA, AMENDING TITLE III, CHAPTER 31 OF THE WAVERLY MUNICIPAL CODE RELATING TO APPOINTED CITY OFFICIALS; AND AMENDING CHAPTER 32 OF THE WAVERLY MUNICIPAL CODE RELATING TO DEPARTMENTS, BOARDS, AND COMMISSIONS

City Administrator Fisher explained that these amendments update the long-standing Emergency Services Coordinator position. The City is in the process of hiring an administrative assistant for the fire department to handle daily tasks previously managed by the Emergency Services Coordinator. Under the amendments, the Administrative Assistant, Severe Weather Team Leader, and Disaster Preparedness Manager will all report to the Fire Chief, who in turn will report to the City Administrator.

Mayor Pascoe noted that this change adds an appropriate layer of administrative oversight, similar to other city departments. Council Member Jespersen asked for clarification to natural disaster procedures with removal of the Emergency Services Coordinator position, and Fisher clarified that these are outlined in the Emergency Action Plan, with the Fire Chief making the final decision. Pascoe added that the Emergency Services Coordinator position has been vacant since Hoffman became Fire Chief, and many department members felt the extra layer of administration was unnecessary.

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

Consideration of the First Reading of Ordinance 25-27 Amending Chapter 71 of the Waverly Municipal Code relating to Traffic Regulations
Council Member Jespersen moved to approve the First Reading of Ordinance 25-27 Amending Chapter 71 of the Waverly Municipal Code relating to Traffic Regulations. Council Member Nielson seconded the motion.

City Attorney Fahleson read the ordinance by title:
ORDINANCE 25-27 AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA, AMENDING TITLE VII, CHAPTER 71 OF THE WAVERLY MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS.

City Administrator Fisher provided information on the amendments including licensing fee increases, removal of proration, and adding a late fee of $10 after May 1, which will likely be amended to February 1 to mirror the pet licensing fees. Residents can pay their licensing fees all online through the new licensing software with the option to have the pet tags, vehicle plates, and/or vehicle stickers mailed for a fee, but still have the option to register in the office. Council Member Jespersen noted these steep increases will likely be isolated due to the new software.

Deputy Brownell shared the new statutory change, LB 196, to authorize the operation of ATV/UTV between the hours of sunset and sunrise if used for snow removal, which also applies to municipalities.

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
Consideration of the 2026 Parks & Recreation Summer Program Fees.
Council Member Jespersen moved to approve 2026 Parks & Recreation Summer Program Fees. Council Member Nielson seconded the motion.

City Administrator Fisher advised baseball and softball fees increased by $10 to accommodate rising umpire fees and was discussed at the Parks Committee meeting.

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

Consideration of the 2026 Parks & Recreation Field Rental Agreement Form and Fees.
Council Member Jespersen moved to approve the 2026 Parks & Recreation Field Rental Agreement Form and Fees. Council Member Nielson seconded the motion.

Council Member Jespersen reported that, at the request of local baseball organizations, field rental fees were adjusted from an hourly to a per-game rate. Tournament fees were also updated to $250 for Waverly-based teams and $350 for non-Waverly teams, resulting in lower overall costs for games and daily field use.

Council Member Delahoyde noted that the goal is to encourage more tournaments in town, as they bring visitors and support local businesses. While the change may reduce revenue from events like the Riptide tournament, it is intended to increase overall field use. Jespersen added that Riptide frequently uses Lincoln facilities, which operate under different fee structures as private entities, and suggested monitoring the agreements annually.

Council Members discussed field maintenance challenges, as it is more cost-effective for the parks department to leave fields untouched as it costs a lot of money to maintain during the off season, despite reduced appearance.

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

Consideration of granting a Permanent Drainage Easement generally located in the Riley Addition in Waverly, Nebraska, and authorizing the Mayor to sign the documents.
Council Member Jespersen moved to approve granting a Permanent Drainage Easement generally located in the Riley Addition in Waverly, Nebraska and authorizing the Mayor to sign the documents. Council Member Nielson seconded the motion.

City Administrator Fisher explained this gives the city access and authority to perform maintenance without having to contact property owners.

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

COMMITTEE REPORTS
Human Services (Park & Recreation): Council Member Stark
City Administrator Fisher reported the Parks and Rec Committee discussed fees at the last meeting; next meeting will include Aquatic Center fees. The Wayne and Lawson Park restrooms were winterized and are now closed for the season; the Lawson sprinklers have also been winterized. Mayor Pascoe reported the next meeting will include the new assistant position and all ball registrations will open tomorrow.

Public Works (Utilities & Street): Council Member Delahoyde
Council Member Delahoyde reported they serviced the vehicles. Continued to sweep streets picking up mainly leaves. Filled a sunk spot at N 140th and Dovers St. The aluminum steps arrived and were installed at the Waste Water Treatment Plant. Burned brush at the landfill but they need to do it again because they

didn't get through it all. They put the camera down 21 sewer segments looking for tree roots and need cut out. Had a meeting at MBA Poultry about the increasing water usage. Flushed the hydrants, finished the last 40 hydrants—one of them did break on the corner of N 143rd and Guildford St, so they are repairing that. They made repairs to the sewer main on N 145th St where a fiber optic line was bored through.

Public Health (Fire & Safety): Council Member Jespersen
Council Member Jespersen reported department joined Greenwood and Ashland in an annual walk through at the Coke Fertilizer Plant west of Greenwood, which falls under the Suburban Fire District, so it is good to go through that procedure with hazardous chemicals. The department was also requested by Tractor Supply as part of the Hometown Heroes event where 3 members participated along with 2 trucks where TSC made a $250 donation to the department. Waverly Fire/Rescue participated in the Waverly Chamber Halloween trick-or-treat event, passing out candy from 5-7pm and provided traffic control on the highway—11 department members participated. The Santa Express event will be held on Sunday, December 7 from 12-4:30pm at the Wave with a lighted parade to follow at 6pm.

Fiscal and Economic Development: Council Member Nielson
No report.

City Administrator Fisher
City Administrator Fisher reported the department heads continue to work on our projects; I commend all department heads for getting a jump start on getting projects done and ordering equipment since the lead times increase every year, which drag out timelines for getting projects done.

EXECUTIVE SESSION
Council Member Nielson moved to enter Executive Session to protect the public interest and to receive legal advice. Council Member Jespersen seconded the motion.
The following Council Members voted "YEA": Nielson, Delahoyde, and Jespersen. The following Council Members voted "NAY": None. Motion Carried. 3-0.

City Attorney Fahleson declared Closed Session at 6:38 p.m. Those present in Executive Session were Mayor Pascoe, Council Members Jespersen, Nielson, and Delahoyde, City Administrator Fisher, City Attorney Fahleson, City Clerk Frye, and Fire Chief Hoffman. No action was taken during Executive Session.

Attorney Fahleson declared Open Session at 7:08 p.m.

Council Member Nielson moved to leave Executive Session. Council Member Jespersen seconded the motion. The following Council Members voted "YEA": Delahoyde, Jespersen, and Nielson. The following Council Members voted "NAY": None. Motion Carried. 3-0.

ADJOURNMENT
Council Member Jespersen moved to adjourn the meeting at 7:08 p.m. 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.

Abbey L. Pascoe	Megan K. Frye
Mayor	City Clerk/Human Resources Assistant

Claims for Payment: November 11th - 25th , 2025

Group A			
Vendor	**Description**	**Amount**	**Date Paid**
Aaron Hummel	WFR Stipends/Vehicle Reimbursement	$ 880.00	
ADP Fees	Payroll Fees	$ 136.47	11/21/2025
ADP Fees	Payroll Fees	$ 73.35	11/28/2025
ADP Payroll	Payroll	$ 41,951.87	11/28/2025
Blackstrap Inc.	Road salt	$ 3,910.98	
Blue Cross Blue Shield NE	Health Insurance	$ 16,990.59	12/1/2025
Boecker's Wreckers	Tow charge	$ 300.00	
BOK Financial	GO Various Purpose Bond 2019	$ 18,007.50	11/28/2025
Brent Cooper	WFR-Personal Vehicle Reimbursement	$ 240.00	
Caleb Bishop	WFR Stipends/Vehicle Reimbursement	$ 1,220.00	
Carquest Auto Parts	Oil & oil filters	$ 57.55	
Cubby's, Inc.	Fuel	$ 1,654.77	
Eakes Office Plus	FD copier contract billing	$ 46.71	
Faughn Electric	Lawson maintenance building heater repair	$ 236.19	
Greg Gerlach	WFR Stipends/Vehicle Reimbursement	$ 1,020.00	
Gregg Electric Company	Repair cord for generator	$ 1,061.46	
Guardian	Life & Vision Insurance	$ 559.66	
Hippo Equipment	Air compressor rental w/hose	$ 420.00	
Hometown Leasing	FD Copier	$ 71.48	
Jamieson Battistella	WFR-Personal Vehicle Reimbursement	$ 200.00	
Jared Rains	Santa Express items reimbursement	$ 205.00	
Jared Rains	WFR Stipends/Vehicle Reimbursement	$ 1,560.00	
JEO Consulting Group, Inc.	Comp. Safety Action Plan, New Well Siting, ANP 10th Addition, Fire Station Prelim Design	$ 31,476.70	
John Adams	WFR-Personal Vehicle Reimbursement	$ 1,840.00	
John Catsinas	WFR-Personal Vehicle Reimbursement	$ 320.00	
John Hancock USA	Retirement	$ 3,723.14	11/28/2025
Joseph Hummel	WFR-Personal Vehicle Reimbursement	$ 960.00	
Kevin LaPage	WWTP Well #8 cord cap retainer, degritter contactor, panel fan for blower #1	$ 916.12	
Kriha Fluid Power	Skid loader repairs	$ 666.29	
LARM	Add 2026 John Deere Gator	$ 27.85	
League of Nebr.Municipalities	NCMA Membership	$ 519.00	
Life-Assist, Inc.	Medical Supplies	$ 286.92	
Lincoln Electric System	Electricity	$ 16,092.77	
Matheson Tri-Gas, Inc.	Oxygen bottle rental	$ 47.71	
Menards-Lincoln North	Diesel anti gel, water, detergent	$ 113.66	
Midwest Turf & Irrigation	Mower repair	$ 289.22	
Nadezhda Koval	Cleaning Service	$ 452.41	
National Sign Company, LLC	Street signs	$ 374.62	
NE Dept. of Transportation	Traffic signal lamps	$ 657.54	
Nebraska Landscape Solutions	Fertilizer	$ 2,080.00	
NE Public Health Environ.Lab	Lab Fees	$ 440.90	
One Billing Solutions	October 2025 Billing-EMS	$ 1,082.38	11/25/2025
Patrick Peterman	WFR-Personal Vehicle Reimbursement	$ 380.00	
Pediatric Emergency Standards	Pediatric bags	$ 1,029.57	
Pinnacle Bank	Street light project loan documents	$ 250.00	
Pinnacle Bank	Street light project loan documents	$ 1,420.00	
Point C	Health Reimbursement Account	$ 85.25	
Production Creek Specialty Adv	Adult sports champion t-shirts	$ 1,080.00	
Quik Dump Refuse	Garbage Service	$ 418.77	
RecDesk, LLC	Annual RecDesk Subscription	$ 6,300.00	
Robin L. Hoffman	WFR Stipends/Vehicle Reimbursement	$ 3,640.00	
Stryker Sales, LLC	Preventative maintenance on cot	$ 3,171.93	
Tyler Tongish	WFR-Personal Vehicle Reimbursement	$ 60.00	
U.S. Postmaster	Stamps/Postage	$ 322.92	
Union Bank & Trust Co.	HSA Accounts	$ 2,500.00	12/1/2025
Verizon Wireless	Phone Service	$ 955.61	
Whitehead Oil Co.	Fuel	$ 70.23	
Scheel's	Gift cards for Santa Express - F.D. debit card purchase	$ 2,137.50	
HyVee	Food for meeting - F.D. debit card purchase	$ 57.75	
Point C	Health Reimbursement Account	$ 8,855.87	
Storage Ninjas - Waverly	Storage for Engine 34 - F.D. debit card purchase	$ 148.00	
	Claims Group A Total	**$ 186,054.21**	

Abbey Pascoe, Mayor

Cheris Cadwell, City Treasurer/Deputy Clerk

Tax Year	Tax Month	Sales and Use Tax***	Consumers Use Tax	Current Month's Refunds	Administration Fee	Paid to City	Motor Vehicle Sales Tax
2011	MARCH	8.5	0	0	-0.26	8.24	0
2011	APRIL	15,415.21	6,484.81	0	-657	21,243.02	1,823.27
2011	MAY	21,667.75	4,357.64	0	-780.76	25,244.63	5,788.37
2011	JUNE	23,301.52	7,460.50	0	-922.86	29,839.16	4,130.36
2011	JULY	27,421.51	4,525.44	0	-958.41	30,988.54	7,386.23
2011	AUGUST	24,815.25	5,317.90	0	-903.99	29,229.16	6,051.95
2011	SEPTEMBER	25,308.28	4,945.68	0	-907.62	29,346.34	7,157.20
2011	OCTOBER	22,134.06	6,342.28	0	-854.29	27,622.05	4,587.09
2011	NOVEMBER	27,617.00	6,421.31	-25.79	-1,020.38	32,992.14	4,160.86
2011	DECEMBER	23,244.46	7,206.72	0	-913.54	29,537.64	4,359.71
2012	JANUARY	23,359.89	4,393.26	0	-832.59	26,920.56	6,780.83
2012	FEBRUARY	25,526.98	4,160.16	0	-890.61	28,796.53	8,674.90
2012	MARCH	28,559.75	7,902.92	-83.2	-1,091.38	35,288.09	8,671.84
2012	APRIL	23,623.05	9,574.34	-3.33	-995.82	32,198.24	6,178.25
2012	MAY	24,541.36	6,858.38	0	-941.99	30,457.75	5,172.52
2012	JUNE	27,549.48	10,143.28	-380.56	-1,119.37	36,192.83	9,538.15
2012	JULY	27,301.79	10,978.30	-0.78	-1,148.38	37,130.93	5,693.49
2012	AUGUST	30,506.45	7,633.26	-1.86	-1,144.14	36,993.71	9,079.62
2012	SEPTEMBER	24,745.01	8,767.26	-1.51	-1,005.32	32,505.44	4,169.41
2012	OCTOBER	24,429.85	6,119.06	0	-916.47	29,632.44	6,285.49
2012	NOVEMBER	26,792.27	3,318.20	-18.21	-902.77	29,189.49	6,440.89
2012	DECEMBER	27,459.37	3,722.87	0	-935.47	30,246.77	7,076.74
2013	JANUARY	24,879.70	2,889.59	-50	-831.58	26,887.71	5,370.87
2013	FEBRUARY	26,724.12	2,283.36	0	-870.22	28,137.26	3,988.43
2013	MARCH	33,193.18	2,231.83	0	-1,062.75	34,362.26	5,453.53
2013	APRIL	27,197.57	2,107.81	0	-879.16	28,426.22	5,843.58
2013	MAY	30,628.60	2,317.08	-5.16	-988.22	31,952.30	6,412.37
2013	JUNE	29,122.78	7,593.00	-2,091.96	-1,038.71	33,585.11	9,349.84
2013	JULY	32,833.59	2,223.69	-3.64	-1,051.61	34,002.03	7,990.33
2013	AUGUST	36,291.13	3,233.44	-43.08	-1,184.44	38,297.05	15,073.10
2013	SEPTEMBER	34,347.27	8,688.97	0	-1,291.09	41,745.15	11,463.13
2013	OCTOBER	30,797.91	3,943.10	-16,969.14	-533.16	17,238.71	4,370.31
2013	NOVEMBER	29,408.36	1,036.34	0	-913.34	29,531.36	8,019.80
2013	DECEMBER	61,359.57	5,114.91	0	-1,994.23	64,480.25	9,177.12
2014	JANUARY	30,017.85	1,385.43	-4.19	-941.97	30,457.12	4,790.19
2014	FEBRUARY	31,594.51	2,426.46	-3,690.96	-909.9	29,420.11	7,156.77
2014	MARCH	32,421.02	3,271.30	0	-1,070.77	34,621.55	6,011.56

2014	APRIL	33,181.11	6,687.00	0	-1,196.04	38,672.07	8,966.34
2014	MAY	36,039.59	4,958.98	0	-1,229.96	39,768.61	6,281.78
2014	JUNE	30,408.84	3,528.21	-812.08	-993.75	32,131.22	6,908.98
2014	JULY	38,778.88	4,319.77	-165.32	-1,288.00	41,645.33	10,423.14
2014	AUGUST	37,204.63	-1,042.67	0	-1,084.86	35,077.10	12,752.23
2014	SEPTEMBER	35,673.34	2,635.40	0	-1,149.26	37,159.48	6,890.30
2014	OCTOBER	32,755.32	1,097.64	-264.08	-1,007.67	32,581.21	6,242.33
2014	NOVEMBER	29,758.71	4,197.54	-256.71	-1,010.99	32,688.55	7,173.36
2014	DECEMBER	36,212.81	2,697.68	-827.75	-1,142.48	36,940.26	9,673.81
2015	JANUARY	31,430.17	4,819.28	0	-1,087.48	35,161.97	7,641.40
2015	FEBRUARY	28,073.66	2,005.43	0	-902.37	29,176.72	7,068.34
2015	MARCH	30,523.36	3,514.71	-1,252.45	-983.57	31,802.05	7,207.36
2015	APRIL	30,654.89	2,529.75	-406.65	-983.34	31,794.65	7,116.77
2015	MAY	39,248.01	5,794.91	0	-1,351.29	43,691.63	9,533.30
2015	JUNE	31,312.06	4,469.40	-3,589.35	-965.76	31,226.35	6,797.96
2015	JULY	37,820.92	13,511.27	-82.93	-1,537.48	49,711.78	10,182.40
2015	AUGUST	32,702.13	4,749.75	0	-1,123.56	36,328.32	8,532.32
2015	SEPTEMBER	34,772.93	2,776.84	-4.13	-1,126.37	36,419.27	7,182.17
2015	OCTOBER	32,438.30	3,694.75	-13,073.10	-691.8	22,368.15	8,275.22
2015	NOVEMBER	26,484.79	6,798.06	0	-998.49	32,284.36	5,183.27
2015	DECEMBER	35,027.68	8,361.67	-401.67	-1,289.63	41,698.05	5,382.21
2016	JANUARY	34,494.33	1,887.94	0	-1,091.47	35,290.80	7,568.79
2016	FEBRUARY	30,867.40	1,608.14	-1,312.79	-934.88	30,227.87	5,103.29
2016	MARCH	34,681.29	5,691.40	-54.64	-1,209.54	39,108.51	8,511.11
2016	APRIL	32,367.40	2,094.18	0	-1,033.85	33,427.73	6,657.25
2016	MAY	32,517.30	7,487.50	-34,512.80	-164.76	5,327.24	6,533.37
2016	JUNE	38,735.52	7,550.81	0	-1,388.59	44,897.74	9,915.06
2016	JULY	34,322.24	3,484.90	-114.91	-1,130.77	36,561.46	7,592.47
2016	AUGUST	36,751.30	3,824.29	-198.42	-1,211.32	39,165.85	7,313.30
2016	SEPTEMBER	42,023.77	6,704.04	-1.75	-1,461.78	47,264.28	8,791.01
2016	OCTOBER	34,633.96	1,616.05	0	-1,087.50	35,162.51	6,679.20
2016	NOVEMBER	32,423.73	1,774.77	0	-1,025.96	33,172.54	6,436.16
2016	DECEMBER	37,251.12	6,031.09	-299.75	-1,289.47	41,692.99	4,876.80
2017	JANUARY	33,469.65	8,614.34	0	-1,262.52	40,821.47	6,863.48
2017	FEBRUARY	33,713.45	2,042.68	0	-1,072.68	34,683.45	6,736.48
2017	MARCH	42,760.85	3,282.76	-1,234.16	-1,344.28	43,465.17	9,149.62
2017	APRIL	41,358.64	1,773.97	-1,089.74	-1,261.29	40,781.58	7,983.03
2017	MAY	43,807.66	3,357.01	-120.44	-1,411.33	45,632.90	11,624.63
2017	JUNE	43,258.55	7,245.94	-106.53	-1,511.94	48,886.02	9,277.24

2017	JULY	40,577.27	3,157.72	-1,063.48	-1,280.15	41,391.36	6,598.62
2017	AUGUST	41,702.65	5,463.01	-74.28	-1,412.74	45,678.64	10,427.95
2017	SEPTEMBER	50,678.98	2,160.87	-319.62	-1,575.61	50,944.62	13,695.11
2017	OCTOBER	41,192.29	8,828.54	0	-1,500.62	48,520.21	7,569.74
2017	NOVEMBER	43,767.24	5,067.77	-1,397.75	-1,423.12	46,014.14	7,294.89
2017	DECEMBER	53,503.31	8,970.33	0	-1,874.21	60,599.43	8,982.34
2018	JANUARY	40,067.17	1,396.30	0	-1,243.90	40,219.57	8,010.64
2018	FEBRUARY	38,328.66	4,632.29	-216.67	-1,282.33	41,461.95	4,361.85
2018	MARCH	44,653.78	8,958.04	0	-1,608.35	52,003.47	7,890.18
2018	APRIL	43,637.34	3,546.30	0	-1,415.51	45,768.13	7,859.35
2018	MAY	49,767.39	3,104.94	-1,022.46	-1,555.50	50,294.37	9,463.96
2018	JUNE	43,510.52	10,623.77	-895.93	-1,597.15	51,641.21	6,832.18
2018	JULY	42,122.29	1,937.52	-396.1	-1,309.91	42,353.80	5,827.99
2018	AUGUST	50,970.75	2,716.68	0	-1,610.62	52,076.81	13,293.29
2018	SEPTEMBER	39,643.73	3,818.97	0	-1,303.88	42,158.82	6,262.15
2018	OCTOBER	43,991.20	2,897.28	0	-1,406.65	45,481.83	7,533.17
2018	NOVEMBER	44,139.20	4,058.28	-4,983.11	-1,296.43	41,917.94	7,449.37
2018	DECEMBER	43,301.31	4,219.79	0	-1,425.63	46,095.47	8,658.42
2019	JANUARY	41,778.46	2,831.79	-349.28	-1,327.83	42,933.14	8,634.39
2019	FEBRUARY	37,753.03	2,595.61	-4,533.66	-1,074.45	34,740.53	4,058.98
2019	MARCH	45,207.29	3,487.95	-0.9	-1,460.83	47,233.51	8,965.99
2019	APRIL	41,931.04	1,671.25	-944	-1,279.75	41,378.54	7,105.21
2019	MAY	50,371.66	4,608.31	-540.97	-1,633.17	52,805.83	15,575.91
2019	JUNE	47,239.73	4,730.91	0	-1,559.12	50,411.52	6,902.70
2019	JULY	52,092.06	3,821.66	-3,383.94	-1,575.89	50,953.89	9,424.54
2019	AUGUST	47,578.92	11,900.44	0	-1,784.38	57,694.98	7,477.22
2019	SEPTEMBER	53,124.03	7,130.98	0	-1,807.65	58,447.36	11,382.61
2019	OCTOBER	43,090.84	4,687.33	-1,069.43	-1,401.26	45,307.48	8,105.56
2019	NOVEMBER	44,966.28	3,124.88	0	-1,442.73	46,648.43	8,702.34
2019	DECEMBER	51,145.06	4,651.69	0	-1,673.90	54,122.85	7,878.82
2020	JANUARY	42,943.97	1,004.86	-20.42	-1,317.85	42,610.56	8,420.51
2020	FEBRUARY	43,897.77	5,525.53	0	-1,482.70	47,940.60	6,559.23
2020	MARCH	42,056.98	3,509.49	-139.32	-1,362.81	44,064.34	7,372.41
2020	APRIL	41,704.64	12,631.43	-137.66	-1,625.95	52,572.46	2,409.46
2020	MAY	43,803.00	3,207.49	0	-1,410.31	45,600.18	4,510.43
2020	JUNE	55,131.98	6,084.21	0	-1,836.49	59,379.70	12,180.94
2020	JULY	66,198.05	3,798.16	-482.02	-2,085.43	67,428.76	18,066.18
2020	AUGUST	54,937.26	2,161.42	0	-1,712.96	55,385.72	11,556.38
2020	SEPTEMBER	56,125.69	2,273.75	0	-1,751.98	56,647.46	9,608.01

2020	OCTOBER	89,776.04	3,466.82	0	-2,797.29	90,445.57	18,153.45
2020	NOVEMBER	86,949.10	6,479.61	0	-2,802.86	90,625.85	21,547.71
2020	DECEMBER	108,576.77	4,092.67	0	-3,380.08	109,289.36	23,446.26
2021	JANUARY	74,598.19	4,558.11	-879.05	-2,348.32	75,928.93	13,386.75
2021	FEBRUARY	72,896.15	7,312.07	-104.42	-2,403.11	77,700.69	12,505.52
2021	MARCH	93,083.13	3,284.28	-2.9	-2,890.94	93,473.57	14,828.07
2021	APRIL	98,712.24	5,293.21	-969.96	-3,091.06	99,944.43	23,661.01
2021	MAY	97,187.83	4,222.15	-40.35	-3,041.09	98,328.54	25,823.99
2021	JUNE	108,982.91	2,055.87	0	-3,331.16	107,707.62	29,613.97
2021	JULY	95,408.95	7,528.82	-1.31	-3,088.09	99,848.37	18,159.99
2021	AUGUST	99,081.53	3,997.38	0	-3,092.37	99,986.54	19,045.36
2021	SEPTEMBER	95,169.14	26,490.83	0	-3,649.80	118,010.17	14,982.49
2021	OCTOBER	84,890.49	4,810.38	0	-2,691.03	87,009.84	9,257.17
2021	NOVEMBER	99,432.30	7,571.35	-7.31	-3,209.89	103,786.45	13,258.56
2021	DECEMBER	117,320.03	2,872.48	0	-3,605.78	116,586.73	20,511.17
2022	JANUARY	94,993.99	7,431.17	0	-3,072.75	99,352.41	16,055.01
2022	FEBRUARY	100,863.32	14,500.92	0	-3,460.93	111,903.31	31,073.57
2022	MARCH	95,600.01	5,280.99	0	-3,026.43	97,854.57	16,791.29
2022	APRIL	98,630.99	5,313.40	-5,618.25	-2,949.78	95,376.36	18,250.98
2022	MAY	96,913.50	6,326.30	0	-3,097.19	100,142.61	22,080.80
2022	JUNE	119,936.26	5,303.56	-5.08	-3,757.04	121,477.70	35,999.23
2022	JULY	110,599.83	6,739.12	-9,715.04	-3,228.72	104,395.19	25,964.36
2022	AUGUST	115,315.14	8,057.78	0	-3,701.19	119,671.73	24,717.82
2022	SEPTEMBER	107,091.76	5,286.15	0	-3,371.34	109,006.57	20,853.84
2022	OCTOBER	97,831.00	6,146.73	-88,742.95	-457.04	14,777.74	17,684.55
2022	NOVEMBER	103,147.49	5,303.92	-3.61	-3,253.43	105,194.37	14,413.06
2022	DECEMBER	126,213.66	9,717.02	0.00	-4,077.92	131,852.76	19,582.54
2023	JANUARY	99,931.16	4,540.54	-5,737.80	-2,926.02	95,771.88	16,309.36
2023	FEBRUARY	92,450.77	7,723.06	0.00	-3,005.21	97,168.62	17,766.17
2023	MARCH	104,088.00	5,851.20	-5,308.44	-3,138.92	101,491.84	19,821.37
2023	APRIL	107,671.13	7,442.59	0.00	3,453.41	111,660.31	22,676.53
2023	MAY	99,774.64	10,985.95	-871.31	-3,296.68	106,592.60	15,819.03
2023	JUNE	116,964.50	17,405.68	-13.16	-4,030.71	130,326.31	34,107.82
2023	JULY	90,489.34	16,652.84	-196.52	-3,208.37	103,737.29	20,060.61
2023	AUGUST	106,653.66	11,652.42	-2.66	-3,549.10	114,754.32	20,898.64
2023	SEPTEMBER	94,484.67	11,064.11	-32.35	-3,165.49	102,350.94	17,374.97
2023	OCTOBER	89,704.24	15,907.81	-4.06	-3,168.24	102,439.75	19,912.75
2024	NOVEMBER	97,589.16	14,908.49	-4,550.34	-3,238.42	104,708.89	21,411.40
2024	DECCEMBER	95,134.75	22,651.96	0.00	-3,533.60	114,253.11	12,711.15

2024	JANUARY	76,394.12	9,310.60	-986.54	-2,541.55	82,176.63	12,082.66
2024	FEBRUARY	103,146.31	11,657.40	-340.10	-3,433.91	111,029.70	31,303.95
2024	MARCH	101,023.80	7,990.16	-14.35	-3,269.99	105,729.62	18,011.46
2024	APRIL	89,290.02	9,800.04	-5.43	-2,972.54	96,112.09	16,984.55
2024	MAY	101,290.86	9,067.08	0.00	-3,310.74	107,047.20	25,940.79
2024	JUNE	95,653.49	6,662.89	-159.66	-3,064.70	99,092.02	25,619.52
2024	JULY	87,998.16	6,439.69	0.00	-2,833.14	91,604.71	14,076.87
2024	AUGUST	90,958.63	7,243.76	0.00	-2,946.07	95,256.32	15,569.72
2024	SEPTEMBER	105,512.30	13,132.88	-10,740.52	-3,237.14	104,667.52	21,204.49
2024	OCTOBER	84,153.55	8,735.27	-6,539.70	-2,590.47	83,758.65	16,601.42
2024	NOVEMBER	120,780.83	8,597.03	0.00	3,881.34	125,496.52	22,739.09
2024	DECEMBER	131,604.25	6,273.10	-150.29	-4,131.81	133,595.25	10,951.52
2025	JANUARY	118,540.78	9,103.41	-29.27	-3,828.45	123,786.47	28,771.09
2025	FEBRUARY	91,096.33	13,343.99	-120.66	-3,129.59	101,190.07	17,224.28
2025	MARCH	107,113.04	6,276.11	-84.48	-3,399.14	109,905.53	25,630.17
2025	APRIL	111,272.09	4,690.72	-35.09	-3,477.83	112,449.89	22,174.66
2025	MAY	108,480.84	6,417.81	-2,494.64	-3,372.12	109,031.89	21,232.57
2025	JUNE	119,302.16	8,638.86	0.00	-3,838.23	124,102.79	21,591.29
2025	JULY	117,119.04	13,505.71	-1,880.10	-3,862.34	124,882.31	30,178.66
2025	AUGUST	108,870.25	18,229.43	-6,115.52	-3,629.52	117,354.64	26,196.34
2025	SEPTEMBER	118,365.45	19,427.58	-36.76	-4,132.69	133,623.58	31,172.46
	TOTALS			**-$258,066.50**		**$10,724,401.98**	

*** The Sales and Use Tax Column includes Motor Vehicle Sales Tax. The amount of Motor Vehicle Sales Tax is separately stated in the last column of this spreadsheet.

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	$109,905.53		
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	$112,449.89		
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	$109,031.89		
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	$124,102.79		
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	$124,882.31		
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	$117,354.64		
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	$133,623.58		
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			
																City	Aquatic Ctr
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	$1,315,418.94	$876,946.40	$438,472.54
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	$119,583.54		

City of Waverly
October, 2025

Gross Sales		
Waverly		$ 197,819.81
Gross Sales	100.00%	**$ 197,819.81**
Prizes (Payouts)		
Waverly		
Prizes (Payouts)	72.6016%	**$143,620.40**
Operator Commission	12.0000%	$23,738.38
City Share	15.0722%	$29,815.85
Uncollected Winnings	0.3261%	$645.18
Interest		$6.96
Total to city		**$30,467.99**

YTD SALES	$ 197,819.81
City 7%min earned YTD	$13,847.39
Paid YTD	$30,461.03
Due City	**($16,613.64)**

RESOLUTION NO. 25-28

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAVERLY, NEBRASKA, ESTABLISHING AN ANNUAL MUNICIPAL EMPLOYEE RECOGNITION EVENT AND AUTHORIZING RELATED EXPENDITURES.

WHEREAS, Neb. Rev. Stat. § 13-2203(3) authorizes municipalities to expend public funds for one recognition dinner each year for elected or appointed officials, employees, and volunteers, and further authorizes the expenditure of public funds for plaques, certificates of achievement, or items of value to recognize years of employment or special occasions; and

WHEREAS, the Mayor and City Council of the City of Waverly, Nebraska, a municipal corporation and city of the second class, desire to reaffirm and modernize the City's prior Resolution No. 99-1 establishing a policy for employee recognition in a manner consistent with the Local Government Miscellaneous Expenditure Act; and

WHEREAS, the City recognizes the importance of employee appreciation and maintaining a positive workplace culture while ensuring compliance with statutory and auditor guidance;

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

1. The City of Waverly is hereby authorized to expend public funds for meals and nonalcoholic beverages for one City-sponsored employee-recognition event each fiscal year, to honor and recognize elected officials, appointed officials, employees, and volunteers for their service and contributions to the community.

2. The City Administrator (or designee) shall determine the timing, format, and location of the annual event each year, within the limits of the City's approved budget.

3. The cost of such event shall be reasonable and shall not exceed $40 per employee, unless otherwise approved by City Council. Expenditures shall be made from funds properly budgeted for this purpose, such as the General Fund Other Miscellaneous line item. The per-employee cost limit may be adjusted from time to time by motion of the City Council to reflect current costs and budgetary conditions.

4. That the "City of Waverly Municipal Employee Recognition Policy," attached hereto and incorporated herein by reference as **Exhibit A**, is hereby adopted as the City's uniform policy pursuant to Neb. Rev. Stat. § 13-2203(3). Said policy sets forth specific dollar limits and guidelines for recognition items and event expenditures and shall remain in effect until amended by Council after public hearing.

5. Resolution No. 99-1 and any other resolutions or portions thereof in conflict with this Resolution are hereby repealed.

6. The Mayor and City Administrator are hereby authorized and directed to execute and deliver such documents, certificates, or instruments and take such actions as they deem reasonable or necessary to carry out the intent of this Resolution.

7. This Resolution shall be in full force and effect from and after its passage and approval.

Passed and approved this 25th day of November, 2025.

CITY OF WAVERLY, NEBRASKA

ATTEST:

By: _____
Abbey L. Pascoe, Mayor

_____
Megan K. Frye, City Clerk

EXHIBIT A

CITY OF WAVERLY MUNICIPAL EMPLOYEE RECOGNITION POLICY
(Adopted pursuant to Neb. Rev. Stat. §§ 13-2201 to 13-2204)

1. Purpose. The purpose of this policy is to establish a uniform standard governing the expenditure of public funds for the recognition of City of Waverly elected officials, appointed officials, employees, and volunteers in accordance with the Local Government Miscellaneous Expenditure Act. The City values the service and contributions of its personnel and seeks to recognize them in a manner that is both meaningful and compliant with state law and auditor guidance. This policy is also intended to provide flexibility for honoring long-term or exceptional milestones of service, such as extended tenure or retirement, while ensuring that all recognition remains reasonable, non-cash, and commemorative in nature.

2. Scope. This policy applies to all elected and appointed officials, full-time employees, regular part-time employees, and volunteers of the City of Waverly. Seasonal and contracted workers are excluded.

3. Annual Employee-Recognition Event.

    a. The City of Waverly may expend public funds for meals and nonalcoholic beverages for one City-sponsored employee-recognition event each fiscal year.

    b. The City Administrator (or designee) shall determine the timing, format, and location of the annual event each year.

    c. The cost of the event shall be reasonable and shall not exceed $40 per employee, unless otherwise approved by City Council. The per-employee cost limit may be adjusted by motion of the City Council to reflect current costs and budgetary conditions.

    d. Expenditures for the event shall be paid from funds properly budgeted for this purpose, such as the General Fund Other Miscellaneous line item.

4. Employee Recognition Awards.

    a. Recognition of Years of Service.

        i. Employees will be recognized based on total years of continuous service, computed annually through the end of the calendar year in which the award is presented.

        ii. Awards will be presented for the following service milestones: 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 years.

        iii. Each honoree shall receive a non-cash token of appreciation – for example, a plaque, framed certificate, flowers, and/or City-branded commemorative item – with an approximate total value of $10 per year of service, not to exceed $500 per award unless otherwise approved by

City Council. The value estimates provided herein are intended as baseline guidelines and may be adjusted periodically by the City Administrator, subject to confirmation by City Council, to reflect inflation or current costs, provided the total award value remains reasonable and consistent with Neb. Rev. Stat. § 13-2203. Awards shall not include cash, gift cards, or any item readily convertible to cash value.

iv. Awards are intended as symbolic recognition and are not monetary compensation.

v. This award shall not be given in conjunction with the Recognition of Retirement Award.

b. Recognition of Retirement.

i. Employees retiring from the City in good standing who are at least age 55 and have more than 10 years of total service shall receive a non-cash retirement recognition item and a certificate or plaque.

vi. The approximate value of the recognition item may be based on $10 per year of service (for budgeting and parity purposes) but shall take the form of a tangible, non-cash item such as a commemorative framed photo, City merchandise set, or engraved keepsake, with a maximum value of $500 unless otherwise approved by City Council. The value estimates provided herein are intended as baseline guidelines and may be adjusted periodically by the City Administrator, subject to confirmation by City Council, to reflect inflation or current costs, provided the total award value remains reasonable and consistent with Neb. Rev. Stat. § 13-2203. Awards shall not include cash, gift cards, or any item readily convertible to cash value.

ii. This award shall not be given in conjunction with the Recognition of Years of Service Award.

5. Implementation.

a. This policy serves as the uniform policy required by Neb. Rev. Stat. § 13-2203(3) and sets dollar limits on recognition items.

b. The City Council shall hold a public hearing prior to adopting or amending this policy.

c. The City Administrator shall administer the program, maintain records of honorees and expenditures, and ensure compliance with this policy and all budgetary requirements.

6. Effective Date. This policy shall take effect upon approval of Resolution No. _____ and remain in effect until amended or repealed by subsequent Council action.

Approved by the Mayor and City Council of the City of Waverly, Nebraska, this _____ day of _____, 2025.

4931-4770-8022, v. 2

RESOLUTION NUMBER 25-29

RESOLUTION REGARDING DEPOSIT OF MUNICIPAL FUNDS FOR THE 2025-2026 FISCAL YEAR

WHEREAS, State Statute 17-607 requires municipalities to designate depositories in each fiscal year to designate one or more state or national banks or capital stock financial institutions of approved and responsible standing in which the city treasurer shall keep at all times, subject to payment on his or her demand, all money held by him or her as such city treasurer, and

WHEREAS, the Council shall require from all banks or capital stock financial institutions as bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof, may accept a pledge of sufficient assets of such depository to secure the payment of all such deposits and accretions, and

WHEREAS, the City Treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved, and

WHEREAS, the fact that a stockholder, director, or other officer of such financial institution is also serving as mayor, as a member of the city council or board of trustees, as a member of a board of public works, or as any other officer of such municipality shall not disqualify such financial institution from acting as a depository for such municipal funds.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF WAVERLY, NEBRASKA that all Nebraska banks or capital stock financial institutions of approved and responsible standing that provide a bond with a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits are hereby declared depositories for the City of Waverly's 2025-2026 fiscal year.

PASSED AND APPROVED THIS 25TH DAY OF NOVEMBER, 2025

_____
Abbey L. Pascoe
Mayor

ATTEST:

[SEAL]

_____
Megan K. Frye
City Clerk / Human Resources Assistant

RESOLUTION 25-30

RESOLUTION ADOPTING AND REVISING THE EMPLOYEE HANDBOOK

WHEREAS, the establishment of rules and regulations for the hiring and continued employment of City personnel is of benefit to the City, and

WHEREAS, it is advantageous for City personnel to know their rights and terms of employment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAVERLY, NEBRASKA that the Employee Handbook as revised on November 27, 2018, incorporates revisions to the following sections:

JOB DESCRIPTIONS

The additions and changes in the above stated section is hereby adopted as policy.

PASSED AND APPROVED THIS 25TH DAY OF NOVEMBER, 2025

_____
Abbey L. Pascoe
Mayor

ATTEST:

_____
Megan K. Frye,
City Clerk/Human Resources Assistant

(Seal)

Res. No. 25-30 Attachment "A"

City of Waverly Pay Plan

Permanent Full Time/Part Time	Type	Range
City Administrator	Salary	$45.68 to $70.00
City Clerk/Human Resources Assistant	Salary	$24.82 to $45.00
City Treasurer/Deputy City Clerk	Salary	$28.38 to $45.00
Utility Billing Clerk/Accounts Payable	Hourly	$18.70 to $35.00
Office Assistant	Hourly	$18.00 to $30.00
Fire Department Administrative Assistant	Hourly	$18.00 to $30.00
Building Inspector/Zoning Administrator	Salary	$31.03 to $45.00
Municipal Code Inspector	Hourly	$18.00 to $30.00
Parks and Recreation Director	Salary	$30.00 to $45.00
Parks and Recreation Maintenance Lead	Hourly	$21.00 to $35.00
Aquatics Manager/Parks and Recreation Marketing Assistant	Hourly	$21.00 to $35.00
Public Works Director	Salary	$38.00 to $60.00
Public Works Worker**	Hourly	$22.00 to $35.00
Street Department Lead**	Hourly	$24.00 to $40.00
Water System Lead**	Hourly	$24.00 to $40.00
Wastewater System Lead**	Hourly	$24.00 to $40.00
**$2 per hour increase for each certificate earned		

Seasonal and Temporary Full Time/Part Time	Type	Range
~~Aquatics Manager~~	~~Hourly~~	~~$17.00 to $22.00~~
Aquatics Assistant Manager	Hourly	$15.00 to $20.00
Aquatics Lifeguards	Hourly	$13.00 to $18.00
Aquatics Concessions Manager	Hourly	$15.00 to $20.00
Aquatics Concessions & Admissions Staff	Hourly	$13.00 to $18.00
General Labor	Hourly	$13.00 to $18.00
General Office	Hourly	$14.00 to $18.00

Res. No. 25-30 Attachment "A"

City of Waverly, Nebraska
JOB DESCRIPTION

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

Aquatics Manager/Parks and Recreation Marketing Assistant

DEPARTMENT: Parks and Recreation
REPORTS TO: Parks and Recreation Director
FSLA STATUS: Non-Exempt, Non-Volunteer, Full-Time

JOB SUMMARY

The Aquatics Manager/Parks and Recreation Marketing Assistant is a versatile, dynamic position that offers two distinct phases of responsibility throughout the year. From approximately April to September, will ensure the efficient operation of the Aquatic Center, the safety of the patrons, and comply with all State Statutes and City policies. Responsible for overseeing the reconciliation of daily cash and credit card transactions at the end of each shift at the Aquatic Center. During the off-season from approximately October to April, the focus will shift to Marketing and Recreation Program Assistance, where the role will involve supporting program planning, coordination, and promotion for the City of Waverly activities via Instagram and Facebook. This position reports to the Parks and Recreation Director.

KNOWLEDGE, SKILLS, AND ABILITIES

The requirements listed below are representative of the knowledge, skills and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- In-depth understanding of water safety protocols, lifeguard certifications, and rescue techniques.
- Ability to supervise Aquatic Center employees and lead performance reviews of Aquatic Center staff.
- Responsible for interviewing and hiring process of all seasonal lifeguard employees with assistance of Parks and Recreation Director.
- Ability to keep current and accurate cash drawer and receipt records, and submit receipts and daily reports to the City Office.
- Coordinate with the Parks and Recreation Director on maintenance needs, and purchasing materials/supplies to maintain operation of the Aquatic Center.
- Knowledge of pool maintenance procedures, filtration systems, and water chemistry.
- Establish and maintain positive public relations with the public, other employees, community groups, and municipal officials.

- Ability to manage multiple priorities, such as overseeing aquatic operations while handling administrative duties, scheduling, and responding to inquiries.
- Ability to prepare weekly Aquatic Center staff work schedules; verify and approve staff timesheets.
- Ability to verify and forward Aquatic Center incident reports, logs, inspection reports, and other pertinent information to the Parks and Recreation Director.
- Ability to oversee the general safety of the public and take immediate action to maintain public safety in accordance with State and City policy. Examples:
    1. Closing the Aquatic Center during adverse weather conditions.
    2. Closing the Aquatic Center if unsafe chemical balance is noted.
    3. Expel any patron who is endangering the safety of other swimmers or any patron when a health problem is noted and report any action to the Parks and Recreation Director.
- Must be able to fulfill all job functions, skills, and abilities of the Aquatics Lifeguard.
- Familiarity with social media; creating and distributing promotional materials
- Ability to learn and understand PC software applications; Proficient in basic computer programs
- Knowledgeable in operation of basic office machines such as copier, computer, fax machine, etc.
- Ability to design, plan, and evaluate recreational programs tailored to community needs.
- Ability to present ideas and reports clearly including creating and delivering presentations on program goals, outcomes, and promotional ideas.
- Skilled in organizing and coordinating recreational or community events, swim meets, or aquatic fitness classes.
- Knowledge of operational activities and policies of the Parks and Recreation Department.
- Knowledge of basic recreational programming

EDUCATION AND EXPERIENCE

1. High School education or GED equivalent
2. One year experience working at a public pool or one year experience in a recreational field preferred

ESSENTIAL JOB FUNCTIONS

- Must work well with people with strong verbal and written communication skills to effectively interact with employees, the public, and management.
- Must work with Lincoln-Lancaster County Health Department, State of Nebraska, or any other entity for inspections and certifications.
- Must be capable of supervising staff and coordinating any internal disciplinary actions needed with the Parks and Recreation Director.
- Responsible for planning and leading weekly staff trainings and establish training calendar for new hire certifications and re-certifications for returning lifeguards.
- Must be able to firmly yet courteously supervise patrons including expulsion when necessary.
- Responsible for daily chemical testing and make corrections to balance as needed.
- Must keep Aquatics Center facility clean, organized, and free of trash and debris.
- Must have marketing knowledge with ability to create promotional materials.
- Help to oversee the daily operation of recreation programs.

WAGES, HOURS, AND BENEFITS

Wages per pay scale and are compensated on an hourly basis.

Hours as needed during open Aquatic Center hours or classes between 8:00 a.m. to 10:00 p.m.

LICENSE/CERTIFICATION REQUIREMENTS:

1. Must have a current Certified Pool Operators (CPO) License
    a. Or ability to acquire within 90 days
2. Must be First Aid, CPR, and AED Certified by May 1

PHYSICAL REQUIREMENTS:

Ability to stand, sit, and walk some or all of shift.
Ability to lift 50 lbs and occasionally in excess of 100 lbs.
Ability to work in all weather conditions including extreme heat and sun.

Note: The statements herein are intended to describe the general nature and level of work being performed by employees assigned to this job summary. They are not intended to be constructed as an exhaustive list of all responsibilities, duties, and skills required of personnel. This job description may be changed or updated at any time without notice.

ORDINANCE NO. 25-25

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA, AMENDING TITLE IX, CHAPTER 94 OF THE WAVERLY MUNICIPAL CODE RELATING TO ANIMALS

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

Section 1. That Section 94.23 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.23 LICENSE.

Any person who shall own, keep, or harbor a dog over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog annually by or before the thirty-first (31st) day of January of each year. Such tax shall be delinquent from and after February first (1st); Provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January first (1st) of any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within thirty (30) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee in accordance with the following schedule:

Male Dog - $~~2~~30.00
Neutered Male Dog - $~~1~~20.00
Female Dog - $~~2~~30.00
Spayed Female Dog - $~~1~~20.00

Provided, that the sum of ~~five~~ ten dollars ($~~5~~10.00) shall be added to the license fees set forth in the foregoing schedule for each license obtained after February first (1st) or otherwise delinquent. Dogs shall be licensed for the reduced fee provided for spayed and neutered dogs only upon presentation of a certificate of neutering signed by a licensed veterinarian or upon presentation of other handwritten verification signed by a licensed veterinarian that such dog is no longer capable of reproduction.

Such license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time of the application is made and upon printed forms provided for such purpose, the following information:

A. The name and address of the owner of the dog;
B. The license number of the tag issued for such dog;
C. The breed, age, color, name, and sex of the dog;
D. Such other information as the Municipal Clerk may require for the purpose of identification.

A uniform certificate of rabies vaccination or reasonable facsimile thereof sufficient to comply with the requirement of Section 94.21 of this Code shall be presented

when the license is applied for and no license or tag shall be issued until the certificate is shown. Licenses shall be issued in accordance with and subject to § 94.47 (B).
(Ref. 17-526, 54-603, 71-4401 to 71-4412 RS Neb.) (Amended by Ord. No. 87-13, 9/8/87, 02-03, 2/4/02; 10-05, 5/3/10)

Section 2. That Section 94.24 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.24 LICENSE TAGS.

Upon the payment of the license fee and the presentation of a satisfactory proof of vaccination, the Municipal Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. Said license certificate shall be issued in duplicate, the original of which shall be delivered to the owner of the dog, who shall retain it as evidence of the dog's license; the duplicate shall be retained by the Municipal Clerk. The metallic tags shall be of such design as shall be approved by the Municipal Clerk, shall bear the license number shown on the license, and shall have die-stamped thereon the license number~~, the words "DOG TAG – WAVERLY, NEBRASKA,"~~ and the year for which issued. The metallic tags so issued shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor said dog until the thirty-first (31st) day of December following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year of which the license tax has been paid and shall charge and collect ~~one~~ five dollars ($~~1~~5.00) for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the Governing Body. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year. *(Ref. 17-526, 54-603 RS)*

Section 3. That Section 94.25 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.25 WRONGFUL LICENSING.

It shall be unlawful for the owner of any dog to permit or allow such dog to wear any other license tag than the identical one issued for such dog by the Municipality in which such owner resides, and for the license year for which issued. *(Ref. 17-526, 54-603)*

A. FALSE INFORMATION

a) It shall be unlawful for the owner of any dog to make a false or misleading statement or representation regarding the ownership or control of a dog or licensing of a dog, or regarding the ownership of a dog claimed from, surrendered to, or impounded by the Humane Officer or by any Law Enforcement Officer. It shall be unlawful to conceal ownership of any animal.

Section 4. That Section 94.29 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.29 ~~KILLING~~ INJURING ~~AND~~ OR POISONING.

It shall be unlawful for any person to kill, or to administer, or cause to be administered, poison of any sort whatsoever to any dog, or to neglect or in any manner to injure, mai~~n~~m, or destroy, or to place any poison, or poisoned food where the same is accessible to a dog, except as elsewhere specifically authorized in this Code or by Nebraska law. *(Ref. 54-604, 54-605 RS)*

Section 5. That Section 94.37 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.37 ~~BARKING AND OFFENSIVE~~ ANIMAL NOISE; DISTURBING THE PEACE PROHIBITED.

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent noise, such as barking, howling, or yelping shall annoy or disturb the peace and quiet of any neighborhood, or person~~, or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, street, or alleys~~ in the Municipality. ~~Upon written complaint of two (2) or more affected persons from different households, filed with any thirty (30) day period with the Municipal Clerk, that a~~Any dog ~~owned by the person named in the complaint~~ that is an annoyance or disturbance, or otherwise violates the provisions of this Section, the Humane Officer or in his or her absence, the Law Enforcement Official on duty shall investigate the complaint and, if in his or her opinion the situation warrants, or if said dog is found barking more than two (2) days in a thirty (30) day period or continuous barking for more than fifteen (15) minutes, shall issue an appropriate citation for violation of this Section. The provisions of this Section shall not be construed to apply to any Animal Shelter or to the place of business of licensed veterinarians. *(Ref. 17-526 RS Neb.)*

Section 6. That Section 94.38 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.38 ~~ODORS~~ SANITARY REGULATIONS.

~~No person shall allow any dog or dogs which he or she owns, harbors, or keeps to be maintained in such manner that foul or offensive odors are produced on or around the premises on which such dog is kept.~~ The owner of any dog shall keep any yard, enclosure, shelter structure, or dwelling wherein such dog is kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner of any dog shall not allow offal, manure, and waste material of such dog to accumulate or remain in the yard, pen, enclosure, shelter structure and/or dwelling, upon which such dog resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which

endangers the public health or safety or which creates an unhealthy environment. The owner of any dog shall in a sanitary manner remove or dispose of all offal, manure, and waste material accumulating from such dog at least once every five days.

Upon conviction of violation of this Section the Judge of the County Court may declare that such ~~odors~~ conditions constitute a public nuisance, and in addition to the usual judgment or conviction, order the abatement of such nuisance. When any person shall be charged with violation of this Section, such complaint may not be disposed of by Waiver of Appearance and Plea of Guilty and the complaint filed by the Municipal Attorney shall state such limitation. *(Ref. 17-526 RS Neb.)*

Section 7. That Section 94.41 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.41 KENNELS DEFINED, PROHIBITED.

More than three (3) dogs in excess of six (6) months of age, per family or residence or dwelling unit, shall constitute a kennel. It shall be unlawful for any person to have or maintain a kennel of any sort, including commercial and non-commercial breeding for the purpose of breeding and selling puppies ~~No kennels shall be maintained~~ within the Municipality; provided, however, the provisions of this Section shall not apply to any Municipal Animal Shelter, or to hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska, keeping dogs for others for treatment or boarding.

If upon the trial of the offense mentioned in this Section, it shall appear to the County Judge that the person be guilty as charged in said complaint, said Judge may, in addition to the usual judgment of conviction, declare said dog kennel a public nuisance, order the party or parties so convicted to abate said nuisance forthwith, and in the event that the party or parties convicted shall fail to do so, order the Municipal Law Enforcement Personnel to remove to a suitable animal shelter said dog or dogs so kept and harbored in violation of this Section, there to be impounded and placed in suitable homes or disposed of in accordance with the terms of this Article. When a complaint is filed for violation of this Section, such complaint may not be disposed of by Waiver of Appearance and Plea of Guilty, and the complaint filed by the Municipal Attorney shall state such limitation. *(Ref. 17-526 RS Neb.)*

Section 8. That Section 94.47 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.47 ENFORCEMENT.

The enforcement of the provisions of this Chapter shall be under the direction of the Mayor. For the purpose of enforcing Sections 94.20 to 94.73 or abating any nuisance existing hereunder, the designated Humane Officer or any Law Enforcement Officer may enter private premises.

A. IRRESPONSIBLE DOG OWNER; REVOCATION OF LICENSE

a) It shall be unlawful for any person who has been declared an irresponsible animal owner to own any animal, or to reside on premises with any animal owned by another person, for a period of thirty-six (36) months from the issuance of such declaration. It shall be unlawful any other person to knowingly allow an irresponsible animal owner to keep or harbor an animal on their premises.

b) The Mayor may declare a person to be an irresponsible animal owner when any person has been convicted of five (5) or more violations of this title within a thirty-six (36) month period, including violations disposed of by waiver of appearance or paid by mail. The Mayor has authority to use discretion on the issuance of a declaration after less than five (5) violations if such violations involve injury to a person or another animal. Such declaration is also revocation of all existing licenses issued to such person and shall prohibit any licenses from being issued to such person for a period of thirty-six (36) months.

c) The Mayor shall notify the person declared to be an irresponsible animal owner of the declaration in writing. Such notice shall be in writing and shall be served either in person or by mailing such notice by certified or registered mail. After the expiration of eleven (11) days from the date of such notice, the declaration shall be final and binding upon the City and upon the irresponsible animal owner unless within ten (10) days after such notice, the irresponsible animal owner requests, in writing, a review of the determination by the Mayor. At such review the irresponsible animal owner may present any written statements or documentary evidence relevant to the declaration. The Mayor shall make a final and binding declaration within fifteen (15) days of the date of review. The irresponsible animal owner may appeal any declaration to the district court as provided by law. The declaration shall remain in effect during any appeal unless the district court stays it.

d) The person designated as an irresponsible animal owner shall have ten (10) days from the date of the notice, or if appealed ten (10) days from the Mayor's final decision, to relinquish ownership to the Humane Officer or in his or her absence, the Law Enforcement Official or another person, not residing within the irresponsible animal owner's premises. The irresponsible animal owner shall be responsible for all costs incurred for impounding, boarding and disposition. If ownership is transferred to another person, the irresponsible animal owner must provide the name and contact information for the new animal owner(s) to the Municipal Clerk within three (3) days of the transfer. If ownership is not relinquished, the Humane Officer or Law Enforcement Official may impound any animal owned by the irresponsible animal owner, and dispose of such animal in accordance with this title.

Section 9. That Section 94.50 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.50 PENALTY FOR VIOLATION.

A. Except as otherwise provided herein, any person upon whom a duty is placed by the provisions of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Article, shall be deemed guilty of a Class I Misdemeanor as defined by section 131.22 of this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be ~~fifty dollars ($50.00)~~ two hundred dollars ($200.00) for the first offense, three hundred dollars ($300.00) for the second offense, and four hundred dollars ($400.00) for the third offense and each offense thereafter.

B. Any person upon whom a duty is placed by the provision of §94.31, §94.32, and/or §94.37, of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said Sections, shall be deemed guilty of a Class I Misdemeanor as defined by this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be ~~ten dollars ($10.00)~~ two hundred dollars ($200.00) for the first offense, three hundred dollars ($300.00) for the second offense, and four hundred dollars ($400.00) for the third offense and each offense thereafter.

C. Any person upon whom a duty is placed by the provisions of §94.41 of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said Section, shall be deemed guilty of a Class I Misdemeanor as defined by this Code.

D. Any person upon whom a duty is placed by the provisions of §94.29, ~~and~~ §94.33, and §94.40 of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said Sections, shall be deemed guilty of a Class I Misdemeanor as defined by this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be ~~One~~ Two Hundred Dollars ($~~1~~200.00).

E. Any person upon whom a duty is placed by the provisions of §94.46 of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said Section, shall be deemed guilty of a Class I Misdemeanor as defined by this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be ~~seventy~~ one hundred forty dollars ($~~7~~140.00).

F. Any person upon whom a duty is placed by the provisions of §94.34 of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Section, shall be deemed guilty of a Class I Misdemeanor as defined by this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be two hundred dollars ($200.00) for each occurrence.

G. Each day that a violation of any Section of this Article continues shall constitute a separateand distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this Article provided. *(Amended by Ord. 02-21, 8/19/02; amended by Ord. No. 05-12, 9/6/05, Ord. 07-05, 5/7/07)*

Section 10. That Section 94.63 contained within Chapter 94 of the Waverly Municipal Code be amended to read as follows:

§ 94.63 LICENSE; LICENSE TAGS; WRONGFUL LICENSING; WEARING OF COLLARS, REMOVAL, IDENTIFICATION; REMOVAL OF LICENSE TAG; EXCEPTIONS TO LICENSE, TRANSIENT CATS.

Cats, cat owners, and persons shall be subject to the same requirements and duties imposed upon dogs, dog owners, and persons by the Waverly Dog Ordinance, with respect to licensing; license tags; wrongful licensing; wearing of collars; identification; removal of license tags; and exceptions to license transient cats; Provided, however, that the following exceptions to the above shall apply:

A. License Fees: Cat licenses shall be issued by the Municipal Clerk upon payment of a license fee in accordance with the following schedule:

1. Male Cat - $~~2~~30.00
2. Neutered Male Cat - $~~1~~20.00
3. Female Cat - $~~2~~30.00
4. Spayed Female Cat - $~~1~~20.00

B. License Tags. Cat license tags shall have die-stamped thereon the license number~~, the words "CAT TAG – WAVERLY, NEBRASKA,"~~ and the year for which issued. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year~~ and different in appearance from dog tags for the same year~~.

C. Wearing of Collars or Harnesses. It shall be the duty of all persons owning cats to provide such cats with collars or harnesses which are elastic or otherwise constructed so as to prevent cats, to the extent possible, from becoming entangled, trapped, or injured due to the wearing of such collar or harness. *(Amended by Ord. No. 87-14, 9/8/87; 10-05, 5/3/10)*

Section 11. That any ordinance in conflict with this ordinance is hereby repealed.

Section 12. This ordinance shall be in full force and take effect 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)

ORDINANCE NO. 25-26

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA, AMENDING TITLE III, CHAPTER 31 OF THE WAVERLY MUNICIPAL CODE RELATING TO APPOINTED CITY OFFICIALS; AND AMENDING CHAPTER 32 OF THE WAVERLY MUNICIPAL CODE RELATING TO DEPARTMENTS, BOARDS, AND COMMISSIONS

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

Section 1. That Section 31.06 contained within Chapter 31 of the Waverly Municipal Code be amended to read as follows:

§ 31.06 MUNICIPAL FIRE/RESCUE CHIEF.

The Municipal Fire/Rescue Chief shall be appointed by the Mayor, by and with the consent of the Governing Body, ~~after receipt of a recommendation from the Emergency Services Coordinator~~. The Fire/Rescue Chief shall be primarily responsible for the administration of the Municipal Fire/Rescue Department, shall work cooperatively with and at the direction of the ~~Municipal Emergency Services Coordinator~~ City Administrator, and shall take such steps as are reasonable and necessary to ensure the Municipal Fire/Rescue Department is operated in accordance with this Code. The Fire/Rescue Chief shall serve as an ex-officio, unpaid member of the Emergency Management Committee and shall supervise the Disaster Preparedness Manager and the Sever Weather Team Leader. The Municipal Fire/Rescue Chief shall serve at the pleasure of the Mayor. (Amended by Ord. No. 96-3, 2/5/96; 03-04, 7/7/03); (Neb. Rev. Stat. 17-147)

Section 2. That Section 31.19 contained within Chapter 31 of the Waverly Municipal Code be amended to read as follows:

§ 31.19 DISASTER PREPAREDNESS MANAGER.

The Mayor, by and with the consent of the Governing Body, shall appoint a Disaster Preparedness Manager. The Disaster Preparedness Manager shall report to the ~~Emergency Services Coordinator~~ Fire/Rescue Chief and have direct responsibility for the organization, administration, and operation of the local organization for Disaster Preparedness. The Disaster Preparedness Manager shall (1) serve as an ex-officio, unpaid member of the Emergency Management Committee; (2) serve as a liaison between the Municipality's Emergency Management Committees and the Lincoln-Lancaster County Emergency Management; (3) assume all duties and responsibilities of the Disaster Preparedness Manager as set forth in the Municipality Emergency Management Plan, such Plan as proposed by the Emergency Management Committee and adopted by the Governing Body; and (4) have such other duties as the Mayor may direct. (Ord. No. 85-2, 3/18/85) (Amended by Ord. No. 98-17, 11/16/98, 20-02, 03/24/2020; Ord. 20-02)

Section 3. That Section 31.20 contained within Chapter 31 of the Waverly Municipal Code be amended to be omitted from Waverly Municipal Code, as follows:

~~**§ 31.20 EMERGENCY SERVICES COORDINATOR.**~~

~~The Emergency Services Coordinator shall be appointed by the Mayor, by and with the consent of the Governing Body. The Emergency Services Coordinator shall serve as an ex-officio, unpaid member of the Emergency Management Committee and shall be primarily responsible for the overall administration and coordination of the providing of Emergency Services within the Municipality and in accordance with this Code, and shall supervise the Municipal Fire/Rescue Chief, the Disaster Preparedness Manager and the Sever Weather Team Leader. The Emergency Services Coordinator shall perform such duties as may be adopted, from time to time, as policy by the Governing Body and shall report to the Mayor. (Ord. No. 96-3, 2/5/96) (Amended by Ord. 03-04, 7/7/03; 20-02, 3/24/2020; Ord. 20-02)~~

Section 4. That Section 31.22 contained within Chapter 31 of the Waverly Municipal Code be amended to read as follows:

§ 31.22 SEVERE WEATHER TEAM LEADER.

The Severe Weather Team Leader shall be appointed by the Mayor, by and with the consent of the Governing Body, after receipt of a recommendation from the ~~Emergency Services Coordinator~~ Fire/Rescue Chief. The Severe Weather Team Leader shall be primarily responsible for organizing and directing the Severe Weather Team that provides overwatch during severe weather. The Severe Weather Team Leader shall (1) report to the ~~Emergency Services Coordinator~~ Fire/Rescue Chief; (2) serve as an ex-officio, unpaid member of the Emergency Management Committee; (3) serve as a liaison between the Municipality's Emergency Management Committees and the Lincoln-Lancaster County Emergency Management; (4) assume all duties and responsibilities of the Severe Weather Team Leader as set forth in the Municipality Emergency Management Plan, such Plan as proposed by the Emergency Management Committee and adopted by the Governing Body; and (5) have such other duties as the Mayor may direct. (Ord. No. 20-02, 3/24/2020; Ord. 20-02)

Section 5. That Section 32.005 contained within Chapter 32 of the Waverly Municipal Code be amended to read as follows:

§ 32.005 WAVERLY EMERGENCY MANAGEMENT COMMITTEE.

The Mayor shall appoint the Waverly Emergency Management Committee subject to ratification by the Governing Body. The Committee shall consist of at least ~~six (6)~~ five (5) members, and shall include one sitting City Council Member, ~~the Waverly Emergency Services Coordinator~~, Disaster Preparedness Manager, Severe Weather Team Leader, Executive Member of the Rural Fire Board and the Waverly Fire Chief. The Council Member appointed to such Committee shall serve as a non-voting ex officio member of the Committee and shall not propose Committee action by motion. The members of the Committee shall serve without compensation. The Committee shall meet at such times as their own internal rules shall provide. Full and correct minutes and records of all meetings shall be kept and provided to the Municipal Clerk for filing, where they shall be available for public inspection at any reasonable time. A majority of the voting Committee members shall constitute a quorum for the transaction of business. Except as otherwise provided herein, the Committee shall function in accordance with its own procedural rules. The

~~Waverly Emergency Services Coordinator~~ Fire/Rescue Chief shall serve as the chairperson of the Committee. The chairperson shall have direct responsibility for the organization, administration, and operation of the Committee, subject to the direction and control of the Mayor. The Committee shall propose to the Governing Body appropriate rules and regulations for emergency management for the Municipality in coordination with the Waverly Emergency Management Plan of the Lincoln-Lancaster County Emergency Management. All actions of the Committee shall be subject to the review and control of the Governing Body. The Committee shall be responsible for providing such reports and performing such other duties as the Governing Body may, from time to time and at any time, designate. (Ord. No. 2-200.206, 11/16/81) (Amended by Ord. Nos. 83-5, 4/18/83; 84-1, 2/20/84; 90-4, 3/5/90; 98-8, 4/6/98, 20-02, 3/24/2020; and 23-01, 2/28/2023)

Section 6. That Section 32.063 contained within Chapter 32 of the Waverly Municipal Code be amended to read as follows:

§ 32.063 OPERATION AND FUNDING.

The Municipality operates the Waverly Fire and Rescue Department through ~~the Emergency Services Coordinator,~~ the Municipal Fire/Rescue Chief, volunteer firefighters and emergency rescue squad members. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improving the Waverly Fire and Rescue Department may each year levy a tax not exceeding the maximum limits prescribed by State Law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from said tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer. The Municipality may enter into an agreement with the appropriate rural fire district for mutual aid, sharing of costs and authorizing the Waverly Fire and Rescue Department to provide protection and services for all the residents therein. (Amended by Ord. 03-05, 7/7/03)

Section 7. That Section 32.064 contained within Chapter 32 of the Waverly Municipal Code be amended to read as follows:

§ 32.064 FIRE/RESCUE CHIEF.

The Municipal Fire and Rescue Chief shall manage the Waverly Fire and Rescue Department and it shall be his/her duty to command all firefighting/rescue activities; interview and recommend appointment of firefighters/rescue personnel; maintain departmental discipline and order; enforce rules and regulations; recommend disciplinary actions; regularly inspect readiness of personnel and equipment; participate in the formulation of departmental policies and procedures, including policies and procedures for the recruitment and retention of firefighters/rescue personnel; participate in the preparation and administration of the fire department budget; and prepare and submit necessary statistical and operation reports as are requested by the Mayor, the Governing Body, and the ~~Emergency Services Coordinator~~ City Administrator. (Amended by Ord. 03-05, 7/7/03)

Section 8. That Section 32.065 contained within Chapter 32 of the Waverly Municipal Code be amended to read as follows:

§ 32.065 FIREFIGHTERS/RESCUE PERSONNEL.

The Mayor, based upon recommendation~~s~~ of ~~the Emergency Services Coordinator~~ and the Fire/Rescue Chief, shall appoint, subject to the review and approval of the Governing Body, no more than seventy-five (75) persons as firefighters/rescue personnel to the Waverly Fire and Rescue Department. A City Council Member shall serve as a nonvoting ex officio member of the Department and shall not propose department action by motion. The members of the Department shall serve without compensation. A current list of firefighters approved by resolution by the Governing Body will be filed and maintained at the office of the City Clerk and with the Fire/Rescue Chief. All prospective firefighter/rescue members shall complete a Membership Application form approved by the City. The duly appointed firefighter/rescue members shall be considered to be employees of the Municipality for the purpose of providing them with worker's compensation and life insurance. Each firefighter/rescue member shall be entitled to a term life insurance policy for death from any cause. The policy, at the option of the individual, may be converted to a permanent form of life insurance at age seventy (70); Provided, that the firefighters/rescue members covered are actively and faithfully performing the duties of their position, including, but not limited to, traveling from any place from which they have been called to active duty, to a fire station or other place where firefighting/rescue equipment that their company or unit is to use is located, or to any emergency that the firefighters/rescue members may be officially called to participate in, attending drills, meetings, seminars, or training related to the duties as firefighters/rescue members as may be decided by the Governing Body subject to the limitations above. Except as otherwise provided herein, the Department shall function in accordance with its own procedural rules. The Waverly Fire and Rescue Chief shall have direct responsibility for the organization, administration, and operation of the Department, subject to the direction and control of the ~~Emergency Services Coordinator~~ City Administrator and the Mayor. The Department shall propose to the Governing Body appropriate rules and regulations for Fire and Rescue Safety for the Municipality. All actions of the Department shall be subject to review and control of the Governing Body. The Department shall be responsible for making such reports and performing such other duties as the Governing Body may from time to time designate. (Amended by Ord. No. 99-18, 6/21/99; 03-05, 7/7/03; 23-02, 3/14/23)

Section 9. That Section 32.071 contained within Chapter 32 of the Waverly Municipal Code be amended to read as follows:

§ 32.071 OPERATION AND FUNDING.

The City of Waverly shall oversee the Waverly Fire and Rescue for ambulance and rescue services through the ~~Emergency Services Coordinator~~ Fire/Rescue Chief. The Governing Body, for the purpose of defraying the cost of the maintenance, management, and improvements relating to the Waverly Fire and Rescue Department and equipment attendant thereto, may each year levy tax not exceeding the maximum limits prescribed by State Law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The Municipality may enter into an agreement with the appropriate rural fire district for mutual aid, sharing of costs, and authorizing the Waverly Fire and Rescue to provide protection and services for all the residents therein. (Amended by Ord. No. 99-19, 7/6/99)

Section 10. That Section 32.073 contained within Chapter 32 of the Waverly Municipal Code be amended to read as follows:

§ 32.073 REMOVAL OF VOLUNTEER MEMBERS.

The Mayor shall, after consulting with the ~~Emergency Services Coordinator and~~ Fire/Rescue Chief, have the duty to remove or suspend any fire/rescue personnel who (1) act with gross or willful negligence in the performance of their duties; (2) display grossly immoral or dishonorable conduct evidencing unfitness for service as a volunteer fire/rescue member; (3) have been convicted of a Class I or II misdemeanor or a felony under state law; or (4) otherwise fail to perform duties in accordance with this Code. Gross or willful negligence includes, but is not necessarily limited to (a) a deliberate act; (b) such conduct as evidences reckless indifference to safety; or (c) intoxication or being under the influence of any drug which would impair physical or mental faculties while performing active duty. (Amended by Ord. No. 99-19, 7/6/99; 03-05, 7/7/03)

Section 11. That any ordinance in conflict with this ordinance is hereby repealed.

Section 12. This ordinance shall be in full force and take effect 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)

ORDINANCE NO. 25-27 (Amended)

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA, AMENDING TITLE VII, CHAPTER 71 OF THE WAVERLY MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS.

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

Section 1. That Section 71.71, subsection (E) contained within Chapter 71 of the Waverly Municipal Code be amended to read as follows:

(E) It shall be unlawful for any person to operate all-terrain, utility-type, or mini truck vehicles on the City streets or alleys:

(1) until the owner has demonstrated proof of insurance to the City and obtained a license plate for the current year. The City will issue a license plate and/or decal for the current year that must be affixed to the rear of the all-terrain, utility-type, or minitruck vehicles in a conspicuous place. The City will charge a fee of ~~twenty-five~~ forty dollars ($~~25~~40.00) for the issuance of the license certificate and plate. The certificate shall be an annual certificate from January 1 through December 31 of each year. The operator shall have until ~~January~~ April 3~~1~~0 of the following year to renew the certificate and plate for an annual fee of ~~ten~~ twenty dollars ($~~1~~20.00), provided that the sum of ten dollars ($10.00) shall be added to the license fees set forth in the foregoing schedule for each license obtained on or after May first (1st) or otherwise delinquent. ~~During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at one ($1.00) dollar per month and a thirteen ($13.00) dollar administrative fee. Any certificate purchased by a person for the same all-terrain, utility-type, or mini truck vehicles in a subsequent year shall not be prorated.~~ The fee for any replacement plate shall be fifteen ($15.00) dollars.

(2) with more passengers on said vehicle than is recommended by the original manufacturer.

Section 2. That Section 71.71 of the Waverly Municipal Code be further amended by adding a new subsection (K) to read as follows, and renumbering the existing penalty subsection as (L):

(K) Snow Removal Exception. A properly registered and insured all-terrain vehicle or utility-type vehicle may be operated on City streets for the limited purpose of snow removal on public or private property, as authorized by Neb. Rev. Stat. § 60-6,356, provided that:

(1) the operator holds a valid Class O operator's license or farm permit;
(2) the vehicle is operated at a speed not to exceed thirty (30) miles per hour;
(3) when operated between the hours of sunset and sunrise for snow removal, the vehicle's headlight and taillight are on;
(4) the vehicle is equipped with a bicycle safety flag meeting the requirements of Neb. Rev. Stat. § 60-6,356(3)(d);
(5) the operator has liability insurance for the vehicle and shall provide proof of such insurance to any peace officer requesting such proof within five (5) days of the request; and

(6) such use is limited solely to snow removal activities and does not constitute general authorization for roadway use.

Section ~~2~~3. That Section 71.72, subsection (E) contained within Chapter 71 of the Waverly Municipal Code be amended to read as follows:

(E) It shall be unlawful for any person to operate golf cart vehicles on the City streets or alleys:

(1) until the owner has demonstrated proof of insurance to the City and obtained a license plate for the current year. The City will issue a license plate and/or decal for the current year that must be affixed to the rear of the golf cart in a conspicuous place. The City will charge a fee of ~~twenty-five~~ forty dollars ($~~25~~40.00) for the issuance of the license certificate and plate. The certificate shall be an annual certificate from January 1 through December 31 of each year. The operator shall have until ~~January~~ April 3~~1~~0 of the following year to renew the certificate and plate for an annual fee of ~~ten~~ twenty dollars ($~~1~~20.00), provided that the sum of ten dollars ($10.00) shall be added to the license fees set forth in the foregoing schedule for each license obtained on or after May first (1st) or otherwise delinquent. ~~During the first year that a certificate is purchased the fee will be prorated from the month that the certificate is obtained through December at one ($1.00) dollar per month and a thirteen ($13.00) dollar administrative fee. Any certificate purchased by a person for the same all-terrain, utility- type, or mini truck vehicles in a subsequent year shall not be prorated.~~ The fee for any replacement plate shall be fifteen ($15.00) dollars.

Section ~~3~~4. That any ordinance in conflict with this ordinance is hereby repealed.

Section ~~4~~5. This ordinance shall be in full force and take effect 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)

NEBRASKA
Good Life. Great Journey.
DEPARTMENT OF TRANSPORTATION

AGREEMENT RENEWAL

Maintenance Agreement No. 127
Maintenance Agreement between the Nebraska Department of Transportation and the Municipality of Waverly
Municipal Extensions in Waverly

We hereby agree that Maintenance Agreement No. 127 described above be renewed for the period January 1, 2026 to December 31, 2026.

All terms and attachments to remain in effect as per the original agreement with revised rates per Attachment B attached hereto.

In witness whereof, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this _____ day of _____, 202 .

ATTEST: City of Waverly

_____ _____

City Clerk/Witness *Mayor/Designee*

Executed by the State this _____ day of _____, 202 .

ATTEST: State of Nebraska

_____

District Engineer, Department of Transportation

NDOT Form 507, August 17

NEBRASKA
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DEPARTMENT OF TRANSPORTATION

Attachment "A"

MAINTENANCE OPERATION AND RESPONSIBILITY
Municipal extensions and connecting links
(Streets Designated Part of the State Highway System excluding Freeways)

Maintenance Responsibility
Neb. Rev. Stat. § 39-2105

Maintenance Operation Neb. Rev. Stat. § 39-1339	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1st Class Cities	2nd Class Cities & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Department	Department	Department
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City
Surface maintenance on parking lanes.	City	City	City	Department
Maintenance of roadway appurtenances *(including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)*	City	City	City	City or Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City or Village
Bridges from abutment to abutment, except appurtenances.	Department	Department	Department	Department

Maintenance Responsibility
Neb. Rev. Stat. § 60-6, 120 & § 60-6, 121

Maintenance Operation Neb. Rev. Stat. § 39-1339	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1st Class Cities > 40,000	1st Class Cities < 40,000	2nd Class Cities
Pavement markings limited to lane lines, centerline, No passing lines, and edge lines on all connecting links except state maintained freeways	City	City	City	Department	Department
Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City
Maintenance and associated power costs of traffic signals and roadway lighting as referred to in original project agreement.					
Procurement, installation and maintenance of guide and route marker signs	City	City	City	Department	Department
Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Department	Department

NEBRASKA
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DEPARTMENT OF TRANSPORTATION

City Maintenance Agreement

Attachment B

City of: Waverly

Date: 11/14/25

☐ Surface Maintenance

From Attachment "C", it is determined that the City's responsibility for surface maintenance within the City limits is lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the City agrees to pay to the City the sum of $ per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the City for surface maintenance:

lane miles x $ per lane mile = $.

☒ Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of $1,430.00 per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:

5.42 lane miles x $1,430.00 per lane mile = $7,750.60

☐ Other *(Explain)*

ATTACHMENT "C"

CITY OF WAVERLY

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION

RESPONSIBILITY FOR SURFACE MAINTENANCE
OF MUNICIPAL EXTENSIONS

NEBRASKA REVISED STATUTE 39-1339
AND NEBRASKA REVISED STATUE 39-2105

Description	Hwy No.	Beginning R.P.	End R.P.	Length (MI)	Driving Lanes Total	Lane Miles Total	State	City
Jct I-80 & 6 Off Ramp to East City Limits	6	323.74	326.45	2.71	2	5.42	5.42	0
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
Total Lane Miles				**2.71**		**5.42**	**5.42**	**0**

NEBRASKA
Good Life. Great Journey.
DEPARTMENT OF TRANSPORTATION

CERTIFICATE OF COMPLIANCE

Maintenance Agreement No. 127 QE 2122 Supp 3
Maintenance Agreement between the Nebraska Department of Transportation and the Municipality of Waverly
Municipal Extensions in Waverly

We hereby certify that all roadway snow removal has been accomplished as per terms of the Maintenance Agreement specified above.

As per Section 8d of the Agreement, we are submitting this certificate to District Engineer Brandon Varilek, Department of Transportation, Lincoln, Nebraska.

ATTEST: _____ day of _____, 202 .

_____ _____

City Clerk *Mayor/Designee*

I hereby certify that all roadway snow removal was performed as per the above listed agreement and payment for the same should be made.

_____

District Engineer, Department of Transportation

For Office Use Only

Agreement No.: _____

Pay/Bill Code: _____

Contractor No.: _____

Amount: $ _____

NEBRASKA

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DEPARTMENT OF TRANSPORTATION

City Maintenance Agreement

Attachment B

City of: Waverly

Date: 11/18/24

☐ Surface Maintenance

From Attachment "C", it is determined that the City's responsibility for surface maintenance within the City limits is lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the City agrees to pay to the City the sum of $ per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the City for surface maintenance:

lane miles x $ per lane mile = $.

☒ Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of $1,430.00 per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:

5.42 lane miles x $1,430.00 per lane mile = $7,750.60

☐ Other *(Explain)*

ATTACHMENT "C"
CITY OF WAVERLY

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION

RESPONSIBILITY FOR SURFACE MAINTENANCE OF MUNICIPAL EXTENSIONS

NEBRASKA REVISED STATUTE 39-1339 AND NEBRASKA REVISED STATUE 39-2105

Description	Hwy No.	Beginning R.P.	End R.P.	Length (MI)	Driving Lanes Total	Lane Miles Total	State	City
Jct I-80 & 6 Off Ramp to East City Limits	6	323.74	326.45	2.71	2	5.42	5.42	0
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
Total Lane Miles				**2.71**		**5.42**	**5.42**	**0**

Special Permit Application for Waverly Resilient Power Project

November 5, 2025

VIA HAND DELIVERY

Lincoln-Lancaster County Planning Department 11/5/2025
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508
plan@lincoln.ne.gov

Dear Lincoln-Lancaster Planning Department,

SP Resilient Power 10, LLC ("Applicant") respectfully submits this application for a Special Permit for the Waverly Resilient Power Project ("Project"). The Project is a proposed battery energy storage system ("BESS") in Lancaster County, Nebraska. Applicant is held under partnership with Sofos and our financial sponsors.

Founded in 2004, Sofos began as a residential and industrial solar developer. In over 20 years, we've expanded to over 10 countries, growing our expertise and global presence. We have had presence in the United States market since 2017. We now continue with the development of utility-scale BESS in the ERCOT and SPP markets. Backed by a $250,000,000 investment fund, our team includes professionals in transmission, siting, real estate, permitting, finance, and engineering who collectively have led the development of thousands of megawatts of renewable energy generation and storage capacity. This depth of experience enables Sofos to ensure responsible project siting, strong stakeholder engagement, and compliance with applicable regulations.

Sofos has a successful track record of selecting reputable technology partners who provide reliable equipment ensuring the Project uses proven, safe, and reliable technologies that are compatible with site conditions, while supporting schedule certainty and long-term, performance.

A complete Project narrative and accompanying exhibits, prepared in accordance with Zoning Ordinance of the City of Lincoln ("Ordinance"), are included with this application.

The Project is designed to support local and regional grid reliability, improve energy efficiency, and enhance system resiliency. As a dispatchable resource, the BESS will store energy during periods of low demand and release it when demand is higher, helping to balance the grid and reduce stress on existing infrastructure. The Project will have minimal environmental impact and is expected to generate meaningful long-term tax revenue for the community.

Applicant is committed to meeting or exceeding all applicable standards and permitting requirements. We appreciate the Planning Commission's consideration of this application and look forward to working collaboratively to advance a safe, compliant and beneficial energy project for the community.

Thank you for your consideration.

Sincerely,

Juan Mayoral
CEO, Sofos Power

PROJECT:
Waverly Resilient Power Project

APPLICANT:
SP Resilient Power 10, LLC

Project Narrative and Exhibits

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1.0 Project Narrative

Applicant respectfully requests a Special Permit, pursuant to Section 27.63.840 of the Ordinance[1], for the construction and operation of a 170 MW_{AC} BESS as Section 27.02.030 B. defines. The Project Site (defined below) is in the Agriculture "AG" zoning district in the City of Lincoln's extraterritorial zoning jurisdiction (PIN: 2420300001000).

Applicant will construct the Project solely on the land of voluntarily participating landowners. Applicant has acquired the necessary property rights as evidenced by that certain Memorandum of Real Estate Option, Purchase and Sale Agreement dated April 17, 2025, and recorded May 12, 2025, at Instrument No. 2025014372 at the Lancaster County Register of Deeds. The overall Project Site (defined below) will encompass approximately 41 acres with approximately 28 buildable acres containing Project improvements.

The Project will consist of BESS enclosures, batteries, safety monitoring equipment, access driveways, stormwater measures, and associated electrical infrastructure for energy storage, conversion, monitoring and interconnection. The Project will comply with all applicable safety standards, including, but not limited to, National Fire Protection Association (NFPA), International Fire Code (IFC) and Underwriters Laboratories (UL) certifications and standards. Applicant will collaborate with local fire districts as set forth in Section 3.6 of this application below.

The Project will be immediately adjacent to and directly associated with the existing Lincoln Electric System ("LES") transmission lines near the intersection of N 120th Street and Highway 6 / Alternate Interstate 80. The Project will interconnect to the LES transmission system using existing transmission infrastructure, a new substation, and utility easements and will connect to the Waverly-Alvo 115 kV line, a suitable interconnection point. Applicant has discussed the Project with LES and will enter into Generator Interconnection Agreements with the Southwest Power Pool ("SPP") and LES.

The Project will maintain a low visual profile and quiet operations. To mitigate aesthetic impacts, Applicant will use the natural topography of the area and vegetative screening. The Project will be harmonious with surrounding agricultural land uses. During operation, the Project will use minimal water and produce no emissions. The Project will meet all site and design standards in the Ordinance, including visual screening requirements, setbacks, height limits and sound limits. No waivers are requested.

The BESS will store energy during periods of low demand and discharge energy during periods of high demand or grid stress, supporting system reliability, resiliency and operational flexibility. By providing this flexibility, the Project will:

- Enhance electric grid stability and reliability;
- Support integration of renewable energy resources;
- Reduce the need for peaking generation facilities;
- Improve power quality and frequency regulation capability; and
- Potentially defer costly transmission or distribution upgrades.

[1] All references are to the Zoning Ordinance of the City of Lincoln, unless otherwise stated.

The Project is consistent with the Lincoln-Lancaster County 2050 Comprehensive Plan and the Lincoln Climate Action Plan which support responsible infrastructure development, grid reliability and the use of innovative energy technologies. Specifically, the Project would increase energy efficiency, reduce emissions, conserve water and increase sustainability of energy resources. The Project shares these objectives with Goal 2 (Complete Neighborhoods), Goal 7 (Environmental Stewardship and Sustainability), Goal 11 (Rural Environment), Element 7 (Community Facilities), Element 8 (Energy and Utilities), Policy 48 (Renewable Energy), Policy 49 (Conservation of Energy) and Policy 59 (Electric Utility) of the Lincoln-Lancaster County 2050 Comprehensive Plan.

The Project aligns with the SPP Strategic Plan (2022–2026) which identifies battery energy storage as a priority technology to integrate renewable energy generation and support system flexibility. The Project also aligns with Omaha Public Power District (OPPD), NPPD and LES evaluations which include battery energy storage for peak shaving and load balancing.

Additionally, the Project is consistent with Nebraska Power Review Board Guidance Document 14 in which the agency determined it has jurisdiction and authority to authorize BESS facilities subject to agency approval or statutory exemption requirements. Applicant will obtain all required Nebraska Power Review Board approvals before commencing Project construction.

Community feedback is an important component in the development and design process. Applicant has actively engaged with community officials and will continue to engage the community throughout the permitting process. In addition, Applicant will conduct individual outreach to adjacent residences and neighbors to share information and answer any questions about the Project. Applicant will also conduct an open house community meeting on November 20.

Applicant respectfully requests that the Planning Commission approve the Project as proposed. Applicant looks forward to working collaboratively with the Planning Commission to develop any necessary conditions of approval.

2.0 Economic Benefits

Direct Revenue to the Community

Applicant will invest an estimated $200,000,000 in Project improvements and equipment, generating over $20,600,000 in estimated tax revenue over an estimated 20-year operational life. Approximately $4,000,000 of this new tax revenue would go to local public schools, subject to local levy.[2]

Other local taxing entities would also benefit, including Lancaster County, local fire districts, agricultural societies, natural resource districts, libraries, community colleges and educational service units. The Project will provide this direct revenue to the local community in addition to other economic benefits.

The benefits of this additional revenue are amplified by the lack of public costs or services needed to support the Project. The Project provides this additional revenue without a corresponding draw on public services or infrastructure such as schools, emergency services, water, sewer, or roads. A typical investment of this nature would extract hundreds of acres otherwise useable for agriculture, industry, or green space, whereas the Project will only occupy an approximately 28-acre area.

Moreover, the Nebraska Legislature could prospectively subject battery energy storage to the Nebraska Nameplate Capacity Tax under Neb. Rev. Stat. § 77-6203. In such case, the Project would generate even more revenue for the aforementioned taxing entities.

Other Regional Economic Benefits

In addition to direct revenue, the Project will also provide a surge in economic activity during construction including localized job creation and spending on local lodging, goods and services. From grading contractors to fence installers and electricians to construction laborers, the Project will provide significant job creation during construction with an estimated 20 to 30 people at a time working on site during peak construction. The direct economic benefit of job creation is paired with the indirect, induced economic benefit of laborers eating, shopping, and sleeping at local hotels and restaurants.

The Project will also stabilize and place downward pressure on regional electricity prices while bolstering grid resilience by storing and supplying power locally and decreasing the burden of energy on Nebraska's existing electrical grid and need for costly upgrades.

[2] Revenue projections and economic benefits are estimates based on Project parameters at the time of this application and are subject to adjustments resulting from changes in Project design, build cost, tax rates or other factors.

3.0 Applicable Ordinances; Required Submittals

Applicant has reviewed Section 27.63.840 and all other applicable sections of the Ordinance. The Project, as set forth in this application, complies with the Ordinance in all respects. Applicant provides the following to demonstrate the Project meets or exceeds all application requirements and development standards:

3.1 Contacts.

Primary Contact:
David C. Levy
Baird Holm LLP
1700 Farnam Street, Suite 1500
Omaha, Nebraska 68102
(402) 636-8310
dlevy@bairdholm.com

Secondary Contact:
Juan Mayoral
Sofos Power, LLC
426 Edgewood Place
Homewood, Alabama 35209
(305) 469-4118
jmayoral@sofospower.com

3.2 Application Form, Landowner Authorization, and Application Fee. § 27.63.010. **Exhibit 1** is a copy of the completed Planning Department Application Request Form and a Designation of Agent and Consent to File Special Permit Application, Supporting Permitting Applications and Related Documents from the underlying landowner (collectively, the "Application Form"), including the legal description of the Project Site (defined below) and a copy of the check evidencing payment of the $1,176 Special Permit application fee. As the Application Form requires, Applicant will also submit the Site Plan (defined below) and all other exhibits via electronic delivery.

3.3 Cover Letter. The Project Narrative in Section 1 of this application above states the purpose for the application and includes all relevant information concerning the reason for the request. There are no other associated applications or projects pending at this time.

3.4 Site Plan. § 27.63.010. **Exhibit 2** is the "Site Plan" for the proposed location of the Project ("Project Site"). The Site Plan is to scale and shows all pertinent information to demonstrate the Project meets all site and development standards under the Ordinance.

The Project Site is west of and adjacent to the City of Waverly, north of Highway 6, on North 120th Street. The underlying property is currently used for agriculture and is predominately covered by flood plain (the Project Site excludes the flood plain). The parcel is abutted on three sides (north, west, east) by agricultural uses predominantly in the 100 and 500-year flood plain. To the south, the parcel boundary is lined by mature vegetation, followed by the railroad, Highway 6 / Alternate Interstate 80 and light industrial uses.

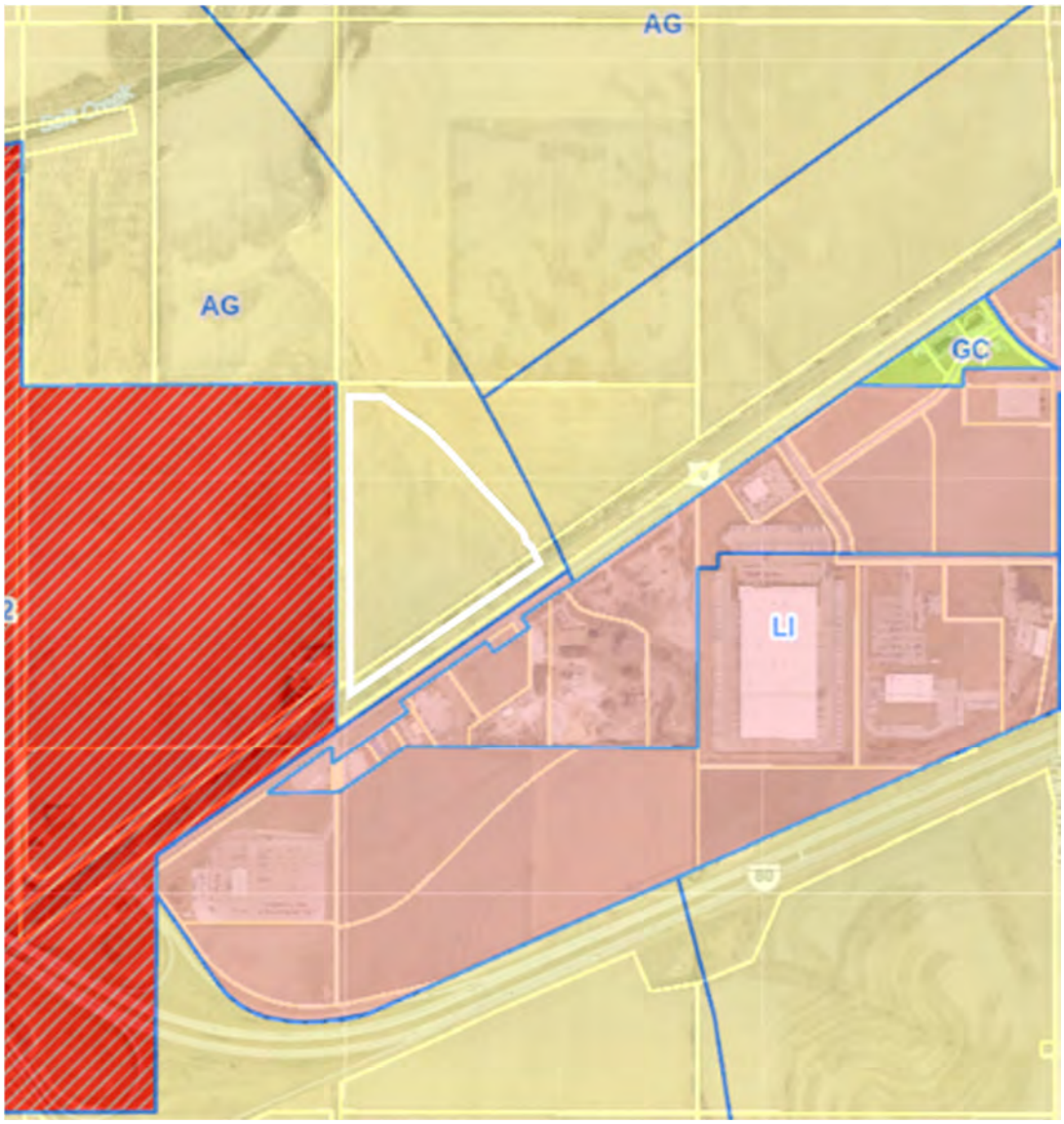
Applicant selected the Project Site primarily due to its proximity to the three transmission lines (115kV and 345kV) which border the property on the north and traverse the property on both its south and west boundaries.

Applicant evaluated multiple potential locations near the point of interconnection. Alternative sites were considered based on proximity to existing transmission infrastructure, land availability, topography, environmental constraints, zoning and landowner interest.

For further details regarding the Project Site, please see Figures 3.1 and 3.2 below.

Figure 3.1

Parcel Location and abutting parcels.



Project Property outline shown in white.

Parcel ID: 2420300001000

Legal Description: All of that certain parcel described as S20, T11, R8, 6th Principal Meridian, LOT 5 SW in Lancaster County, Nebraska, lying westerly of the creek roughly bisecting the parcel from northwest to southeast and comprising approximately 41 acres.

School District: 55-0145 Waverly

Owner: Brownie Family Farms, Inc

Current Zoning: AG

Existing Land Use: Railroad, Agricultural Production: Crops/Tree Farms

Figure 3.2
Project Outline and abutting parcels.

Project Property outline shown in red. Project Site outline shown in white.

Project Property Area: +/- 41 acres.
Project Site Area: +/- 28 acres
BESS Equipment Area: +/- 10 acres

3.5 Site Control Documentation. **Exhibit 3** is that certain Memorandum of Real Estate Option, Purchase and Sale Agreement dated April 17, 2025, and recorded May 12, 2025, at Instrument No. 2025014372 at the Lancaster County Register of Deeds. The document bears the signature of the underlying landowner and authorizes Applicant to pursue a Special Permit on their behalf.

3.6 Emergency Action Plan; Fire Safety. § 27.63.840(iv). **Exhibit 4** is a draft Emergency Action Plan ("EAP"). The EAP includes:

- 24-hour contact information;
- Access to lock boxes;
- Shut off locations and circulation patterns;
- Emergency notification procedures;
- Site evacuation plans;
- Fire prevention and suppression procedures; and
- Coordination protocols with first responders.

Fire safety design measures will include:

- Fire extinguishers in strategic locations throughout the Project Site;
- Adequate access throughout the site for fire and rescue vehicles;
- Vegetation management to maintain safe clearances and reduce fuel sources;
- Electrical equipment certified to meet UL and IEC standards;
- BESS designed and installed in full compliance with:
    - National Fire Protection Association (NFPA) 855;
    - International Fire Code (IFC);
    - UL 9540 certification and UL 9540A testing standards; and
    - Local fire code amendments as applicable.

BESS units will include:

- Thermal management systems;
- Smoke and fire detection systems;
- Integrated fire suppression systems;
- Seismic protection measures; and
- Clear signage identifying hazards and emergency procedures.

The EAP will be finalized with input and approval by the Lincoln Bureau of Fire Prevention and Waverly Rural Fire District before Project construction. Emergency access will be incorporated into Project design in coordination with fire officials.

3.7 Equipment Specifications; Battery Chiller System Information. § 27.63.840(v). **Exhibit 5** contains Project equipment specifications, including safety data sheet information for the Project's battery chiller system. Applicant will provide the same to the Lincoln-Lancaster County Health Department. Preliminary design is based on Hithium Energy Storage Technology USA's 6.25 MWh 4h liquid-cooled energy storage system. Final equipment selection and procurement will be made prior to construction financing, and all components will meet applicable safety standards, including UL 9540 (energy storage systems) and UL 9540A (thermal runaway fire propagation testing).

4.0 Additional Submittals and Standards

In addition to the required application materials, Applicant provides the following submittals to aid the City in its review of this application. These voluntary submittals exceed the requirements under the Ordinance:

4.1 Acoustical Analysis. § 8.24.090. **Exhibit 6** is an acoustical analysis for the Project Site and surrounding area from consultant Designed Acoustics evidencing compliance with the Noise Control Ordinance of the City of Lincoln.

4.2 Viewshed Analysis. **Exhibit 7** is a viewshed analysis showing simulations of how the Project will look from key vantage points around the Project Site. Applicant offers this to help ease any concerns about the visual appearance of the Project.

4.3 Decommissioning Plan. **Exhibit 8** is a draft Decommissioning Plan for the Project outlining the means, procedures and costs to remove the Project at the end of its operational life and to restore the underlying property. The Decommissioning Plan contains financial assurances to ensure funds are available to decommission the Project.

BESS typically have an operational life of 20–25 years, depending on usage and maintenance. Battery modules will degrade over time and will be periodically replaced to maintain capacity. Applicant may conduct routine augmentations from time to time rather than full system replacement.

Recycling of battery components has become a growing industry, and retired modules will be sent to qualified recycling facilities.

4.4 Road Use and Maintenance Agreement. Before commencing Project construction, Applicant will enter into a Road Use and Maintenance Agreement with the City governing Applicant's use and maintenance of public roads.

5.0 Project Design, Development, and Construction

5.1 Project Design. Project design is currently preliminary and subject to refinement during final engineering. Applicant will comply with all site and design standards under the Ordinance.

Project components will include:

- Battery energy storage enclosures or containers;
- Batteries;
- Power conversion systems (inverters);
- Medium-voltage transformers;
- Electrical cable collection systems (above and/or below ground);
- Control and monitoring equipment;
- Internal access roads and maintenance areas;
- Perimeter fencing and security features; and
- Ancillary buildings or equipment, as needed.

The Project will be sited on predominantly flat or gently sloping terrain, minimizing the need for earthwork. All Project activities, including staging, laydown, parking and construction will occur within the Project Site and associated easements.

Final engineering will determine exact equipment locations, access routes, parking areas and staging zones. All required permits will be obtained prior to construction. All Project structures will meet applicable dimensional standards, including setbacks from property lines and public rights-of-way.

Buffers and screening will be used as required to minimize visual impacts. Materials, colors, and vegetation will be selected to blend with the existing landscape and maintain compatibility with surrounding land uses.

5.2 Utility-Owned Point of Interconnection ("POI") Substation. Applicant expects the interconnecting utility to construct a new POI substation which will be owned and operated by said utility. The POI substation will be installed adjacent to the existing transmission line or other utility infrastructure.

The Project will include a dedicated collector substation (if required), and the utility will own and operate the POI substation that receives power from the BESS facility. The POI substation will have:

- A separate perimeter fence;
- Independent access control; and
- Utility-owned and maintained equipment.

5.3 Project Development and Construction Timeline. The overall Project development timeline depends on utility and off-taker needs, interconnection milestones and financing. Key milestones include:

- Completion of permitting and approvals;
- Execution of power purchase agreements or equivalent contracts;
- Interconnection agreements;
- Final engineering and detailed site plan approval; and
- Construction financing.

Construction is expected to occur over an approximate 6 to 12-month period. As of the application date, the earliest anticipated commercial operation date is 2028 or 2029. To meet this schedule, construction could begin as early or as late as 2027 or 2028.

The Project schedule, including construction phases and sequencing, will be refined as development progresses. Applicant will communicate updates to the City upon request. A final detailed construction schedule will be provided prior to commencing Project construction.

5.4 Project Construction Methodology. Subcontractors and vendors for Project construction will be selected based on qualifications, safety record and experience with BESS facilities. Applicant will obtain all required building permits prior to Project construction. Typical construction steps include:

Site Preparation:

- Removal of surface vegetation as needed, using best practices to minimize dust;
- Limited grading to level equipment areas and install foundations; and
- Grubbing and grading for internal access roads and perimeter fencing.

Access Roads:

- Construction or improvement of internal access roads to allow movement of construction vehicles, delivery trucks, and emergency responders; and
- Road surfaces will be compacted and maintained to control dust and ensure safe travel.

Foundations:

- Depending on final design, BESS units will be installed on concrete pads or compacted, graded aggregate foundations; and
- Foundations will be designed to meet geotechnical conditions and structural requirements.

Electrical System Installation:

- Installation of underground and/or above-ground cables connecting BESS enclosures to inverters and transformers; and
- Trenching operations will follow best practices and applicable local, state, and federal standards for burial depth and backfill.

Equipment Deployment:

- Delivery and placement of BESS containers and power conversion equipment;
- Integration of HVAC systems for thermal management; and
- Installation of monitoring and control systems (SCADA).

Testing and Commissioning:

- Equipment calibration, electrical testing, and operational validation; and
- Troubleshooting and performance verification prior to energization.

Upon completion of successful testing, the Project will be energized in coordination with the interconnecting utility.

5.5 Site Access. Construction and operation of the Project will require adequate access points for delivery trucks, construction vehicles, emergency responders and maintenance personnel. Current plans anticipate use of existing public roads near the Project Site, with improvements as needed.

Optimal access to the property is from North 120th Street, which runs parallel to the western boundary of the property. It is anticipated that this road would require improvement to the local standard through the access driveway to the Project Site.

Access road requirements:

- Constructed or improved to meet local, state, and federal standards;
- Designed to accommodate heavy truck traffic during construction; and
- All necessary transportation/approach permits will be obtained before construction.

Internal roads:

- A perimeter road will provide access for operations, maintenance, fire and security personnel;
- "Knox-Box" (or similar) rapid entry systems will be installed at locked gates to ensure emergency access;
- Internal roads will be graded and compacted to control dust and support safe travel; and
- Additional access points may be included to meet fire and safety requirements.

Prior to Project construction, Applicant will provide a detailed site access plan showing access routes, construction parking, long-term parking and emergency access points. All fire and safety access will comply with applicable regulations.

6.0 Project Operations

Similar to the operations of substations or many other forms of energy infrastructure, once installed, the Project will operate continuously under remote monitoring and little activity will be present on site in the normal course of operations.

Hours of operation:

- The Project will be capable of discharging energy 24 hours per day, 7 days per week, as determined by grid needs;
- Routine maintenance staff will typically be on site during normal working hours (e.g., 7:00 a.m. to 8:00 p.m.), however, maintenance may occur outside these hours if necessary; and
- The facility will not require full-time on-site staff. Periodic maintenance will typically be performed by 2–4 personnel.

Employee skills may include:

- General labor;
- Journeyman or licensed electricians; and
- Skilled technicians with expertise in battery systems, power electronics, and data systems.

Remote monitoring and control systems will allow the facility to be operated safely and efficiently without constant on-site presence.

To utilize specialized, qualified contractors for ongoing operations, the Project may enter into an agreement with either an operations and maintenance ("O&M") service provider or may enter into an agreement with a qualified engineering, procurement, and construction contractor that also provides long-term O&M services. Alternatively, the Applicant may operate and maintain the facility directly or through a combination of qualified contractors.

7.0 Safety

The Project and its associated equipment do not pose significant public safety risks. The Project is designed to operate at safe voltage and power levels. Electrical equipment will be located within secured areas.

Key safety measures include:

- Fencing: All high-voltage or restricted areas will be enclosed by a continuous barrier extending to at least 6 feet in height.
- Access control: Locked gates using Knox-Box or similar systems to allow emergency responder entry.
- Compliance with safety codes: National Electrical Safety Code (NESC), Occupational Safety and Health Administration (OSHA) standards, and all other applicable federal, state, and local requirements.
- Signage: Clear identification and warning signs on or near equipment.
- Hazard mitigation: Barricading, covering, or flagging of potentially hazardous areas and equipment.
- Worksite safety practices: Tools and equipment will be secured daily to prevent hazards and vandalism.

During construction:

- Traffic safety signage (e.g., "Caution: Heavy Truck Traffic") will be placed along affected roads.
- Contractors will follow standard safety procedures and best practices.

A comprehensive health and safety plan will be implemented for both construction and operations, and safety data sheet information will be submitted to the Health Department for the battery chiller systems complying with local requirements.

8.0 Impact Control Measures for Sound, Odors, and Air Quality

8.1 Construction Phase. Construction activities will comply with applicable noise ordinances. Typical construction equipment includes excavation machinery, delivery trucks, crane or lift equipment and worker vehicles.

Mitigation measures:

- Limit construction to permitted hours;
- Maintain all equipment in proper working order to reduce noise and emissions;
- Coordinate truck deliveries to minimize disruptions;
- Centralize on-site traffic routes;
- Apply water or other dust control measures on roads and disturbed soils; and
- Comply with local, state, and federal emissions standards.

8.2 Operations Phase. The Project will have no emissions during operation and will not create odors. As an electrical facility, it does not involve combustion, fuel storage or other activities that produce odor or degrade air quality.

During operation, the Project will generate low-level sound from inverters, transformers and HVAC systems, typically perceived at the Project Site fence as a faint hum. However, due to equipment design and setback distances, operational sound levels will remain within applicable noise limits and will not adversely affect neighboring properties or sensitive receptors.

Applicant commissioned an acoustical analysis for the Project Site and surrounding area, from consultant Designed Acoustics, to determine compliance with applicable noise regulations at all property boundaries. The resulting report predicted sound levels of 40 dBA at the nearest property line and predicted no adverse acoustic impacts on nearby properties. The Project is expected to be inaudible and compliant under all normal operating conditions. Please see **Exhibit 6** for the full acoustical analysis report.

There are no noise sensitive zones (as defined by Section 8.24.050) abutting or in the near vicinity (0.5 mile) of the Project.

9.0 Environmental

The Project complies with commonly accepted management practices for avian, wildlife and environmental protection. Initial environmental assessments indicate the Project Site is suitable for development of a BESS facility.

Applicant is committed to responsible environmental stewardship and will work with qualified environmental consultants and regulatory agencies throughout development. Applicant has successfully permitted and constructed similar BESS facilities and is experienced in managing environmental compliance.

9.1 Wetlands.
A jurisdictional determination with field delineation was performed by Shoal Creek Environmental in accordance with the guidelines established in the Field Guide for Wetland Delineation, 1987 Corps of Engineers Manual (Manual), and, the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region on September 30, 2025, and determined that the Project Site does not contain any features that are classified as Waters of the U.S. and under the jurisdiction of the USACE. See Wetlands Delineation Report (**Exhibit 9**) and Site Plan (**Exhibit 2**).

9.2 Flood Plains
One unnamed intermittent tributary transects the Project parcel from southeast to northwest, draining the watershed from southern areas including croplands and light industrial uses. FEMA Flood Zones AE and X correlate with these streams. The Project is setback from and avoids all flood plains, both AE and X. See Site Plan (**Exhibit 2**).

9.3 Stormwater. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented during construction to manage erosion, sedimentation and runoff. Contractors will be trained in spill prevention and response, and post-construction monitoring or mitigation will be implemented if required by regulatory agencies. Ample acreage on the Site Plan is retained for these measures.

9.4 Threatened & Endangered Species.
The majority of the Project parcel is currently active agricultural field (corn) with wooded and scrub vegetated areas along the unnamed tributary. No threatened or endangered species are expected to be impacted by the construction or operation of the Project. A Biological Habitat Assessment will be performed and a Letter of Non-Objection / Concurrence issued by the United States Fish and Wildlife Service and Nebraska Game and Parks Commission prior to commencing Project construction.

Exhibit 1

Application Form; Landowner Authorization

CITY OF LINCOLN

Planning Department Application Request Form

Planning Department / 555 S 10th St, Ste 213 / Lincoln, NE 68508
Phone 402-441-7491 / Fax 402-441-6377
plan@lincoln.ne.gov

Date 11/05/2025

Application Type	Subtype	Category	Office Use Only: File #	Office Use Only: PC Final Action
Special Permit	Battery Energy Storage System	N/A		☐

Project Name: Waverly Resilient Power Project

Address/General Location: N 120th Street and Highway 6

Legal Description *(Attach legal if necessary.)*: S20, T11, R8, 6th Principal Meridian, LOT 5 SW (Please see Exhibit 3 for full legal description)

Parcel ID Number(s) (PID): 2420300001000

Number of Acres: 41 Number of lots being platted *(Not outlots)*: N/A App # Being Amended: N/A

THE FOLLOWING INFORMATION IS NECESSARY TO HAVE A COMPLETE APPLICATION:

1. **LETTER** stating purpose of application. This statement should include information concerning the reason for the request(s), any associated applications, projects or other information related to the application. This letter should include a list of waivers associated with an application and justifications for those waivers. If no waivers are requested state "no waivers are requested."
2. **FEE** (View Fee Schedule) Note: Make checks payable to the City of Lincoln.
3. **SITE PLAN** The site plan shall be submitted electronically using e-plan. (View instructions on eplan submittal)

NOTE: See **Forms & Fees** section of Planning Department website for checklists with specific requirements for each type of project.

*** This application may be returned as incomplete if all requested information is not provided.
*** The City reserves the right to ask for additional information to process this application.

Property Owner Name: Brownie Family Farms, Inc. Phone: (402) 430-0587
Address: 7610 S 33rd Street Email: jsnydr@gmail.com
City: Lincoln State: NE Zip: 68516

Contact Name: Juan Mayoral Phone: (305) 469-4118
Address: 426 Edgewood Place Email: jmayoral@sofospower.com
City: Homewood State: AL Zip: 35209

ProjectDox Contact: Lee E. Greenwald *ProjectDox Email*: lgreenwald@bairdholm.com

* Property Owner Signature:

*** NOTE: If application is for a special permit or a use permit and the contact is not the owner of the property, the property owner must sign the application or the contact must attach written permission of the owner authorizing the contact to sign on behalf of the owner. By signing this application request form or granting the contact permission to sign on the owner's behalf, the owner hereby grants all authorized city/county personnel to access the property for purposes of review of this application.*

DESIGNATION OF AGENT AND CONSENT TO FILE SPECIAL PERMIT APPLICATION, SUPPORTING PERMITTING APPLICATIONS AND RELATED DOCUMENTS

The undersigned legal owner(s) of record (whether one or more collectively, the "**Owner**") of the real property legally described below (the "**Property**") hereby confirms that as to the Property, Owner:

- Appoints SP Resilient Power 10, LLC, and its affiliates, successors and assigns, as Owner's authorized agent under all applicable regulations, including but not limited to the Zoning Ordinance of the City of Lincoln, Nebraska (the "**Ordinance**"), to file a special permit application under Section 27.63.840 of the Ordinance for a Battery Energy Storage System ("**BESS**") and to take such other actions necessary to obtain all permits and governmental approvals necessary to construct and operate a BESS on the Property.

- Consents to all such permits and governmental approvals necessary to construct and operate a BESS on the Property.

OWNER:

Brownie Family Farms, Inc., a Nebraska corporation

_____
James Earthwell, Vice President

Date: _____

Legal Description of Property:

Lot Five (5) of Irregular Tracts Located in the Southwest Quarter (SW1/4) of Section Twenty (20), Township Eleven (11) North, Range Eight (8) East of the 6th P.M., Lancaster County, Nebraska.

6894208.1

BH | BAIRD HOLM LLP
ATTORNEYS AT LAW
1700 Farnam Street
Suite 1500
Omaha, Nebraska 68102-2068

US Bank
Farnam at Seventeenth
27-2/1040 Omaha NE 68102 US
148701575901

Check No: 327415

DATE: 10/31/2025

PAY ONE THOUSAND ONE HUNDRED SEVENTY-SIX AND 00/100 DOLLARS ***

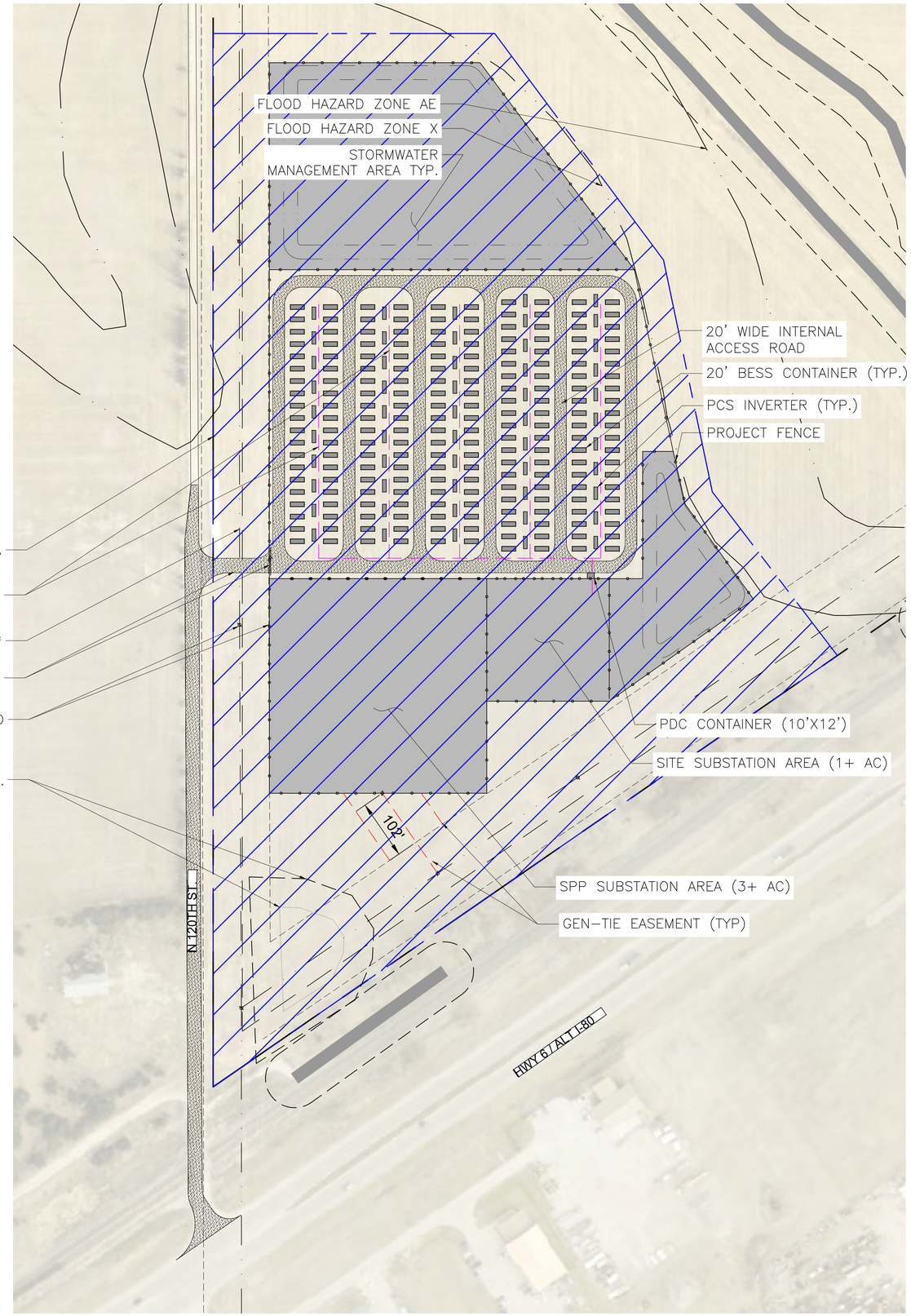
$ ***1,176.00***
Baird Holm LLP - Operating Account

TO THE ORDER OF
City of Lincoln
Planning Department
555 S. 10th St., Ste. 213
Lincoln, NE 68508

Void after 90 days

Exhibit 2

Site Plan



0' 100' 200' 300'
SCALE IN FEET
1" = 100'

PROJECT AREA

CONDUIT TRENCH LENGTH = 2,720 L.F
GEN-TIE EASEMENT LENGTH = 102'

BESS LAYOUT GUIDELINES:

21.3' X 6.5' PCS UNITS
24' X 8' BESS CONTAINERS
20' INTERNAL ROAD WIDTH
13.12' (4M) BETWEEN BESS CONTAINERS
13.12' (4M) BETWEEN CONTAINERS AND INVERTERS
10' MIN. BETWEEN EQUIPMENT AND INTERNAL ROADS
30' MIN. INTERNAL ROAD TURN RADIUS
25' MIN. SETBACK FROM PROPERTY LINES, OR PER CODE

SITE DATA TABLE:

OWNER: BROWNIE FAMILY FARMS INC.

LANCASTER COUNTY, NE

ZONING REVIEW:

PROPERTY IS ZONED AG, AGRICULTURE DISTRICT.

SURROUNDING PROPERTY ZONING:

NORTH AND EAST: AG, AGRICULTURE DISTRICT

WEST: I-2, INDUSTRIAL PARK

SOUTH: LI, CITY OF WAVERLY LIMITED INDUSTRIAL DISTRICT

BESS is an allowed use in the Zoning Ordinance of the City of Lincoln within the AG district by Special Permit. Site is within the City of Lincoln Extraterritorial District. Refer to the Zoning Ordinance of the City of Lincoln Section 27.63.840 for the Special Permit requirements.

*BUILDING SETBACKS AND DIMENSION REQUIREMENTS (additional setbacks and buffers may be required to obtain the Special Permit):

Min lot size = 20 ac, ave lot width 550', min, frontage 550'

FRONT 50'

REAR 100'

SIDE 60'

PROPERTY DESCRIPTION:

All of that certain parcel described as S20, T11, R8, 6th Principal Meridian, LOT 5 SW in Lancaster County, Nebraska, lying westerly of the creek roughly bisecting the parcel from northwest to southeast and comprising approximately 41 acres.

PROJECT AREA = 28.3 AC.

INCLUDES A 1 AC SITE SUBSTATION AREA AND A 3 AC SPP SUBSTATION AREA

WETLANDS AND STREAMS SHOWN ARE APPROXIMATE AND ARE SCALED FROM THE NATIONAL WETLAND INVENTORY MAP. A JURISDICTIONAL DETERMINATION IS NEEDED TO DETERMINE THE ACTUAL WETLAND BOUNDARY

TRANSMISSION LINE INFORMATION IS SCALED FROM AERIAL PHOTOGRAPHY

FLOOD ZONE AE AND FLOOD ZONE X ARE SCALED SCALED FROM FLOOD PLAIN PER FEMA PANEL 31109C0218G EFF 4/16/2013. IT IS ANTICIPATED THAT PROJECT IMPROVEMENTS WILL AVOID IMPACTS TO FLOOD ZONE A

PROPOSED DEVELOPMENT:

170 MWac
206 BESS CONTAINERS
52 PCS

sofos power

REVISION:	DATE:
ISSUED FOR REVIEW	9-20-24
ADDED CONDUIT TRENCH AND GEN-TIE LENGTHS	10-11-24
GEN TIE LINE TAP AND SUBSTATIONS	7-22-25
DATA TABLE AND ROAD LABEL EDITS	11-3-25

AML DEVELOPMENT SERVICES & ENGINEERING
P.O. BOX 43881 VESTAVIA, AL 35243
205-329-3934, AMLENG.COM

CONCEPT SITE PLAN

WAVERLY RESILIENT POWER
PARCEL ID 24-20-300-001-000
LANCASTER COUNTY, NE

SOFOS POWER

CONCEPTUAL NOT FOR CONSTRUCTION

PROJECT NO: SOFO-SPP01
DATE: 9-20-24
DWG. NO. - REV.

C1-R3

Exhibit 3

Site Control Documentation

Inst # 2025014372 Mon May 12 10:26:32 CDT 2025
Filing Fee: $34.00 cporac
Lancaster County, NE Assessor/Register of Deeds Office MEOPPU
Pages: 5

This instrument prepared by and after recording return to:

_____

_____

STATE OF NEBRASKA

COUNTY OF LANCASTER

MEMORANDUM OF REAL ESTATE OPTION, PURCHASE AND SALE AGREEMENT

THIS MEMORANDUM OF REAL ESTATE OPTION, PURCHASE AND SALE AGREEMENT (this "**Memorandum**") is made and entered into as of this 17th day of April, 2025, by and between **Brownie Family Farms, Inc.**, a Nebraska corporation ("**Seller**"), having an address of 7610 S 33rd St, Lincoln, NE 68516-4808 and **SP Resilient Power 10, LLC** ("**Buyer**"), having an address of 38 Keyes Avenue, Suite 101, San Francisco, CA 94129.

WITNESSETH:

1. Effective as of November 15, 2024, Seller and Buyer entered into that certain Real Estate Option, Purchase and Sale Agreement (the "**Agreement**"), pursuant to which Seller has granted Buyer the exclusive right and option to purchase certain Property described more particularly in the Agreement, consisting in whole or in part of the Land more particularly described on Exhibit A attached hereto and incorporated herein by reference. Capitalized terms not otherwise defined herein shall have the meanings ascribed thereto in the Agreement.

2. Buyer has an initial period of 365 days within which to determine, in Buyer's sole and absolute discretion, whether to purchase the Property. Such period may be extended by Buyer, in Buyer's sole and absolute discretion, 3 times for 365 days each time, as more particularly set forth in the Agreement. In the event Buyer elects to purchase the Property, Closing shall occur on or before the date that is thirty (30) days after the expiration of the Due Diligence Period (the "Closing Date") and shall proceed as more particularly described in the Agreement.

3. The Agreement grants the following restriction:

> *"**No Other Contracts**. Seller has not entered into any other contract or agreement with any party other than Buyer with respect to the purchase and sale of the Property or any part thereof and shall not, during the term of this Agreement, enter into any such contract or agreement without Buyer's prior written consent. There are no liabilities which encumber the Property and no agreements or commitments relating to the Property that will survive Closing or be binding upon Buyer, other than the Permitted Exceptions."*

4. The purpose of this Memorandum is to give record notice of the Agreement and of the rights created thereby. The terms and conditions of the Agreement are hereby incorporated herein by reference as if fully set forth herein. If any term or condition of this Memorandum shall conflict with any term or condition of the Agreement, the terms and conditions of the Agreement shall control. Counterpart originals may be

assembled in order to make one complete copy of this Memorandum and all such counterpart originals, when taken together, shall comprise but one and the same instrument. Any capitalized term used but not defined herein shall have the meaning ascribed such term in the Agreement.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the undersigned have duly executed these presents as of the day and year first above written.

BUYER:

SP Resilient Power 10, LLC

By: _____

Name: JUAN MAYORAL

Title: AUTHORIZED PERSON

STATE OF ~~NEBRASKA~~ Alabama)
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 17th day of April, 2025 by Juan Mayoral, Authorized person of **SP Resilient Power 10, LLC**, a Delaware limited liability company, on behalf of the limited liability company.

EVELYN MONROY RAMIREZ
NOTARY PUBLIC
State of Alabama - State at Large
My Commission Expires July 22, 2025

_____
Title: Notary Public, State of Alabama
Serial No (if any): _____

EVELYN MONROY RAMIREZ NOTARY PUBLIC ALABAMA STATE AT LARGE

SELLER:

Brownie ~~Family~~ Farms, Inc.

By: _____

Name: James Earthwell

Title: Vice President, Brownie Family Farms Inc.

STATE OF NEBRASKA)
COUNTY OF Lancaster)

The foregoing instrument was acknowledged before me this 3 day of April, 2025 by James Earthwell, of **Brownie Family Farms, Inc.**, a Nebraska corporation, on behalf of the corporation.

GENERAL NOTARY - State of Nebraska
LUKAS LINDEMAN
My Comm. Exp. July 25, 2027

_____
Title: General Notary
Serial No (if any): N/A

EXHIBIT A to the Memorandum of Agreement

Legal Description of the Land

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LANCASTER, STATE OF NEBRASKA, AND IS DESCRIBED AS FOLLOWS:

LOT 5 OF IRREGULAR TRACTS LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY (20), TOWNSHIP ELEVEN (11) NORTH, RANGE EIGHT (8) EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

IT

Exhibit 4

Emergency Action Plan

2709 McGraw Drive
Bloomington, Illinois 61704
p 309.663.8435

www.f-w.com

Farnsworth GROUP

EMERGENCY ACTION PLAN

Waverly Resilient Power

SP Resilient Power 10, LLC

November 3, 2025

ENGINEERS | ARCHITECTS | SURVEYORS | SCIENTISTS

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Appendix 9

Introduction

This Waverly Resilient Power (the Project) Emergency Action Plan (EAP) outlines procedures to ensure the safety of Project employees, emergency service members, and the surrounding community in the event of an emergency. This EAP provides emergency personnel contact information and outlines procedures to prevent, mitigate, and effectively respond to an incident should one arise at the Project.

General Facility Information

Project Description

The Project consists of a combined 170-megawatt AC (MW_{AC}), battery energy storage system (BESS) facility located in Lancaster County (the County), Nebraska. The Project is owned and operated by SP Resilient Power 10, LLC.

The fenced Project area occupies approximately 18 acres within a larger 78-acre parcel (PIN 2420300001000) in Lancaster County, Nebraska. The site is bordered by N 120th Street to the west and railroad and County Highway 6 to the south. The site is accessed via N 120th Street on the western border of the parcel, approximately ¼ mile north of the intersection of N 120th Street and County Highway 6. Surrounding areas to the north, northeast, and west consist of agricultural land while areas to the southeast and south are commercial. See **Figure 1** for the proposed site layout.

Access Roads

The site is accessed through a new entrance drive on N 120th Street off County Highway 6. The site is serviced by a network of roads developed to provide access to every BESS container in the project. This network is interconnected to allow for better circulation of vehicles during typical operation and in the event of an emergency. Access roads will likely consist of gravel substrate. All roads will be wide enough to accommodate maintenance and emergency vehicles and will be designed in accordance with Nebraska Department of Transportation (NDOT) standards.

Fencing

The BESS facility and all system equipment will be enclosed in a seven-foot-tall, secure fence in compliance with the National Electric Code (NEC). The fence will have at least one vehicle access gate on N 120th Street, which will remain locked except during operations and maintenance activities.

Electrical Equipment

The Project consists of 206 lithium ferrophosphate (LFP) BESS containers (24’ x 8’) and 52 PCS/inverters (21’ x 6.5’). The containers are oriented in five pairs of horizontal rows, with pairs separated by vertical columns of inverters. BESS containers and inverters are spaced a minimum 13.12’ (4m) apart and at least 10’ from internal roads. Internal access roads are 20’ wide and separate each group of containers. Battery containers are connected by underground conduit, controlled by the site’s power distribution center, and convey current to/from the Project’s substation.

The Project's substation will contain switchgear to control the flow of electricity and provide a point of interconnection to the proposed Southwest Power Pool (SPP) substation and grid. The access road within the Project provides maintenance and repair access to all electrical equipment.

General Safety and Operational Information

Central to the operation of the Project site are the LFP modules that provide temporary energy storage. This process uses solid-state technology, is entirely self-contained, and neither consumes nor emits materials unless punctured. The primary concern for first responders is the potential exposure to electrical components, which presents a significant risk of electric shock. During any emergency response, it is crucial to assume the following:

- All electrical equipment on site contains lethal AC and DC voltages.
- PCS modules and Inverters contain energy storage devices that require 15 minutes to safely discharge lethal voltages.
- Electricity is supplied from multiple sources.
- The site should only be accessed by authorized personnel or emergency responders under the direction of the Operator.

The most hazardous components within the Project are:

- Battery containers, PCS units, inverters, disconnects, and electrical switchgear.
- Exposed wiring, conduits, and all associated electrical boxes.
- The substation and transformers.

The following general safety precautions should always be taken when working within the Project boundary:

- Only trained personnel should work near the battery arrays, inverters, power conversion systems, modules, electrical boxes, or wiring.
- All personnel must always wear personal protective equipment (PPE) in accordance with local and national safety regulations during any installation, operation, or maintenance process. The following PPE should be available to workers on site as necessary:
    - Electrically insulating gloves, low/high voltage (ASTM D120, NFPA 70E)
    - Safety glasses
    - High visibility clothing or vest
    - Arc flash protective safety helmet
    - Arc flash protective face shield
    - S3 class safety boots
    - Insulated rescue pole
- Before installation, operation, or maintenance, the trained operator or technician must consult the corresponding equipment's user manual for more specific safety instructions and procedures.

- It is recommended to have at least two people present at all times when working on the array or handling modules. Do not attempt to service or respond to an emergency unless another person capable of rendering first aid and CPR is also present.
- Any accidents should be immediately reported to the Operator as soon as it is safe to do so.
- LFP batteries have hard, but penetrable surfaces. In very rare instances, batteries may overheat or receive physical damage that causes exterior damage to a battery cell. Cracks in the batteries can expose a person to the full voltage and current of the module. Do not touch the modules without wearing electrically insulating gloves. Damaged batteries should be safely removed and replaced to avoid overheating or thermal runaway events.
- Do not install, use, or operate any outdoor equipment or cables or work at heights under severe weather conditions such as lightning, rain, snow, or strong winds.
- Always measure voltage before making contact with any conductor surface or terminal to ensure no shock hazard is present.
- Do not disable any protective devices on or near the battery modules.
- Do not expose any electrical parts inside or outside the cabinet to water, including during the cleaning process.
- Do not wear any watches, bracelets, bangles, rings, necklaces, or other conducive objects to avoid electric shock and burns during the installation, operation, and maintenance.
- Any tools used during installation, operation, or maintenance should have insulated handles.

Shutoff Procedures and Locations

Entry to the Project should only occur under the Operator's direction. Contact information for the Operator will be provided in the Operational Contacts section. In an emergency, the BESS facility can be shutoff, disconnecting it from the grid. Depending on the type of shutoff switch implemented, the BESS system may be shutoff remotely and/or by a manual operation performed by a qualified design release engineer (DRE). Emergency responders must not assume the system is de-energized or attempt to de-energize equipment due to arc flash risk. The location for the shutoff switch will be within the project substation. The exact location of shutoff equipment and the shutoff procedure will be included in this EAP once they are determined.

Lock out/ tag out procedures must be performed before servicing any BESS equipment to prevent unintended energization and exposure to high voltages. Only DRE personnel should perform lock out/tag out procedures. DRE personnel should consult the BESS equipment user manuals to determine specific lock out/tag out procedures and grounding requirements to minimize electrical hazards while performing maintenance.

In an emergency, DRE representatives may shut off BESS and PCS equipment by following these procedures:

1. Shut down each affected battery container by pressing the external “stop” button. See **Figure 2**.

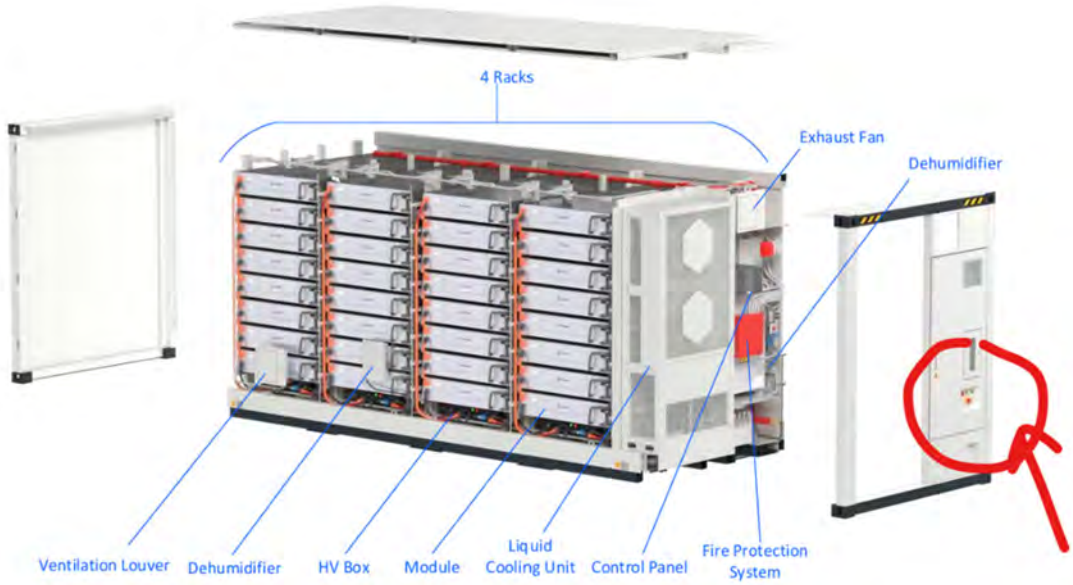

Figure 2. Battery Container Emergency Shutoff Location

2. Manually turn the ON/OFF switch on each PCS/inverter to the OFF position, shutting off both the AC and DC switches inside the inverter.
3. After the system is off, turn off the DC Disconnect Switch and place a lock on it to prevent inadvertent re-energization.

Waverly Resilient Power will coordinate with Waverly Fire & Rescue and the Lincoln Fire Protection District on locking procedures for the inverters, and any updates to shut down and locking procedures will be reflected in the final EAP, based on the finalized equipment specifications, system management, and site layout. The final EAP will be completed before Project operation commences and will be provided to the Lancaster County Sheriff's Department, the Lincoln Fire Protection District, and Waverly Fire & Rescue.

Emergency Situations

Emergency Critical Points

- In the event of an emergency, dial 911.
- Entry and shutdown of the Project should only be attempted at the direction of the Operator.
- Battery, PCS, and substation components should always be considered extremely hot and electrically energized. Assume DC and AC voltage are always present
- All inverters contain energy storage devices that require at least 15 minutes to safely discharge lethal voltages.
- Do not touch the conductive surfaces on any electrical equipment without wearing electrical insulating gloves and measuring the voltage.

Lock Box Access Point

The lock box will be located on the entrance drive to the Project, near the access gate. Emergency responders will be provided with the relevant instructions to access the lock box and site during orientation.

Orientation

Appropriate training of first responders is essential to ensure they understand the hazards present within the Project area and can mitigate potential risks during a response. First responders who may be dispatched to the Project in the event of an emergency will receive training prior to the commencement of operations and periodically thereafter. The Operator will collaborate with Waverly Fire & Rescue and the Lincoln Fire Protection District, as well as any relevant county or state safety officials, to provide biennial site-specific orientation to emergency response leadership and their assigned staff.

Pre-emergency Fire Detection

Fire prevention and early fire detection methods are especially crucial in BESS systems. While rare, battery fires can grow extremely fast and due to high burning temperatures, response should focus on containing the fire rather than stopping it. Battery modules contain a built-in fire protection system that includes an automatic alarm system based on smoke, heat, and gas detectors, an NFPA 69 active ventilation system, a module box, a fire alarm control panel, as well as optional dry pipe systems and aerosol fire extinguishing systems, each compliant UL safety standards. These systems are designed to detect equipment faults early and inform the site operator, and, in the event of an alarm trigger, initiate suppression systems to mitigate fire propagation. Active fire suppression is generally not effective, and the priority is placed on preventing further fire propagation.

Each container has an emergency stop located on the exterior of the container at the control panel. Refer to **Figure 2** above for emergency stop location. If a dry contact emergency shutoff between the BESS and PCS has been installed, the operator may also activate this system.

In the event of a fire, the appointed Operations Center will detect equipment faults and dispatch site personnel to investigate and respond accordingly. Appropriate fire response measures are included in the following section.

Fire Emergency Response

In the event of a fire, the individual discovering the emergency shall:

1. Assess the situation to determine potential safety concerns to life and the environment, with life safety as the priority.
2. Notify the appropriate local authorities by dialing 911 and direct them to the entry point of the site, approximately ¼ mile north of the intersection of N 120th St. and County Highway 6, just outside the township limits of Waverly, Nebraska.
3. Local authorities should contact the Operator to determine the appropriate response.

Upon arrival to the Project, responders shall:

1. Evacuate and secure the area and keep people a minimum of 300 feet away, provided there are no immediate threats to people or non-site property. Emergency personnel should position themselves upwind from the fire to avoid inhaling toxic fumes.
2. Under the direction of the Operator, isolate or shutdown the electrical power at the site of the fire, if possible. Do not assume the system is de-energized and do not attempt to de-energize any equipment.
3. Let the damaged battery containers burn. Burning electrical equipment is already damaged and must be replaced. Equipment is designed and properly spaced such that fires should not propagate to neighboring containers. Damaged containers should be continuously monitored even after a fire goes out as lithium battery fires often reignite for several hours to days.
4. Protect adjacent exposures, such as homes and forested areas, as needed, to limit the potential of the fire spreading.
5. If fire must be suppressed within the array fence line, the Operator will direct local authorities on how to proceed.

The following are the most important considerations when responding to a fire or other emergency at the Project:

- Battery and substation should always be considered hot and electrically energized. DC voltage is always present, even at night.
- Identify and validate the hazard in order to minimize injury and loss of life.
- Electrical components produce gas during combustion. All responders should use a self-contained breathing apparatus (SCBA).
- Before committing apparatus to the access roads within any of the fenced battery array enclosures, understand that turnarounds will often be over 1,000 feet away.
- Under the direction of the Operator, isolate or shutdown the electrical power at the site of the fire, if possible.
- Do not open any inverter doors until at least 48 hours have passed since the initiation of the event or conditions are verified safe and entry is approved by the Operator.
- Leave the scene in a safe condition after mitigating hazards.

Natural Disasters

Severe weather events such as snowstorms, hurricanes, and tornadoes are possible at the Project. Although much less common, there is also the potential for minor earthquakes, flooding, or high wind events (e.g., microbursts). These events should have limited impact on the Project site. The Project is designed and constructed to withstand the extreme weather likely to occur at the Project site (e.g. high winds, hail, lightning, snowstorms, etc.), and BESS facilities generally do not need to be shut down for extreme weather. While operation may generally proceed, the site should continue to be monitored during extreme weather, but no maintenance should occur until conditions improve. After an extreme weather event, the Operator will evaluate all equipment for damages and repair, as necessary, to restore full Project operations.

Public Safety

Access to the Project is limited to trained staff and maintenance personnel only. Battery arrays and the Substation are surrounded by a seven-foot-tall fence per requirements of the NEC. Access to the Project site occurs through gates in the chain-link fence that are secured with a padlock, and only Operator personnel have access to the Project.

In the event of personnel injury from electric shock or if personnel should become incapacitated while within the Project site, the following procedures should be followed:

1. Assess the area for hazards and secure the area to protect additional life from injury.
2. Notify the appropriate local authorities by dialing 911 and direct them to the entry point of the site, approximately ¼ mile north of the intersection of N 120th St. and County Highway 6, just outside the township limits of Waverly, Nebraska.
3. Local authorities should contact the Operator to determine the appropriate response procedures and methods for shutting down the nearest components to ensure safe access.

Operational Contacts

The following people are responsible for the operation, maintenance, and safety of the Project. The Operator conducts local monitoring of the site on a regular basis. Should issues in emergency situations arise, central control will dispatch local operations personnel to the site, as necessary.

Waverly Resilient Power Project

Waverly Operations Center: [TBD]
Email: [TBD]
Phone: [TBD]
Address: [TBD]
The Waverly Operations Center is the primary contact for notification in the event of an emergency. Additional contacts that may require coordination regarding this plan and operation of the Project include the following departments and agencies.

Sofos Power 24-hour Contact Information

Sofos Power 24-hour Contact: [TBD]
Email: [TBD]
Phone: [TBD]
Address: [TBD]
The Sofos Power 24-hour contact should be notified in the case of an emergency after coordinating with the Waverly Operations Center or contacted immediately if the Operations Center is not responsive.

Lancaster County Sheriff's Department

County Sheriff Terry Wagner
Email: lso@lancaster.ne.gov
Office Phone: 402.441.6500
Address: 575 S 10th Street, Lincoln, NE 68508

Waverly Fire & Rescue

Emergency Services Coordinator [TBD]
Email: [TBD]
Office Phone: [TBD]
Address: [TBD]

Lincoln Fire Station

Emergency Services Coordinator [TBD]
Email: [TBD]
Office Phone: [TBD]
Address: [TBD]

Exhibit 5

Equipment Specifications; Battery Chiller System Information

HiTHIUM

∞Power

6.25 MWh 4h

Liquid-cooled energy storage system

Preliminary

Liquid-cooled energy storage system based on HiTHIUM prismatic LFP ESS Cells 1175 Ah with high cyclic lifetime.

Improved safety characteristics and specially optimised for the highest requirements on safety, reliability and performance. Suitable for industrial, utility, and grid serving applications.

- Product certifications and compliance*:
  UL 1973, UL 9540A, UL 9540, NFPA 855, UN 38.3
- Company certifications:
  ISO 9001, ISO 14001, ISO 45001, SA 8000
- Environmental compliance*:
  RoHS, REACH, Cobalt free
- Eco-friendly:
  Low noise, new type of eco-friendly refrigerant, high recyclability.
- Flexible solution:
  String or central PCS compatible.

High safety

- Specialized flame retardant module top cover.
- High thermal stability thanks to innovated liquid cooling design.
- Multi-stage, active fire detection and protection system, compliance to NFPA 855.
- 3-level BMS for cell and system monitoring and protection.

Low LCOS (Levelised Cost of Storage)

- High cyclic life and low auxiliary consumption due to excellent thermal management improve energy throughput by ensuring optimal operating temperature.
- Highly integrated: including thermal management system, fire protection system, BMS, etc.
- Supports back to back and side by side installations.

∞Power

6.25 MWh 4h

Liquid-cooled energy storage system based on prismatic LFP cells with very high cyclic lifetime

GENERAL	
Configuration	4*1P416S
Cooling Method	Liquid Cooling
BMS Communication	CAN, RS485, Ethernet
Gravimetric ED	≥ 130 Wh/kg(≥ 59 Wh/lb)
Volumetric ED	≥ 145 Wh/L(≥ 549 Wh/gal)
Application Altitude	≤ 4,000 m(≤ 13,123 ft)

ELECTRICAL	
Nominal Voltage	1,331.2 V
Operating Voltage	1,040 ...1,500V
Nominal Energy	6,250 kWh [1, 2]
Nominal SOC at Delivery	27 % [2]
Nominal Charge/Discharge Rate	0.25 P / 0.25 P
Round Trip Efficiency	≥ 95 % [1, 2]

[1] 0.25 P / 0.25 P
[2] 25 °C +/- 2 °C (73.4 °F ... 80.6 °F)
[3] ambient temperature
** In progress*

MECHANICAL	
Dimensions (L x W x H)	6,058 x 2,438 x 2,896 mm (238 ½ x 96 x 114 in)
Maximum Weight	48,000 kg (105,822 lb)
Protection Level	IP 55

TEMPERATURE RANGE	
Operating	-30 °C ... 55 °C [3] (-22 °F...131 °F[3])
Storing (Recommended)	-20 °C ... 35 °C [3] (-4 °F...95 °F[3])

PRODUCT CERTIFICATIONS AND COMPLIANCE*	
Certificates and Compliance	UL 1973, UL 9540A, UL 9540, NFPA 855
Safe Transportation	UN 38.3

ENVIRONMENTAL*	
Compliance	RoHS, REACH, Cobalt free
Regulation (EU)	2023/1542

COMPANY CERTIFICATIONS	
	ISO 9001, ISO 14001, ISO 45001, SA 8000

HiTHIUM Energy Storage Technology USA Inc.
Address: 4046 Clipper Ct, Fremont, CA 94538, United States
Email: hithium@hithium.com

Xiamen HiTHIUM Energy Storage Technology Co., Ltd.
Address: HiTHIUM Industrial Park, Tongxiang High Tech Zone, Xiamen, Fujian, China | Email: hithium@hithium.com

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Kindly check you are using latest version.
Picture for illustration purpose only.

LinkedIn

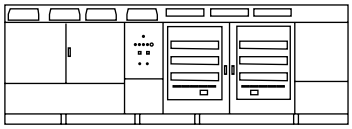
Website

Multi PCSM

IEC | UL

Easy maintenance.
Integrated MV solution in the same enclosure.
Up to 4 independent DC inputs.
Advanced grid support.
Compatible with all battery technologies.

Freemaq Multi PCSM
IEC | UL



Preliminary

REFERENCES		FP5150MU2	FP5150MH2	FP5151MH2	FP5150MU4	FP5150MH4	FP5151MH4
AC	AC Output Power (kVA/kW) @35°C [1]	5150					
	AC Output Power (kVA/kW) @40°C [1]	4940					
	AC Output Power (kVA/kW) @50°C [1]	4520					
	Operating Grid Voltage (kV)	34.5 kV ±10%	33 kV ±10%		34.5 kV ±10%	33 kV ±10%	
	Operating Grid Frequency (Hz)	60 Hz	50 Hz		60 Hz	50 Hz	
	Current Harmonic Distortion (THDi)	< 3% per IEEE 519					
	Power Factor (CosPhi) [2]	0.5 leading ... 0.5 lagging					
	Reactive Power Compensation	Four quadrant operation					
DC	DC Voltage Range Full Power [3]	1019 V – 1500 V					
	Maximum DC Voltage	1500 V					
	DC Voltage Ripple	< 3%					
	Max. DC Continuous Current (A)	2579			1289		
	Max. DC Short Circuit Current (kA)	250 kA with a time constant of 3 ms					
	Battery Technology	All type of batteries (BMS required)					
	Number of Separated DC Inputs	2			4		
EFFICIENCY & AUX. SUPPLY	Efficiency (Max) (η)	98.00% including MV transformer					
	CEC (η)	97.53% including MV transformer					
CABINET	Dimensions [WxDxH] (ft)	21.3 x 6.5 x 7.2					
	Dimensions [WxDxH] (m)	6.5 x 2.0 x 2.2					
	Weight (lbs)	30865					
	Weight (kg)	14000					
	Type of Ventilation	Forced air cooling					
ENVIRONMENT	Degree of Protection	NEMA 3R	IP55		NEMA 3R	IP55	
	Operating Temperature Range [4]	From -25°C to +60°C, >35°C power derating					
	Operating Relative Humidity Range	From 4% to 100% non-condensing					
	Storage Temperature Range	From -40°C to +60°C					
	Max. Altitude (above sea level) [5]	2000 m					
CONTROL INTERFACE	Communication Protocol	Modbus TCP					
	Power Plant Controller	Optional					
	Keyed ON/OFF Switch	Standard					
PROTECTIONS	Ground Fault Protection	Insulation monitoring device					
	Humidity Control	Active heating					
	General AC Protection & Disconnection	38 kV MV switchgear (V)	36 kV MV switchgear (2L+V)		38 kV MV switchgear (V)	36 kV MV switchgear (2L+V)	
	General DC Protection & Disconnection	High-speed fuses, Motorized DC disconnect switches [6]					
	Overvoltage Protection	Type 2 for AC and Type 1+2 for DC					
CERTIFICATIONS & STANDARDS	Safety	UL 1741 / CSA 22.2 No.107.1-16 / IEC 62109-1 / IEC 62109-2 / IEC 62477-1 / IEC 62477-2					
	Installation	NEC 2023					
	Utility Interconnect [7]	UL 1741 SA & SB / IEEE 1547.1 / IEC 62116					

NOTES

[1] Values at 1.00·Vac nom and CosPhi=1.
Consult Power Electronics for derating curves and overload capability in grid forming mode.
[2] Consult P-Q charts available: Q(kVAr)=√(S(kVA)2-P(kW)2).
[3] Consult Power Electronics for derating curves. In the event of overvoltage in the grid, the minimum DC voltage will vary proportionally with the AC voltage.
[4] Optional available for temperatures down to -35 °C.
[5] Consult Power Electronics for altitudes above 1000 m.
[6] Battery short circuit disconnection must be done on the battery side.
[7] Consult Power Electronics for other applicable standards / grid codes.

POWER ELECTRONICS

We create chemistry

Safety data sheet

BASF safety data sheet. This is a translation of the country-specific safety data sheet into a language other than that required by law. This document does not replace the safety data sheet provided according to Regulation (EC) No 1907/2006.
Date / Revised: 11.11.2022 Version: 6.0
Date previous version: 26.04.2021 Previous version: 5.0
Date / First version: 08.01.2003
Product: **GLYSANTIN® G30® pink also suitable for electric vehicles**
(ID no. 30279144/SDS_GEN_EU/EN)
Date of print 12.11.2022

SECTION 1: Identification of the substance/mixture and of the company/undertaking

1.1. Product identifier

GLYSANTIN® G30® pink also suitable for electric vehicles

UFI: HD7F-706Y-100D-JV5N

1.2. Relevant identified uses of the substance or mixture and uses advised against

Relevant identified uses: engine coolant

1.3. Details of the supplier of the safety data sheet

Company:
BASF SE
67056 Ludwigshafen
GERMANY
Fuel and Lubricant Solutions

Telephone: +49 621 60-42178
E-mail address: RegXcellenceFuelLubes@basf.com

1.4. Emergency telephone number

International emergency number:
Telephone: +49 180 2273-112

SECTION 2: Hazards Identification

2.1. Classification of the substance or mixture

For the classification of the mixture the following methods have been applied: extrapolation on the concentration levels of the hazardous substances, on basis of test results and after evaluation of experts. The methodologies used are mentioned at the respective test results.

According to Regulation (EC) No 1272/2008 [CLP]

Acute Tox. 4 (oral)	H302 Harmful if swallowed.
STOT RE 2	H373 May cause damage to organs (Kidney) through prolonged or repeated exposure.

For the classifications not written out in full in this section the full text can be found in section 16.

2.2. Label elements

According to Regulation (EC) No 1272/2008 [CLP]

Pictogram:

Signal Word:

Warning

Hazard Statement:

H302	Harmful if swallowed.
H373	May cause damage to organs (Kidney) through prolonged or repeated exposure.

Precautionary Statements (Prevention):

P260	Do not breathe dust/gas/mist/vapours.
P270	Do not eat, drink or smoke when using this product.

Precautionary Statements (Response):

P314	Get medical advice/attention if you feel unwell.
P301 + P312	IF SWALLOWED: Call a POISON CENTER or doctor/physician if you feel unwell.
P330	Rinse mouth

Precautionary Statements (Disposal):

P501	Dispose of contents and container to hazardous or special waste collection point.

Hazard determining component(s) for labelling: ethanediol

2.3. Other hazards

According to Regulation (EC) No 1272/2008 [CLP]

If applicable information is provided in this section on other hazards which do not result in classification but which may contribute to the overall hazards of the substance or mixture.

SECTION 3: Composition/Information on Ingredients

3.1. Substances

Not applicable

3.2. Mixtures

Chemical nature

ethanediol
inhibitors

Regulatory relevant ingredients

ethanediol

Content (W/W): >= 75 % - <= 100 % CAS Number: 107-21-1 EC-Number: 203-473-3 REACH registration number: 01-2119456816-28 INDEX-Number: 603-027-00-1	Acute Tox. 4 (oral) STOT RE (Kidney) 2 H302, H373

Disodium sebacate

Content (W/W): >= 3 % - < 5 % CAS Number: 17265-14-4 EC-Number: 241-300-3 REACH registration number: 01-2120762063-61	Eye Dam./Irrit. 2 H319

Methyl-1H-benzotriazole

Content (W/W): >= 0 % - < 0.2 % CAS Number: 29385-43-1 EC-Number: 249-596-6	Acute Tox. 4 (oral) Aquatic Chronic 2 Repr. 2 (unborn child) H302, H361d, H411

Sodium 4(or 5)-methyl-1H-benzotriazolide

Content (W/W): >= 0.1 % - < 0.2 %	Acute Tox. 4 (oral)
CAS Number: 64665-57-2	Skin Corr./Irrit. 1B
EC-Number: 265-004-9	Aquatic Chronic 2
REACH registration number: 01-2119980062-42	Repr. 2 (unborn child)
	H314, H302, H361d, H411

For the classifications not written out in full in this section, including the hazard classes and the hazard statements, the full text is listed in section 16.

SECTION 4: First-Aid Measures

4.1. Description of first aid measures

Immediately remove contaminated clothing. If the patient is likely to become unconscious, place and transport in stable sideways position (recovery position).

If inhaled:
Keep patient calm, remove to fresh air, seek medical attention.

On skin contact:
Wash thoroughly with soap and water Seek medical attention.

On contact with eyes:
Wash affected eyes for at least 15 minutes under running water with eyelids held open.

On ingestion:
Immediately rinse mouth and then drink 200-300 ml of water, seek medical attention. Administer 50 ml of pure ethanol in a drinkable concentration.

4.2. Most important symptoms and effects, both acute and delayed

Symptoms: Information, i.e. additional information on symptoms and effects may be included in the GHS labeling phrases available in Section 2 and in the Toxicological assessments available in Section 11., (Further) symptoms and / or effects are not known so far

4.3. Indication of any immediate medical attention and special treatment needed

Treatment: Symptomatic treatment (decontamination, vital functions).
Antidote: Administer ethanol.

SECTION 5: Fire-Fighting Measures

5.1. Extinguishing media

Suitable extinguishing media:
water spray, dry powder, alcohol-resistant foam

5.2. Special hazards arising from the substance or mixture

Endangering substances: harmful vapours
Advice: Evolution of fumes/fog. The substances/groups of substances mentioned can be released in case of fire.

5.3. Advice for fire-fighters

Special protective equipment:
Wear a self-contained breathing apparatus.

Further information:
The degree of risk is governed by the burning substance and the fire conditions. Contaminated extinguishing water must be disposed of in accordance with official regulations.

SECTION 6: Accidental Release Measures

6.1. Personal precautions, protective equipment and emergency procedures

Use personal protective clothing.

6.2. Environmental precautions

Contain contaminated water/firefighting water. Do not discharge into drains/surface waters/groundwater.

6.3. Methods and material for containment and cleaning up

For large amounts: Pump off product.
For residues: Pick up with suitable absorbent material. Dispose of absorbed material in accordance with regulations.

6.4. Reference to other sections

Information regarding exposure controls/personal protection and disposal considerations can be found in section 8 and 13.

SECTION 7: Handling and Storage

7.1. Precautions for safe handling

Ensure thorough ventilation of stores and work areas. Shut containers immediately after taking product because product takes up the humidity of air.

Protection against fire and explosion:
No special precautions necessary.

Exposure estimate and reference to its source

Provide extract ventilation to points where emissions occur (LEV).

7.2. Conditions for safe storage, including any incompatibilities

Further information on storage conditions: Containers should be stored tightly sealed in a dry place. Storage in galvanized containers is not recommended.

7.3. Specific end use(s)

For the relevant identified use(s) listed in Section 1 the advice mentioned in this section 7 is to be observed.

SECTION 8: Exposure Controls/Personal Protection

8.1. Control parameters

Components with occupational exposure limits

107-21-1: ethanediol

Skin Designation (OEL (EU))
The substance can be absorbed through the skin.
STEL value 104 mg/m3 ; 40 ppm (OEL (EU))
indicative
TWA value 52 mg/m3 ; 20 ppm (OEL (EU))
indicative

124-04-9: adipic acid
1310-58-3: potassium hydroxide
1310-73-2: sodium hydroxide

PNEC

No hazard identified.

DNEL

Data refer to the lead substance

Components with DNEL

107-21-1: ethanediol

worker: Long-term exposure - local effects, Inhalation: 35 mg/m3
worker: Long-term exposure- systemic effects, dermal: 106 mg/kg
consumer: Long-term exposure - local effects, Inhalation: 7 mg/m3
consumer: Long-term exposure- systemic effects, dermal: 53 mg/kg

8.2. Exposure controls

Personal protective equipment

Respiratory protection:
Respiratory protection in case of vapour/aerosol release. Combination filter for gases/vapours of organic compounds and solid and liquid particles (f.e. EN 14387 Type A-P2)

Hand protection:
Chemical resistant protective gloves (EN ISO 374-1)
Suitable materials also with prolonged, direct contact (Recommended: Protective index 6, corresponding > 480 minutes of permeation time according to EN ISO 374-1):
nitrile rubber (NBR) - 0.4 mm coating thickness
Manufacturer's directions for use should be observed because of great diversity of types.

Eye protection:
Safety glasses with side-shields (frame goggles) (e.g. EN 166)

Body protection:
Body protection must be chosen depending on activity and possible exposure, e.g. apron, protecting boots, chemical-protection suit (according to EN 14605 in case of splashes or EN ISO 13982 in case of dust).

General safety and hygiene measures

Do not inhale gases/vapours/aerosols. Handle in accordance with good industrial hygiene and safety practice. Wearing of closed work clothing is required additionally to the stated personal protection equipment. Handle in accordance with good industrial hygiene and safety practice.

SECTION 9: Physical and Chemical Properties

9.1. Information on basic physical and chemical properties

State of matter:	liquid	
Form:	liquid	
Colour:	pink	
Odour:	product specific	
Odour threshold:	not determined	
solidification temperature:	< -18 °C	(DIN ISO 3016)
Boiling point:	> 160 °C	(ASTM D1120)
Flammability:	hardly combustible	
Lower explosion limit:	For liquids not relevant for classification and labelling., The lower explosion point may be 5 - 15 °C below the flash point.	
Upper explosion limit:	For liquids not relevant for classification and labelling.	

Flash point:	> 124 °C	(ISO 2719)
Auto-ignition temperature:	420 °C	(DIN 51794)
Thermal decomposition:	No decomposition if correctly stored and handled.	
pH value:	8.2 - 8.6	
Viscosity, kinematic:	20 - 30 mm2/s (20 °C)	(DIN 51562)
Thixotropy:	not thixotropic	
Solubility in water:	miscible	
Solubility (qualitative) solvent(s):	polar solvents soluble	
Partitioning coefficient n-octanol/water (log Kow):	Study scientifically not justified.	
Vapour pressure:	0.2 mbar (20 °C) 13 mbar (50 °C)	
Density:	1.124 g/cm3 (20 °C)	
Relative vapour density (air):	> 1 (20 °C) Heavier than air.	(estimated)

Particle characteristics

Particle size distribution: The substance / product is marketed or used in a non solid or granular form. -

9.2. Other information

Information with regard to physical hazard classes

Explosives

Explosion hazard: not explosive

Oxidizing properties

Fire promoting properties: not fire-propagating

Other safety characteristics

Miscibility with water:
miscible in all proportions

Other Information: If necessary, information on other physical and chemical parameters is indicated in this section.

Evaporation rate:
not determined

SECTION 10: Stability and Reactivity

10.1. Reactivity

No hazardous reactions if stored and handled as prescribed/indicated.

10.2. Chemical stability

The product is stable if stored and handled as prescribed/indicated.

10.3. Possibility of hazardous reactions

No hazardous reactions when stored and handled according to instructions.

10.4. Conditions to avoid

No conditions to avoid anticipated.

10.5. Incompatible materials

Substances to avoid:
strong oxidizing agents, alkali metal hydroxides

10.6. Hazardous decomposition products

Hazardous decomposition products:
No hazardous decomposition products if stored and handled as prescribed/indicated.

SECTION 11: Toxicological Information

11.1. Information on hazard classes as defined in Regulation (EC) No 1272/2008

Acute toxicity

Assessment of acute toxicity:
Of moderate toxicity after single ingestion. Of low toxicity after short-term skin contact.

Experimental/calculated data:
LD (human) (oral): approx. 1,600 mg/kg

Irritation

Experimental/calculated data:
Skin corrosion/irritation
rabbit: non-irritant

Serious eye damage/irritation
rabbit: non-irritant

Respiratory/Skin sensitization

Assessment of sensitization:
Skin sensitizing effects were not observed in animal studies. Human data do not fully exclude a skin sensitizing potential.

Germ cell mutagenicity

Assessment of mutagenicity:
Based on the ingredients, there is no suspicion of a mutagenic effect.

Carcinogenicity

Assessment of carcinogenicity:
The whole of the information assessable provides no indication of a carcinogenic effect.

Reproductive toxicity

Assessment of reproduction toxicity:
Based on available data, the classification criteria are not met.

Developmental toxicity

Assessment of teratogenicity:
Based on available data, the classification criteria are not met.

Information on: ethanediol
Assessment of teratogenicity:
Developmental toxicity was observed after oral ingestion of high doses in studies with rats and mice, but this effect was not seen in a study with rabbits. Mechanistic studies show that the rabbit is the relevant species for the classification for human health. As such, and since ethylene glycol is not a developmental toxicant in the rabbit, no classification is warranted.

Specific target organ toxicity (single exposure)

Remarks: Based on available data, the classification criteria are not met.

Repeated dose toxicity and Specific target organ toxicity (repeated exposure)

Assessment of repeated dose toxicity:
Repeated exposure may affect certain organs.

Information on: ethanediol

Assessment of repeated dose toxicity:
The substance may cause damage to the kidney after repeated ingestion. The substance may cause damage to the kidney after repeated skin contact with high doses.

Aspiration hazard

No aspiration hazard expected.

Interactive effects

No data available.

11.2. Information on other hazards

Endocrine disrupting properties

Product does not contain a substance above legal limits included in the list established in accordance with Article 59(1) of Regulation (EC) No 1907/2006 for having endocrine disrupting properties or is identified to have endocrine disrupting properties in accordance with the criteria set out in Commission Delegated Regulation (EU) 2017/2100 or Commission Regulation (EU) 2018/605.

Other information

Other relevant toxicity information

The product has not been tested. The statements on toxicology have been derived from the properties of the individual components.

SECTION 12: Ecological Information

12.1. Toxicity

Assessment of aquatic toxicity:
There is a high probability that the product is not acutely harmful to aquatic organisms.

Microorganisms/Effect on activated sludge:
Inhibition of degradation activity in activated sludge is not to be anticipated during correct introduction of low concentrations.

12.2. Persistence and degradability

Elimination information:
> 70 % DOC reduction (28 d) (OECD 301 A (new version)) Readily biodegradable.

12.3. Bioaccumulative potential

Assessment bioaccumulation potential:
Accumulation in organisms is not to be expected.

12.4. Mobility in soil

Assessment transport between environmental compartments:
Adsorption in soil: No data available.

12.5. Results of PBT and vPvB assessment

According to Annex XIII of Regulation (EC) No.1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH): The product does not contain a substance fulfilling the PBT (persistent/bioaccumulative/toxic) criteria or the vPvB (very persistent/very bioaccumulative) criteria.

12.6. Endocrine disrupting properties

Product does not contain a substance above legal limits included in the list established in accordance with Article 59(1) of Regulation (EC) No 1907/2006 for having endocrine disrupting properties or is identified to have endocrine disrupting properties in accordance with the criteria set out in Commission Delegated Regulation (EU) 2017/2100 or Commission Regulation (EU) 2018/605.

12.7. Other adverse effects

The product does not contain substances that are listed in Regulation (EC) 1005/2009 on substances that deplete the ozone layer.

12.8. Additional information

Adsorbable organically-bound halogen (AOX):
This product contains no organically-bound halogen.

Other ecotoxicological advice:
The product has not been tested. The statement has been derived from the properties of the individual components.

Do not release untreated into natural waters.

SECTION 13: Disposal Considerations

13.1. Waste treatment methods

Must be disposed of or incinerated in accordance with local regulations.

The waste codes are manufacturer's recommendations based on the designated use of the product. Other use and special waste disposal treatment on customer's location may require different waste-code assignments.

Waste key:
16 01 14¤ antifreeze fluids containing hazardous substances

Contaminated packaging:
Uncontaminated packaging can be re-used.
Packs that cannot be cleaned should be disposed of in the same manner as the contents.

SECTION 14: Transport Information

Land transport

ADR

	Not classified as a dangerous good under transport regulations
UN number or ID number:	Not applicable
UN proper shipping name:	Not applicable
Transport hazard class(es):	Not applicable
Packing group:	Not applicable
Environmental hazards:	Not applicable
Special precautions for user	None known

RID

	Not classified as a dangerous good under transport regulations
UN number or ID number:	Not applicable
UN proper shipping name:	Not applicable
Transport hazard class(es):	Not applicable
Packing group:	Not applicable
Environmental hazards:	Not applicable
Special precautions for user	None known

Inland waterway transport

ADN

	Not classified as a dangerous good under transport regulations
UN number or ID number:	Not applicable
UN proper shipping name:	Not applicable
Transport hazard class(es):	Not applicable
Packing group:	Not applicable
Environmental hazards:	Not applicable
Special precautions for user:	None known

Transport in inland waterway vessel

Not evaluated

Sea transport

IMDG

	Not classified as a dangerous good under transport regulations
UN number or ID number:	Not applicable
UN proper shipping name:	Not applicable
Transport hazard class(es):	Not applicable
Packing group:	Not applicable
Environmental hazards:	Not applicable
Special precautions for user	None known

Air transport

IATA/ICAO

	Not classified as a dangerous good under transport regulations
UN number or ID number:	Not applicable
UN proper shipping name:	Not applicable
Transport hazard class(es):	Not applicable
Packing group:	Not applicable
Environmental hazards:	Not applicable
Special precautions for user	None known

14.1. UN number or ID number

See corresponding entries for “UN number or ID number” for the respective regulations in the tables above.

14.2. UN proper shipping name
See corresponding entries for “UN proper shipping name” for the respective regulations in the tables above.

14.3. Transport hazard class(es)
See corresponding entries for “Transport hazard class(es)” for the respective regulations in the tables above.

14.4. Packing group
See corresponding entries for “Packing group” for the respective regulations in the tables above.

14.5. Environmental hazards
See corresponding entries for “Environmental hazards” for the respective regulations in the tables above.

14.6. Special precautions for user
See corresponding entries for “Special precautions for user” for the respective regulations in the tables above.

14.7. Maritime transport in bulk according to IMO instruments

Maritime transport in bulk is not intended.

SECTION 15: Regulatory Information

15.1. Safety, health and environmental regulations/legislation specific for the substance or mixture

Prohibitions, Restrictions and Authorizations

Annex XVII of Regulation (EC) No 1907/2006: Number on List: 3

If other regulatory information applies that is not already provided elsewhere in this safety data sheet, then it is described in this subsection.

15.2. Chemical Safety Assessment

Assessment of safe use has been performed for the mixture and the result is documented in section 7 and 8 of the SDS

SECTION 16: Other Information

Assessment of the hazard classes according to UN GHS criteria (most recent version)

Acute Tox. 4 (oral)
STOT RE (Kidney) 2

Acute Tox.	Acute toxicity
STOT RE	Specific target organ toxicity — repeated exposure

Eye Dam./Irrit.	Serious eye damage/eye irritation
Aquatic Chronic	Hazardous to the aquatic environment - chronic
Repr.	Reproductive toxicity
Skin Corr./Irrit.	Skin corrosion/irritation
H302	Harmful if swallowed.
H373	May cause damage to organs (Kidney) through prolonged or repeated exposure.
H319	Causes serious eye irritation.
H361d	Suspected of damaging the unborn child.
H411	Toxic to aquatic life with long lasting effects.
H314	Causes severe skin burns and eye damage.

Abbreviations
ADR = The European Agreement concerning the International Carriage of Dangerous Goods by Road. ADN = The European Agreement concerning the International Carriage of Dangerous Goods by Inland waterways. ATE = Acute Toxicity Estimates. CAO = Cargo Aircraft Only. CAS = Chemical Abstract Service. CLP = Classification, Labelling and Packaging of substances and mixtures. DIN = German national organization for standardization. DNEL = Derived No Effect Level. EC50 = Effective concentration median for 50% of the population. EC = European Community. EN = European Standards. IARC = International Agency for Research on Cancer. IATA = International Air Transport Association. IBC-Code = Intermediate Bulk Container code. IMDG = International Maritime Dangerous Goods Code. ISO = International Organization for Standardization. STEL = Short-Term Exposure Limit. LC50 = Lethal concentration median for 50% of the population. LD50 = Lethal dose median for 50% of the population. TLV = Threshold Limit Value. MARPOL = The International Convention for the Prevention of Pollution from Ships. NEN = Dutch Norm. NOEC = No Observed Effect Concentration. OEL = Occupational Exposure Limit. OECD = Organization for Economic Cooperation and Development. PBT = Persistent, Bioaccumulative and Toxic. PNEC = Predicted No Effect Level. PPM = Parts per million. RID = The European Agreement concerning the International Carriage of Dangerous Goods by Rail. TWA = Time Weight Average. UN-number = UN number at transport. vPvB = very Persistent and very Bioaccumulative.

The data contained in this safety data sheet are based on our current knowledge and experience and describe the product only with regard to safety requirements. This safety data sheet is neither a Certificate of Analysis (CoA) nor technical data sheet and shall not be mistaken for a specification agreement. Identified uses in this safety data sheet do neither represent an agreement on the corresponding contractual quality of the substance/mixture nor a contractually designated use. It is the responsibility of the recipient of the product to ensure any proprietary rights and existing laws and legislation are observed.

Exhibit 6

Acoustical Analysis

NOISE IMPACT STUDY
OF PROPOSED
Waverly Resilient Power
located in Lancaster, Nebraska

PREPARED FOR:

Farnsworth Group
20 Allen Ave,
Suite 200
St Louis, Missouri 63119

PREPARED BY:

KEVIN TANKERSLEY
DESIGNED ACOUSTICS, LLC
PROJECT #
10743

DATE
October 16th, 2025

INTRODUCTION

Designed Acoustics was commissioned by Farnsworth Group to conduct an environmental noise assessment for a proposed Battery Energy Storage System (BESS) Center in Lancaster, Nebraska. This report provides a summary of the noise analysis performed and evaluates the potential noise impacts associated with the installation and operation of multiple battery and inverter units planned for the site. The objective of the study is to assess the projected noise levels at the nearest surrounding properties and determine compliance with relevant noise criteria. The following sections outline the methodology employed in the assessment, along with the key findings and conclusions of the study.

1. Executive Summary

This report presents the findings of an environmental acoustical analysis conducted for the proposed Battery Energy Storage System (BESS) project at the Waverly site. The primary objective of this study was to evaluate and model the environmental noise emissions generated by the BESS containers and DC-to-AC inverters to determine compliance with applicable noise regulations at all property boundaries. Comprehensive noise calculations were performed for the entire site, and the assessment confirmed that all property boundaries are within compliance limits. Accordingly, the analysis focuses on the boundary nearest to the equipment installation, as it represents the most critical location for noise compliance evaluation. Once this closest boundary is demonstrated to meet the applicable criteria, it can be reasonably concluded that the remaining property boundaries will also satisfy the required noise standards.

Designed Acoustics, with over 27 years of experience in acoustical analysis, environmental noise studies, and code development, performed this study using industry-standard methodology and modeling. After detailed analysis, it is determined that the property lines will remain below 50 dBA, thereby meeting applicable noise code standards.

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2. About the Consultant

Kevin Tankersley, Senior Acoustical Engineer of Designed Acoustics, has over 27 years of experience in acoustics and environmental noise analysis. Kevin has:

- Conducted hundreds of environmental noise studies nationwide
- Authored noise ordinances for counties across the United States
- Served as the principal acoustical engineer for St. Louis Lambert Airport
- Provided expert testimony in litigation matters
- Led Designed Acoustics, a firm specializing in noise mitigation and analysis, for over 20 years

Acoustical Engineering Report

Battery Energy Storage System (BESS) Noise Impact Assessment

1. Introduction

Designed Acoustics was commissioned by Farnsworth Group to perform an environmental noise impact assessment for the proposed Battery Energy Storage System (BESS) Center in Lancaster, Nebraska. This report summarizes the methodology, analysis, and results of the study, evaluating the potential noise impacts associated with the installation and operation of the BESS facility.

The objective of this study is to determine the predicted operational noise levels at the nearest noise-sensitive properties, evaluate compliance with local and state environmental noise regulations, and identify whether the project is expected to create any perceptible or adverse acoustic impacts.

2. Project Description

Equipment Type	Quantity	Sound Power Level (Lw)	Typical Frequency Spectrum	Notes
BESS Container Units	206	65 dB	Broadband	Includes integrated HVAC fans
Inverter Units	52	75 dB	Dominant mid-frequency	Operates continuously during charge/discharge cycles

The nearest property line (noise-sensitive receptor) is approximately 137 feet (41.8 meters) from the equipment field. The site is characterized as rural farmland with soft ground cover, minimal reflective structures, and open terrain.

3. Applicable Noise Criteria

The Lancaster County Noise Ordinance and Nebraska State environmental guidelines establish acceptable sound levels at property boundaries. Typical rural nighttime noise limits are approximately 50 dBA at the receiving property line. For reference, the U.S. Environmental Protection Agency (EPA) identifies outdoor noise levels below 55 dBA as generally protective of public health and welfare. Therefore, a compliance threshold of 50 dBA at the property boundary is used as the conservative criterion for this assessment.

4. Methodology

The cumulative noise level at the nearest property line was determined using logarithmic sound energy summation for multiple point sources. All calculations were performed in accordance with ISO 9613-2:1996 (Acoustics — Attenuation of sound during propagation outdoors).

Sound propagation modeling assumptions include hemispherical radiation, negligible atmospheric absorption, no barriers or topographical shielding, and ground attenuation of -1.5 dB for soft terrain. Ambient background levels were estimated at 40–45 dBA.

The general propagation formula is given as:

$$L_2 = L_1 - 20 \times \log_{10}(r_2 / r_1)$$

and the total sound level from multiple sources is calculated as:

$$L_total = 10 \times \log_{10}(10^{(L_1/10)} + 10^{(L_2/10)} + \ldots + 10^{(L_n/10)})$$

5. Results and Analysis

Component	Quantity	Individual Source Level (137 ft)	Cumulative Contribution
BESS Containers	206	36.7 dBA	38.8 dBA
Inverters	52	46.7 dBA	39.7 dBA

Using logarithmic summation, the combined operational level at the nearest property line is approximately 40.0 dBA. The project noise is below both the ambient range (40–45 dBA) and the compliance limit (50 dBA), meaning it will be effectively masked by existing environmental sounds.

6. Discussion

The model represents a worst-case scenario assuming all equipment operates simultaneously at full load during nighttime conditions. Given the conservative assumptions, actual site conditions are likely to produce slightly lower received levels. At 40 dBA, noise from the facility will not be audibly distinguishable at nearby properties.

7. Conclusions

1. The combined operational noise from 206 BESS units and 52 inverter units is predicted to be 40 dBA at the nearest property line.

2. This value is below the background ambient level (40–45 dBA) and the county compliance limit (50 dBA).

3. Therefore, no adverse acoustic impacts are anticipated on nearby residential or agricultural properties.

4. The facility is expected to be inaudible and compliant under all normal operating conditions.

Sincerely,

DESIGNED ACOUSTICS. LLC,

Kevin R. Tankersley
President / Senior Acoustical Engineer

ACOUSTIC NOMENCLATURE AND TERMINOLOGY

ANSI: American National Standards Institute

A-Weighing: Prescribed frequency response defined by ANSI Standard S-1971. Used to obtain a single number representing the sound pressure level of a noise in a manner approximating the response of the ear, by de-emphasizing the effects of the low and high frequencies.

Background Sound: Sound that remains when sound of interest is removed is background sound relative to the sound of interest.

Daytime: The hours 0700 (7:00 am) to 2200 (10:00 pm).

Day-night average sound level (Ldn): A measure of the noise environment over a 24-hour A-weighted sound level with a 10 dB weighing applied to the nighttime levels. When equivalent level (Leq) information is available, the Ldn is calculated as follows:

Where Leq(d) = Leq for the hours 0700-2200.
Leq(n) = Leq for the hours 2200-0700.
Annualized Ldn is effective Ldn determined over a full year accounting for daily and seasonal variations.

dBA: Overall A-weighted sound pressure level expressed in decibels referenced to 20 micro-pascals.

Decibel (dB): Ten times the logarithm of the ratio of a quantity (X) to a reference quantity (X_r).

Equivalent Sound Level (Leq): The level of a constant sound which, in a given situation and time period, has the same sound energy as a time varying sound level.
f_i = percent of time period in which a particular L_i occurs.
L_i = sound level in dB.

Exceedance Level - Ln: The sound pressure level exceeded n percent of the time. Example: L10 is the sound pressure level exceeded 10% of the time during a measurement period. L50 corresponds to the median level.

Frequency: Number of complete oscillation cycles per unit of time. The frequency is the reciprocal of the period. The unit of frequency often used is the Hertz.

Hertz (Hz): Unit of frequency equal to one cycle per second.

Ldn: See day-night average sound level.

Leq(n): Equivalent sound level for a period n in length.

Lmax: The maximum sound level detected during the period of measurement.

Lmin: The minimum sound level detected during the period of measurement.

Ln: See Exceedance Level, the sound level exceeded n percent of the time.

Nighttime: The hours 2200 (10:00 pm) to 0700 (7:00 am).

Sound Pressure Level (SPL): In decibels, 20 times the logarithm to the base 10 of the ratio of a sound pressure to the reference sound pressure of 20 micro-pascals. Where p = sound pressure to be quantified p_{ref} = 20 micro-Pascals (metric). 2.9 x 10^{-9} psi (English).

Exhibit 7

Viewshed Analysis

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Exhibit 8

Decommissioning Plan

DECOMMISSIONING PLAN

Waverly Resilient Power

SP Resilient Power 10, LLC

November 5, 2025

20 Allen Avenue
Webster Groves, Missouri 63119
p 314.962.7900

www.f-w.com

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1.0 INTRODUCTION

Farnsworth Group Inc. (FGI) was contracted by SP Resilient Power 10, LLC on behalf of Sofos Power, LLC to prepare this decommissioning plan for the Waverly Resilient Power project (the Project) for the use of SP Resilient Power 10, LLC, the city of Lincoln, and Lancaster County. This document is prepared by the licensed engineers at FGI, drawing on over 130 years of multi-disciplinary background in Illinois and solar experience encompassing projects ranging from rooftop installations through community-scale and up to plant-replacing utility-scale facilities. This decommissioning plan was created to identify the appropriate methodology for the safe and efficient decommissioning of the Project and costs associated. Values are estimated based on material, labor, and construction cost databases (e.g. RSMeans) compiled by FGI and applied to this Project with industry accepted methodology. This plan provides a description of the decommissioning and restoration of the land at what is determined to be the end of the generation facility's useful life. Project details are included in **Section 2.0** and outline the overall Project goal as well as the relevant components and materials involved. A summary of the components and material to be removed is included in **Section 3.0** and the steps required to restore the Project area will be outlined in **Section 4.0**. The costs of decommissioning and restoration, an estimate of the revenue from reselling and salvaging material, and financial assurance are discussed in **Section 5.0**. Referenced exhibits are provided in **Section 6.0**.

2.0 PROJECT DETAILS

2.1 PROJECT DESCRIPTION

The Project is located northeast of the intersection of N 120th Street and Highway 6 in Lancaster County, Nebraska. The Project is inside of the City of Lincoln's three-mile extraterritorial zoning jurisdiction, west of the City of Waverly. The fenced area encompasses approximately 17.77 acres and will have a storage capacity of 170-Megawatts AC (MW_{AC}). This system will tie into a proposed SPP substation and store energy in times of surplus, then supply energy into the grid as needed.

2.2 APPROXIMATE COMPONENTS AND MATERIALS

All components and materials identified in this plan are estimated based on preliminary design information. The quantities of the components are estimated and summarized in a table at the end of section 2.2.

2.2.1 BATTERY MODULES & CONTAINER

The Project intends to use 206 BESS containers with liquid-cooled prismatic lithium ferro(iron)phosphate (LFP) battery cells, held in large containers. Exact battery specifications are not finalized, but the selected choice will be compliant with the highest industry standards (UL 9540A tested, UL 9540 compliant, and NFPA 855 compliant). All estimates in future sections are based on an example container. See **Exhibit A** for the specification sheets for this container as referenced in this decommissioning plan. Each container is estimated to have dimensions of 20'

x 8’ x 9.5’ and weigh 105,822 lbs. Containers will sit on reinforced concrete pads (assumed 10” thick).

2.2.2 PCS & INVERTERS

The Project intends to use 52 Power Conversion Systems (PCS) with AC power ratings of 5.15 MW and a maximum DC voltage of 1500 V. These PCS are used to convert AC voltage from the grid into DC voltage that can be stored within the BESS facility and then convert that DC voltage back into AC voltage and power when that energy is to be used.

The PCS will be connected to the site substation, which will connect to a new SPP Substation as the point of interconnection. The exact PCS/inverter models will be determined closer to construction, but equipment used will be up to industry standards. All estimates in future sections are based on an example PCS, where **Exhibit B** is the specification sheet for this PCS as referenced in this decommissioning plan. Containers are estimated to have dimensions of 21.3’ x 6.5’ x 7.2’ and weigh 30,865 lbs. Each container will sit on a reinforced concrete pad (assumed 10” thick).

2.2.3 ELECTRICAL CABLES

Per the standard set by the National Fire Protection Association Table 300.5 and National Electric Code, all underground conduits used in this project must be buried to a minimum depth of 18 inches, or 24 inches for direct-buried cable. The number of linear feet and type of underground cabling in this facility is assumed to generate a negligible amount of salvage value. As the Project develops, this value may prove to be significant and should then be considered when estimating salvage value. For instance, if copper wiring is implemented there is a greater likelihood for significant salvage value as compared to aluminum wiring.

2.2.4 SUBSTATION, TRANSFORMER, SWITCHGEAR, & POWER DISTR. CENTER

Switchgear and a power distribution center (PDC) will be installed on the same equipment pad as the transformer. Both systems serve to monitor and regulate the Facility’s operation. Exact systems will be determined closer to construction, but the equipment selected will be up to industry standards. The switchgear, PDC, and transformer will be part of a manufactured skid foundation that will likely be pile mounted. The project substation allows for a safe and reliable connection between the project and grid. For estimating the cost of decommissioning, the substation, transformer, switchgear, and PDC will be evaluated as one item referred to as the Energy Management System. This estimate considers one Energy Management System for each proposed substation.

2.2.5 FENCING AND ACCESS ROADS

The Project area will be enclosed by a security fence around its perimeter. The fence is assumed to be chain link and approximately 7 feet high, spanning 6,400 linear feet. Access roads will be constructed to allow entry to the facility from local roadways. There will be approximately

119,200 square feet of access roads added to the project, including improvements to N 120th St. on the west end of the project. The access roads typically consist of aggregate pavement or gravel as determined through the design process. Road lengths are subject to change based on the final design, what is included here will be representative of the final road length. For cost estimates, the combined surface and aggregate thickness of the road is assumed to be 12".

Table 1: Estimated Quantities of Components and Materials

Component/Material	Quantities	Unit of Measure
Battery containers	206	EACH
Power conv. systems	52	EACH
Underground conduits	2720	LINEAR FEET
Energy Management System	2	EACH
Access road aggregate	119200	CUBIC FEET
Fencing	6400	LINEAR FEET
Reinforced concrete foundations under containers	39000	CUBIC FEET
Excavation and backfill	57400	CUBIC YARD

2.3 CITY ORDINANCE AND PROJECT LIFESPAN

The Zoning Ordinance of the City of Lincoln does not define the lifespan of a BESS facility. However, Section 13.051(a)(v)(4) of the Zoning Resolution of Lancaster County related to Large Solar Facilities states, "discontinuance, decommissioning, or abandonment shall mean the [facility] has produced no energy for twelve (12) consecutive months." This decommissioning plan assumes said definition and thus defines discontinuance, decommissioning, or abandonment to mean the BESS facility has stored or returned no energy for twelve (12) consecutive months.

Section 13.051(a)(v)(4) further states, "[t]he owner or operator shall have twelve (12) months to complete decommissioning of the [facility]. If the owner or operator of the [facility] fails to remove the installation in accordance with the requirements of [the Special Permit] or within twelve (12) months following discontinuance, decommissioning, or abandonment, the County may collect the bond or other financial security and the County or a hired third party may enter the property to physically remove the installation." This decommissioning plan likewise assumes these conditions and SP Resilient Power 10, LLC proposes that the City impose the same timing and financial security requirements for decommissioning the Project.

BESS containers typically last 20 years before they are salvaged, depending on the standard of care maintained during the operation of the facility. As equipment is deemed in need of replacement, it may be replaced/retrofitted to extend the useful life of the facility. For the purposes of this decommissioning

plan, it is assumed that deconstruction and site restoration will be completed within 12 months after the end of the useful life of the facility.

3.0 DECOMMISSIONING PROCESS

Any action taken to decommission the facility will be subject to the requirements of the relevant authorities and follow process regulations set by local, state, and federal permits. The decommissioning process generally will involve deconstruction of all above ground equipment and structures, as well as foundations or structures below ground to a depth of three feet if implemented.

Before any decommissioning activities may begin, the facility will need to be deenergized and disconnected from the grid. The facility operator shall communicate with all relevant agencies to ensure the deenergizing of the BESS facility. Any transportation of LFP batteries should follow guidelines for packaging and shipping as outlined by the U.S. Department of Transportation (DOT) Hazardous Materials Regulations (HMR) 49 CFR, Parts 171-180 for transportation by air, highway, rail, or water. At the time of decommissioning, batteries and equipment should be deenergized according to local, state, or federal requirements. Special precautions should be taken with visibly damaged batteries as they pose additional shock or fire risks.

All equipment and materials will be evaluated by their condition to determine if they can be reused/refurbished, salvaged, recycled, or disposed of. Only when it is determined that equipment and materials may not be reused/refurbished, salvaged, or recycled, will disposal be considered. Products of deconstruction will be sent to the appropriate facilities to refurbish, salvage, or recycle said products. Anything in need of disposal will be sent to an approved waste management facility in accordance with state and federal regulations.

The general process for decommissioning will be in the reverse order of construction operations, with first assuring all electrical components are deenergized.

3.1 BATTERY CONTAINER REMOVAL

Utility-scale BESS enclosures are built from steel shipping containers or custom-fabricated steel housings designed to meet UL and NFPA standards. Reuse and refurbishment are the preferred pathways for battery container removal from the site as they present higher recoverable costs and minimal environmental burden. Where reuse or refurbishment is not available, battery containers and modules will undergo a deconstruction process by fully trained technicians for the materials to be properly recycled and salvaged. Special attention should be paid to regulations and standards concerning disassembly processes and safety precautions.

If batteries have sustained damage, they should be packaged and treated in compliance with Title 40 of the Code of Federal Regulations under the Resource Conservation and Recovery Act. Damaged batteries should only be handled by those with proper safety training and necessary personal protective equipment.

Estimated costs consider the high-end cost of labor and equipment for disassembling, packaging, and transporting batteries for only their salvage value.

3.2 EQUIPMENT SYSTEM & INVERTERS

All electrical equipment should be deenergized and disconnected prior to disassembly/deconstruction. All transformers, switchgear, PDC, and inverters will be removed from the site. These electrical components may be refurbished and resold to help offset decommissioning costs. Any remaining electrical components will be salvaged or recycled at approved facilities. Deconstruction processes for electrical components should only be performed by fully trained technicians. Special attention should be paid to regulations and standards concerning disassembly processes and safety precautions to minimize the risk of environmental contamination and injury. Damaged electrical equipment should only be handled by those with proper safety training and necessary personal protective equipment.

Concrete footings and foundations created to support these components will be broken down with equipment to a size that allows them to be easily removed from the site. Processed concrete will be taken to an approved recycling facility.

3.3 UNDERGROUND CONDUIT

Underground electrical conduit will be excavated and removed. Aluminum or copper material can be processed and recycled for some salvage value at an approved recycling facility. Other materials that cannot be recycled will be disposed of at an approved facility.

3.4 ACCESS ROADS, CONCRETE FOUNDATION, FENCING, & ELECTRICAL POLES

Fencing and access roads will be the final components removed from the site as they will be used for accessing and protecting the site throughout decommissioning. Access roads may remain in place if agreed to by the Landowner in writing. For this decommissioning plan, it is assumed that all roads will be removed at the end of the Project's useful life. The full depth of the pavement section will be removed from the Project area. Carbon steel rebar should be separated from concrete materials for recycling. Materials that can be recycled will be sent to an approved recycling facility. All other materials will be disposed of at an approved facility. The soil beneath the access roads may be compacted, in which case that compaction will be restored to its initial condition. This decommissioning plan considers a 3' excavation and backfill across the entire Project area, with potentially deeper excavations required for the substation area.

Fencing will be disassembled and removed from the Project area. Any driven steel piles supporting electrical poles will be pulled from the ground and removed from the Project area. Places where piles have been removed will be backfilled as required. The chain link fencing and driven piles will be sent to an approved recycling facility.

3.5 REQUIRED EQUIPMENT

Equipment will be needed to decommission the facility and transport materials and components off the site to the appropriate locations for reselling, salvaging, recycling, or disposing of said materials and components. It is assumed that the equipment required for decommissioning will be similar to what was needed for construction of the facility. This may include, but would not be limited to cranes, excavators, bulldozers, backhoes, trucks for hauling material, etc.

4.0 RESTORATION PROCESS

After deconstruction occurs, the restoration process of the site will begin. The restoration process aims to restore the land within the Project area to the condition it was in before development as closely as reasonably possible. To achieve this, all restoration activities will comply with regulations in place at the time of decommissioning.

4.1 SOILS AND REGRADING

Before any deconstruction activities start, care will be taken to remove and store topsoil from the facility separate from any other material or debris that may be produced through deconstruction efforts. Best efforts will be made to remove rocks greater than 3 inches in any dimension from the surface of the exposed subsoil and to dispose of collected rock in accordance with regulations at the time of decommissioning. After deconstruction, the topsoil will be used to backfill where necessary and used to recontour the Project area as closely as possible to preconstruction conditions. Any rutting or compaction created by equipment used for deconstruction will be restored after the replacement of the topsoil as standard Best Management Practice (BMP) for agricultural land use and in compliance with any other guidelines set by appropriate governing bodies. The Project area will be revegetated after recontouring subject to the same guidelines. All land disturbed by the facility construction, operation, and deconstruction will be restored to a condition reasonably similar to its preconstruction condition.

4.2 DRAINAGE

The Project area is zoned as agricultural. Based on FEMA Flood Maps, there are two streams running through the center of the project parcel, flowing from northwest to southeast. The area around these streams is zoned as a FEMA Flood Zone AE. The appropriate setbacks for streams, wetlands, and flood zones are accounted for in the design of the Project area. Exact drainage and BMPs will be determined as engineering design is finalized. A Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Management/Erosion Control Plan will be created as part of the engineering design to mitigate erosion during construction and decommissioning. At the determined end of the Project's useful life, drainage conditions will need to be reassessed. After deconstruction, the site will be recontoured in such a way as to emulate the drainage conditions before initial construction. BMPs for the deconstruction and restoration processes will be determined before decommissioning begins.

4.3 REVEGETATION

After recontouring, the Project area will be revegetated to, as closely as reasonable, match the original state of the site before development. The seed mix used to revegetate will be agreed upon by the Project owner and the Landowner and/or applicable local, state, or federal agencies as required. Revegetation efforts will restore the native grass, forb and tree populations as observed before development of the site.

5.0 DECOMMISSIONING COST ESTIMATE SUMMARY

The cost for decommissioning the Project is an estimation of the costs required to return the Project area to a condition that is similar to the initial condition of the Project area as reasonably as possible. The costs of man hours, component and material pricing, and implementation of equipment in the decommissioning process are based on 2025 market values and then adjusted for inflation (i = 5%) to the approximate project start and end of lifetime, 2026 and 2046. The estimation in this section is based on industry research and knowledge/experience. The net estimated cost to decommission this facility is **$7,046,800**. The details of the estimate are included in the following sections. Value generated from salvaging and recycling components of the system were estimated as they have the potential to offset a significant portion of decommissioning costs.

5.1 DECOMMISSIONING COST

Costs generated from the decommissioning of the Project include equipment and labor costs to disassemble, package, ship, and recycle the LFP battery containers, power conversion systems and metal fencing. Additional costs include the labor and equipment for removing site access roads, underground electrical conduit, and concrete foundations, recontouring and restoration of the Project area, excavating and backfilling up to a depth of 3’, repairing public roads, material hauling to appropriate facilities, and overhead and management expenses. The costs associated with the processes identified in this plan are estimated in Table 2. The total cost for decommissioning is summed at the end of the table.

TABLE 2: Decommissioning Cost Estimate

Decommissioning Effort	Quantity	Unit Cost of Removal ($/unit)	2026 Cost of Removal	2046 Scaled Cost of Removal
Overhead and management	Lump Sum		$8,700	$29,400
Public road repair	Lump Sum		$9,900	$33,600
Site restoration	Lump Sum		$204,300	$406,900
Battery systems	206	15725	$3,401,300	$9,024,700
Power conversion systems	52	7530	$411,200	$1,091,000
Conduit (LF)	2,720	5.01	$14,300	$37,900
Energy management systems	2	160000	$336,000	$891,500
Access Roads (CF)	119200	0.89	$111,400	$295,600
Fence (LF)	6400	1.81	$12,200	$32,400
Concrete & rebar (CF)	39000	0.89	$36,400	$96,600
Material Hauling (CY)	76700	4.3	$346,300	$918,800
Excavation and backfill (CY)	57400	2.06	$124,200	$329,500
Total Estimated Decommissioning Cost			$5,016,200	**$13,187,900**

5.2 SALVAGE VALUE

Some components and materials used throughout the facility will have salvage value. Reinforcements for concrete foundations are expected to be made of carbon steel. Salvage values for the batteries and power conversion systems were estimated based on their respective scrap values. Any copper cabling included in this project will not be considered in this estimate due to the uncertainty of the amount included. Salvage values for materials can vary greatly with local recycling availability, remaining project duration, and material demands/shortages. If the project is decommissioned early, batteries and electrical components may have significantly more value. For the purposes of this decommissioning plan, salvage values are based only on material recycling cost and recoverable value. All salvage values included here are estimated based on 2025 market values and adjusted to the approximate project start and end of lifetime, 2026 and 2046, with a 5% annual inflation rate. Salvage values will vary based on location; where available, all values utilized here are in reference to the closest large metropolitan area, Lincoln, Nebraska.

TABLE 3: Salvage Value Estimate

Salvage Material	Weight (tons)	Salvage Price ($/ton)	2026 Salvage Value ($)	2046 Salvage Value ($)
Battery Containers (scrap li-ion battery)	5150	400	$2,163,000	$5,739,100
Power Conversion Systems (scrap inverter)	780	166	$136,000	$360,800
Fence (scrap metal)	41.9	140	$6,200	$16,500
Foundation rebar (carbon steel)	44.3	200	$9,300	$24,700
Total Estimated Salvage Value			$2,314,500	**$6,141,100**

5.3 OVERALL COST OF DECOMMISSIONING

Given the decommissioning cost and the Salvage value, the overall cost of decommissioning is calculated in the table below.

Table 4: Overall Cost of decommissioning

Decommissioning Cost	$13,187,900
Salvage Value	$6,141,100
Net Decommissioning Cost	**$7,046,800**

5.4 FINANCIAL ASSURANCE

The Zoning Ordinance of the City of Lincoln does not set forth financial security requirements for decommissioning a BESS facility. However, Section 13.051(a)(v)(3) of the Zoning Resolution of Lancaster County related to Large Solar Facilities states, "the owner of the [facility] shall provide the decommissioning cost guaranty no later than the end of the fifteenth (15th) year of operation, and shall maintain the financial security thereafter for as long as the [facility] is in existence or upon discontinuance, decommissioning, or abandonment of the [facility]. Such financial security shall be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates." The City of Lincoln has applied this standard to a Large Solar Energy Conversion System in the past (*See* Special Permit No. 19036 adopted by the City Counsel via Resolution No. A-91830 on September 30, 2019). This decommissioning plan assumes said standard.

Consistent with Section 13.051(a)(v)(3) of the Zoning Resolution of Lancaster County, the Project owner shall provide financial assurance to the City of Lincoln for Project decommissioning in the form of a surety bond, letter of credit or equivalent security instrument. This financial security will be provided to the City of Lincoln no later than the earlier of the 15th year of commercial operation of the facility or

upon discontinuance, decommissioning, or abandonment. The decommissioning cost estimate and corresponding financial security shall be reevaluated and updated every 5 years to reflect accurate decommissioning costs and to maintain financial security for as long as the BESS facility is in existence.

Future advances in technology and best practices could decrease decommissioning costs and improve efficiency such that future reevaluations of the decommissioning plan have a lower cost. Salvage prices and inflation rates can also drastically fluctuate year to year. To provide a high level of financial assurance, this decommissioning plan was based strictly on the evaluation of present technologies and practices.

6.0 EXHIBITS

6.1 EXHIBIT A – Container Specifications

∞Power

6.25 MWh 4h

Liquid-cooled energy storage system based on prismatic LFP cells with very high cyclic lifetime

GENERAL	
Configuration	4*1P416S
Cooling Method	Liquid Cooling
BMS Communication	CAN, RS485, Ethernet
Gravimetric ED	≥ 130 Wh/kg(≥ 59 Wh/lb)
Volumetric ED	≥ 145 Wh/L(≥ 549 Wh/gal)
Application Altitude	≤ 4,000 m(≤ 13,123 ft)

ELECTRICAL	
Nominal Voltage	1,331.2 V
Operating Voltage	1,040 ...1,500V
Nominal Energy	6,250 kWh [1,2]
Nominal SOC at Delivery	27 % [3]
Nominal Charge/Discharge Rate	0.25 P / 0.25 P
Round Trip Efficiency	≥ 95 % [1,2]

[1] *0.25 P / 0.25 P*
[2] *25 °C +/- 2 °C (73.4 °F ... 80.6 °F)*
[3] *ambient temperature*
* *In progress*

MECHANICAL	
Dimensions (L x W x H)	6,058 x 2,438 x 2,896 mm (238 ½ x 96 x 114 in)
Maximum Weight	48,000 kg (105,822 lb)
Protection Level	IP 55

TEMPERATURE RANGE	
Operating	-30 °C ... 55 °C [3] (-22 °F...131 °F[3])
Storing (Recommended)	-20 °C ... 35 °C [3] (-4 °F...95 °F[3])

PRODUCT CERTIFICATIONS AND COMPLIANCE*	
Certificates and Compliance	UL 1973, UL 9540A, UL 9540, NFPA 855
Safe Transportation	UN 38.3

ENVIRONMENTAL*	
Compliance	RoHS, REACH, Cobalt free
Regulation (EU)	2023/1542

COMPANY CERTIFICATIONS	
	ISO 9001, ISO 14001, ISO 45001, SA 8000

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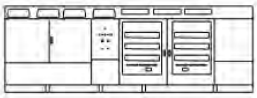
Xiamen HiTHIUM Energy Storage Technology Co., Ltd.
Address: HiTHIUM Industrial Park, Tongxiang High Tech Zone, Xiamen, Fujian, China | Email: hithium@hithium.com

Document is subject to regular updates, corrections, and improvements.
Kindly check you are using latest version.
Picture for illustration purpose only.

LinkedIn Website

6.2 EXHIBIT B – PCS Specifications

Freemaq Multi PCSM
IEC | UL



Preliminary

REFERENCES		FP5150MU2	FP5150MH2	FP5151MH2	FP5150MU4	FP5150MH4	FP5151MH4
AC	AC Output Power (kVA/kW) @35°C [1]	5150					
	AC Output Power (kVA/kW) @40°C [1]	4940					
	AC Output Power (kVA/kW) @50°C [1]	4520					
	Operating Grid Voltage (kV)	34.5 kV ±10%	33 kV ±10%		34.5 kV ±10%	33 kV ±10%	
	Operating Grid Frequency (Hz)	60 Hz	50 Hz		60 Hz	50 Hz	
	Current Harmonic Distortion (THDi)	< 3% per IEEE 519					
	Power Factor (CosPhi) [2]	0.5 leading ... 0.5 lagging					
	Reactive Power Compensation	Four quadrant operation					
DC	DC Voltage Range Full Power [3]	1019 V – 1500 V					
	Maximum DC Voltage	1500 V					
	DC Voltage Ripple	< 3%					
	Max. DC Continuous Current (A)	2579			1289		
	Max. DC Short Circuit Current (kA)	250 kA with a time constant of 3 ms					
	Battery Technology	All type of batteries (BMS required)					
	Number of Separated DC Inputs	2			4		
EFFICIENCY & AUX. SUPPLY	Efficiency (Max) (η)	98.00% including MV transformer					
	CEC (η)	97.53% including MV transformer					
CABINET	Dimensions [WxDxH] (ft)	21.3 x 6.5 x 7.2					
	Dimensions [WxDxH] (m)	6.5 x 2.0 x 2.2					
	Weight (lbs)	30865					
	Weight (kg)	14000					
	Type of Ventilation	Forced air cooling					
ENVIRONMENT	Degree of Protection	NEMA 3R	IP55		NEMA 3R	IP55	
	Operating Temperature Range [4]	From -25°C to +60°C, >35°C power derating					
	Operating Relative Humidity Range	From 4% to 100% non-condensing					
	Storage Temperature Range	From -40°C to +60°C					
	Max. Altitude (above sea level) [5]	2000 m					
CONTROL INTERFACE	Communication Protocol	Modbus TCP					
	Power Plant Controller	Optional					
	Keyed ON/OFF Switch	Standard					
PROTECTIONS	Ground Fault Protection	Insulation monitoring device					
	Humidity Control	Active heating					
	General AC Protection & Disconnection	38 kV MV switchgear (V)	36 kV MV switchgear (2L+V)		38 kV MV switchgear (V)	36 kV MV switchgear (2L+V)	
	General DC Protection & Disconnection	High-speed fuses, Motorized DC disconnect switches [6]					
	Overvoltage Protection	Type 2 for AC and Type 1+2 for DC					
CERTIFICATIONS & STANDARDS	Safety	UL 1741 / CSA 22.2 No.107.1-16 / IEC 62109-1 / IEC 62109-2 / IEC 62477-1 / IEC 62477-2					
	Installation	NEC 2023					
	Utility Interconnect [7]	UL 1741 SA & SB / IEEE 1547.1 / IEC 62116					

NOTES
[1] Values at 1.00-Vac nom and CosPhi=1.
Consult Power Electronics for derating curves and overload capability in grid forming mode.
[2] Consult P-Q charts available: Q(kVAr)=√(S(kVA)2-P(kW)2).
[3] Consult Power Electronics for derating curves. In the event of overvoltage in the grid, the minimum DC voltage will vary proportionally with the AC voltage.
[4] Optional available for temperatures down to -35°C.
[5] Consult Power Electronics for altitudes above 1000 m.
[6] Battery short circuit disconnection must be done on the battery side.
[7] Consult Power Electronics for other applicable standards / grid codes.

V. 1.0

POWER ELECTRONICS

Exhibit 9

Wetlands Delineation Report

80 Parkwood Lane, Odenville, AL

October 13, 2025

Mr. Alex Fukuchi
Sofos Power, LLC
426 Edgewood Place
Homewood, AL 35209

Subject:
USACE Jurisdictional Evaluation
Waverly
Waverly, Lancaster County, Nebraska
Shoal Creek Environmental Project No.; RME25-15

Mr. Fukuchi:

Shoal Creek Environmental, LLC (SCE) performed a United States Army Corps of Engineers Jurisdictional Evaluation on the Waverly site in Waverly, Lancaster County, Nebraska. The enclosed USACE Jurisdictional Evaluation Report includes project information, project location, jurisdictional evaluation methods, and jurisdictional findings.

Shoal Creek Environmental, LLC appreciates the opportunity to provide this information. Please contact me at (659) 346-8178 or by electronic mail at heath@shoalenvironmental.com if you have any questions or comments.

Sincerely,
SHOAL CREEK ENVIRONMENTAL, LLC

Heath Belyeu

Heath Belyeu
Senior Biologist

Enc. USACE Jurisdictional Evaluation Report

USACE Jurisdictional Evaluation

Waverly
Waverly, Lancaster County, Oklahoma

October 13, 2025

SCE Project No: RME25-15

PREPARED FOR:
Sofos Power, LLC
426 Edgewood Place
Homewood, AL 35209

PREPARED BY:
Shoal Creek Environmental, LLC
80 Parkwood Lane
Odenville, AL 35120
Phone: (659) 346-8178

TABLE OF CONTENTS

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1.1 SITE LOCATION 4
1.2 SITE DESCRIPTION AND BACKGROUND 4
1.3 SOILS 5
2.0 FIELD EVALUATION METHODS 5
3.0 FINDINGS 5
4.0 CONCLUSION 6

FIGURES

Figure 1 Site Location Map
Figure 2 Topographic Map
Figure 3 Aerial Photograph
Figure 4 Web Soil Survey
Figure 5 National Wetlands Inventory

APPENDICES

Appendix A Site Photographs

1.0 INTRODUCTION

1.1 SITE LOCATION

The project area is located northeast of the intersection of McKelvie Road and N. 120th Street in Waverly, Lancaster County, Nebraska (Figure 1). The project area is depicted on the United States Geological Survey 7.5-minute Topographic Quadrangle "Waverly, NE" dated 1964, Photorevised 1972. The project area is located in the SW ¼ of Section 20, Township 11 North, Range 8 East, and centered at latitude 40.90427° north and longitude 96.55725° west (Figure 2). The project area is located in the Lower Salt Creek sub-watershed (HUC 1020020309) of the Salt watershed (HUC 10200203).

1.2 SITE DESCRIPTION AND BACKGROUND

The project area comprises an approximate 42-acre parcel of agricultural land consisting of recently harvested corn (*Zea Mays*). The project area is bounded to the north by agricultural land, to the east by an intermittent tributary to Salt Creek, to the south by a railroad, and to the west by N. 120th Street (Figure 3).

The topography within the region consists of rolling hills, and the project area slopes gently to the east and west from a gentle knoll in the central portion of the site. An intermittent stream corridor is located on the eastern boundary of the project area, and a powerline right-of-way is located on the southern portion. The entirety of the project area consists of an agricultural field that was planted with corn and has recently been harvested. Site Photographs are attached as Appendix A.

The project area is located in the Nebraska/Kansas Loess Hills ecoregion (47h) of the Western Corn Belt Plains. The Western Corn Belt Plains once covered with tallgrass prairie, over 90 percent of the Western Corn Belt Plains ecoregion is now used for cropland agriculture and much of the remainder is in forage for livestock. A combination of nearly level to gently rolling glaciated till plains and hilly loess plains, ample precipitation mainly in the growing season, and fertile, warm, moist soils make this one of the most productive areas of corn and soybeans in the world. Agricultural practices have contributed to environmental concerns, including surface and ground water contamination from soil erosion, fertilizer and pesticide applications, as well as livestock concentrations.

The greater relief and deep loess hills of the Nebraska/Kansas Loess Hills are markedly different from the flat alluvial valley of neighboring Missouri Alluvial Plain (47d). Dissected hills with deep, silty, well drained soils supported a potential natural vegetation of tallgrass prairie with scattered oak-hickory forests along stream valleys. Cropland agriculture is now common and ample precipitation in the growing season supports dryland agriculture, with only a few areas requiring irrigation.

1.3 SOILS

Soils within the project area are identified as Crete silt loam, terrace, 0 to 1 percent slopes; Butler silt loam, terrace, 0 to 1 percent slopes; Fillmore silt loam, frequently ponded; Littlesalt silty clay loam, 1 to 6 percent slopes; and Colo-Nodaway silty clay loams, frequently flooded (Figure 4).

Table 1. Soil Survey

Lancaster County						
Soil	**Symbol**	**Drainage Class**	**Landforms**	**Frequency of Flooding**	**Hydric Rating and Location**	**Depth to Water Table**
Crete silt loam, terrace, 0 to 1 percent slopes	3709	Moderately well drained	Stream terraces	None	Yes, playas and stream terraces	>80 inches
Butler silt loam, terrace, 0 to 1 percent slopes	3713	Somewhat poorly drained	Stream terraces	None	Yes, playas and stream terraces	6-18 inches
Fillmore silt loam, frequently ponded	3952	Somewhat poorly drained	Playas on stream terraces	None	Yes, playas and stream terraces	0-24 inches
Littlesalt silty clay loam, 1 to 6 percent slopes	4101	Moderately well drained	Terraces	None	Yes, floodplain steps	36-60 inches
Colo-Nodaway silty clay loams, frequently flooded	7774	Colo-Poorly drained Nodaway-Moderately well drained	Colo-Flood plains Nodaway-Flood plains	Colo-Occasional Nodaway-Frequent	Yes, floodplains	Colo-0-18 inches Nodaway-36-72 inches

2.0 FIELD EVALUATION METHODS

Shoal Creek Environmental, LLC (SCE) personnel reviewed the USGS 7.5-minute "Waverly, NE" Topographic Quadrangle, the USDA Web Soil Survey, the National Wetlands Inventory (Figure 5), and aerial photographs for the site. SCE personnel conducted the jurisdictional evaluation on September 30, 2025. The following briefly describes the field procedures conducted during site activities.

SCE conducted a reconnaissance of the property within the subject site boundaries as well as on adjacent properties to assist in describing representative vegetation, hydrology, and soils. The subject site was observed for jurisdictional wetland indicators and Waters of the U.S. The field delineation was performed in accordance with the guidelines established in the Field Guide for Wetland Delineation, 1987 Corps of Engineers Manual (Manual), and, the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0) (August 2010).

3.0 FINDINGS

It is SCE's professional opinion that the project area does not contain any features that are classified as Waters of the U.S. and under the jurisdiction of the USACE.

4.0 CONCLUSION

Shoal Creek Environmental, LLC, performed a site visit of the project area on September 30, 2025. The topography within the region consists of rolling hills, and the project area slopes gently to the east and west from a gentle knoll in the central portion of the site. The project area is located within an agricultural area of Waverly, Lancaster County, Nebraska, and is comprised of an agricultural field utilized for corn production. It is SCE's professional opinion that the project area does not contain any features that are under the jurisdiction of the USACE.

Shoal Creek Environmental, LLC appreciates the opportunity to provide this information. Please contact me at (659) 346-8178 or by electronic mail at heath@shoalenvironmental.com if you have any questions or comments.

Sincerely,
SHOAL CREEK ENVIRONMENTAL, LLC.

Heath Belyeu

Heath Belyeu
Senior Biologist

Attachments: Figures
Site Photographs

Appendix A

View of the eastern portion of the project area.

View of the northern portion of the project area.

View of the western portion of the project area.

View of the southern portion of the project area.

Figures

ExpertGPS

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 ft

Scale: 1 : 15000.

MN

2°28'

USACE Jurisdictional Evaluation
Waverly
Waverly, Lancaster County, Nebraska
Shoal Creek Environmental Project No.; RME25-15

SHOAL CREEK ENVIRONMENTAL

80 Parkwood Lane
Odenville, AL 35120

Figure 1.

Location Map

ExpertGPS

200 0 200 400 600 800 1000 1200 1400 1600 ft

Scale: 1 : 5000.

MN

2°28'

USACE Jurisdictional Evaluation
Waverly
Waverly, Lancaster County, Nebraska
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SHOAL CREEK ENVIRONMENTAL

80 Parkwood Lane
Odenville, AL 35120

Figure 2.

Topographic Map

ExpertGPS

200 0 200 400 600 800 1000 ft

Scale: 1 : 3500.

MN

2°28'

USACE Jurisdictional Evaluation
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Waverly, Lancaster County, Nebraska
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SHOAL CREEK ENVIRONMENTAL

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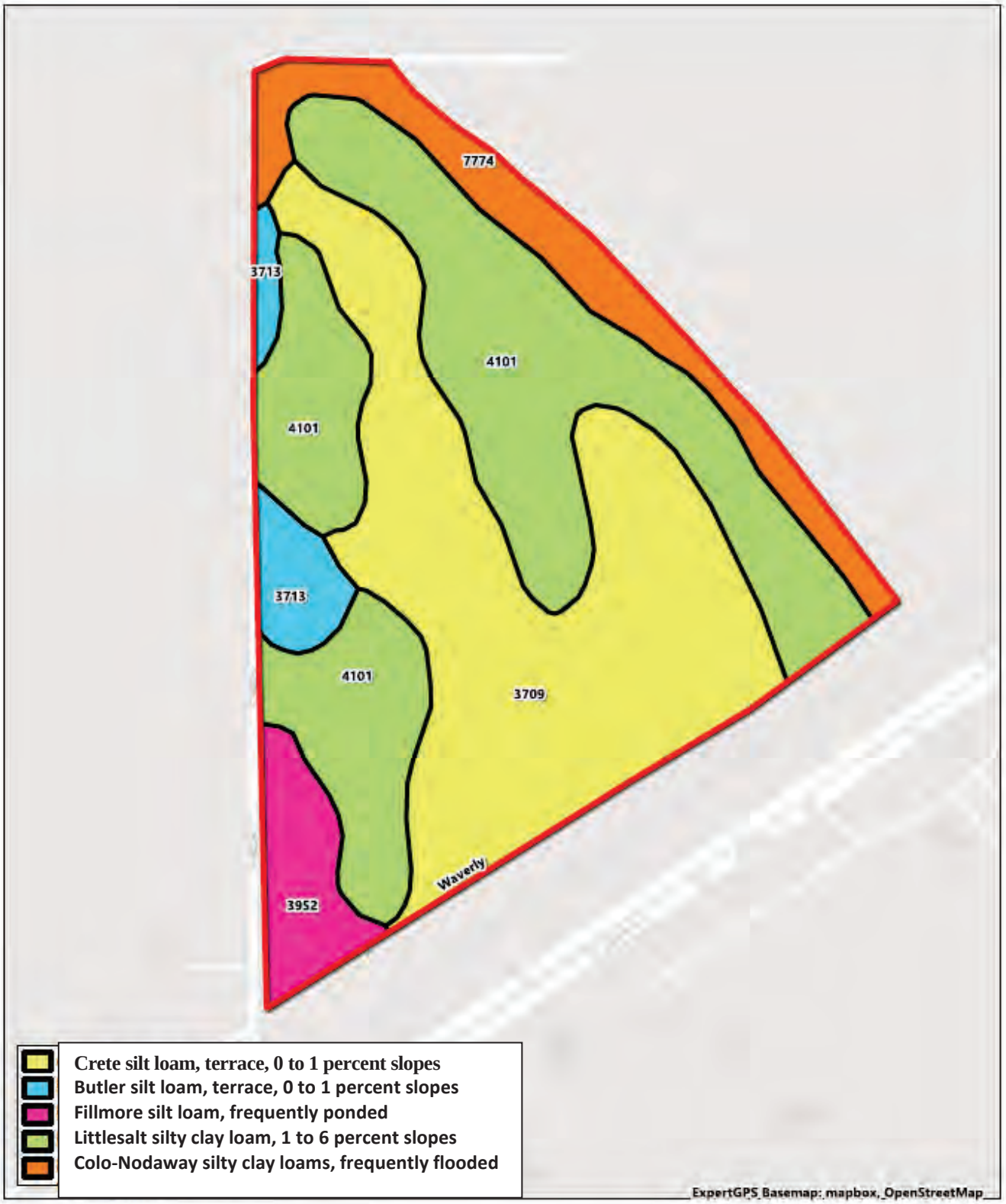
Odenville, AL 35120

Figure 3.

Aerial Photograph



ExpertGPS

200 0 200 400 600 800 1000 ft

Scale: 1 : 3500.

MN

2°28'

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Figure 4.

Soil Survey

ExpertGPS

200 0 200 400 600 800 1000 1200 1400 1600 ft

Scale: 1 : 5000.

MN

2°28'

USACE Jurisdictional Evaluation
Waverly
Waverly, Lancaster County, Nebraska
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SHOAL CREEK ENVIRONMENTAL

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Odenville, AL 35120

Figure 5.

National Wetlands Inventory