**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING
OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF DAVID CITY, NEBRASKA**

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **26th day of August**, in the **meeting room of the City Office, 490 "E" Street, David City, Nebraska**. The Mayor and City Council reserve the right to enter into a closed session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be stated on the agenda.

This agenda for public inspection is available on our website at www.davidcityne.com and may be modified up to twenty-four hours prior to the opening of the meeting.

Dated this .

AGENDA AS FOLLOWS:

1. Roll Call;
2. Pledge of Allegiance;
3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;
4. Minutes of the August 12, 2026, meeting of the Mayor and City Council;
5. Consider Ordinance No. 1534 authorizing Amendment No. 1 to Loan Agreement with Nebraska Department of Water, Energy, and Environment for SRF Project No. C318068;
6. Consider Ordinance No. 1538 amending the David City Municipal Code to impose a minimum staffing requirement for the David City Police Department;
7. Consider Ordinance No. 1539 amending the David City Municipal Code to include and regulate the use of Electric Scooters and Electric Motorcycles;
8. Consider Resolution No. 10-2026 authorizing the direction for call regarding certain obligations of the City of David City, Nebraska;
9. Consider Ordinance No. 1540 to authorize the issuance of General Obligation Various Purpose Bonds, Series 2026B, in an amount NOT TO EXCEED $6,400,000 for the purpose of paying off interim financing for the costs of water and sanitary sewer improvements within the City;
10. Consider Resolution No. 11-2026 authorizing the direction for call regarding certain obligations of the City of David City, Nebraska;
11. Consider Ordinance No. 1541 to authorize the issuance of Electric Utility Revenue Refunding Bonds, Series 2026, in an amount NOT TO EXCEED $1,050,000 for the purpose of refunding the City's outstanding Electric Utility Revenue Bonds, Series 2023;
12. Consider Ordinance No. 1542, providing for the levy of a general business occupation tax pursuant to the community development law;
13. Consider Ordinance No. 1543, approving a general business occupation tax agreement and authorizing the City's purchase of an occupation tax promissory note;
14. Discuss/Consider purchase of AMI Towers and equipment to automatically read water meters through the Neptune 260 program;

15. Discuss/Consider authorizing the solicitation of bids for the Veterans Memorial Park Building Renovation Project;
16. Consider closed session for personnel, contracts, or pending litigation (as necessary);
17. Adjourn;

Mayor Jessica J. Miller	Council President Bruce L. Meysenburg
Council Member Jeremy W. Abel	Council Member James L. Angell
Council Member Rick L. Holland	Council Member Kevin E. Woita
Council Member Keith A. Marvin	City Clerk – Treasurer Lori M. Matchett

CITY COUNCIL PROCEEDINGS
August 12, 2026

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

Present for the meeting were: Mayor Jessica Miller, Council Members Jeremy Abel, Jim Angell, Rick Holland, Keith Marvin, Kevin Woita, City Administrator Alan Zavodny, City Administrator Intern Raiko Martinez, City Clerk - Treasurer Lori Matchett, Account Clerk Elizabeth Parker, Police Chief Marla Schnell, Power Plant Supervisor John Smaus, Water Operator Daniel Sobota, Recreation Director William Reiter, Marlene Hein, Deb Dinkelman, Monica Heller, and Ethan Joy of JEO Consulting Group. City Attorney David Levy and Michael Fehr of Fehr Solutions attended via Zoom. Council Member Bruce Meysenburg was absent.

The meeting opened with the Pledge of Allegiance.

Mayor Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to silence their cell phones. Mayor Miller read the speaking guidelines for the City Council Meeting. She also reminded the public that if they speak tonight in front of the Council that they must state their name and address for the record.

Council Member Jim Angell made a motion to approve the minutes of the July 20-21, 2026, July 22, 2026, and August 5, 2026 meetings of the Mayor and City Council as presented. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Council Member Rick Holland made a motion to approve payment of claims with corrections to the Amazon claims and the Nebraska Department of Agriculture. Council Member Jim Angell seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Council Member Kevin Woita made a motion to approve the claim to D-Sign Shop. Council Member Jeremy Abel seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Butler County Development Board: The Board met with no significant new developments to report. Nebraska Public Power District (NPPD) discussed conducting a study of individuals coming into the community based on zip code data. Daycare needs continue to be discussed. Congressman Mike Flood recently visited the community and toured the city.

Safety Committee: The committee met and received information regarding updating its bylaws and records which have not been updated since approximately 1992. The committee will meet again on the 18th to continue the process.

Airport Committee: The committee met with Eric Johnson from Kirkham Michael, the City's airport consultant, for a pre-construction meeting. Patching, repairs, and crack sealing are scheduled to begin the following Monday. The airport is expected to be closed for approximately one month during construction.

Sidewalk Committee: The committee discussed continuing sidewalk and curb improvements from north to south, with an emphasis on ADA accessibility. Approximately $25,000 is allocated annually for sidewalk improvements, with work continuing as funding allows. The committee also discussed a possible sidewalk or trail connection to the ballfields. Property-owner responsibilities and enforcement of existing sidewalk requirements were discussed, including the need to address properties where sidewalks were not previously installed. The width and possible connection of the existing sidewalk/trail to the City's broader trail system were also discussed.

Tree Board: Discussion included removing or trimming trees interfering with transmission lines. Some trees exceed the City's available equipment capabilities, and contracting the work may be necessary.

Downtown Revitalization Committee: The committee met and approved Bob Wright's project for funding toward new windows and roof improvements. The project appears later on the agenda for Council consideration.

Council Member Keith Marvin made a motion to accept the committee and office reports, Butler County Development Board, Safety Committee updates, Airport Advisory Board updates, and Sidewalk Committee updates. Council Member Jeremy Abel seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Michael Fehr of Fehr Solutions, introduced himself, presented a proposal to provide consulting services for the City's water treatment plant. Fehr Solutions specializes in optimizing closed-circuit reverse osmosis (CCRO) systems and does not sell chemicals or equipment. Michael Fehr explained that the firm would assist City staff with optimizing the overall treatment process, including water recovery, chemical usage, membrane cleaning, and operating costs. A technician would visit approximately every two weeks, with Michael Fehr providing quarterly oversight. Fehr Solutions currently provides similar services for systems in Nebraska and other Midwestern states. Discussion included opportunities to reduce chemical and membrane-cleaning costs and improve the City's current water recovery rate. Fehr noted that the City's CCRO system is currently operating at approximately 75% recovery and that comparable systems may achieve higher recovery rates. Council also discussed the potential for cost savings to offset the consulting fee.

Council Member Keith Marvin made a motion to approve a 1-year service and consulting contract with Fehr Solutions, LLC. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Fehr Solutions, LLC

Water Treatment Services and Consulting

July 13th, 2026

Lori Matchett, CMC
City Clerk - Treasurer
490 E Street, P.O. Box 191
David City, NE 68632

Ms. Matchett,

Fehr Solutions is proposing the following service for the David City Closed Circuit Reverse Osmosis System.

As we discussed last week our services are to provide water treatment chemistry expertise in the pretreatment and the CCRO systems. This work provides insight into the reliable and long-term operation of the system and allows the system to be less reactive and more predictive. Our on-sight work will include:

1) Twice monthly on-site visits by a Fehr Solutions technician. During these visits Fehr Solutions will
    a. Collect samples from the wells, the incoming blended water, the pretreatment process and then from each CCRO system.
    b. Some basic water chemistry will be performed on site (pH, conductivity) while most of the water chemistry will be performed at our lab in Naperville via ICP-OES (Inductively Coupled Plasma – Optical Emission Spectroscopy)
        i. Water chemistry that will be done via ICP-OES is Ca, Mg, Fe, Cu, S, P, B, Mo, K, Mn, Al and As.
    c. Collect on-site information from the system (fouling factors, pressures, conductivity, flows)

2) This data will be used to develop performance models on both the pretreatment and the CCRO systems.
    a. This will allow us to determine which elements are limiting increases in recovery
    b. This will allow us to predict how quickly a unit may foul
    c. This will allow us to predict which clean in place chemistry will be most effective.
    d. This data will be presented as a report with recommendations.

3) Fehr Solutions will oversee clean in place when a CIP is necessary.
    a. Chemistry dosage calculations and chemistry checks (after cleaner is added).

b. Chemistry type recommendations (low pH, high pH).
c. Cleaning effectiveness
    i. Cleaning solutions are chemically analyzed to determine which materials are being removed to help us further improve chemistry and recovery.

4) Operational Cost reductions
    a. Fehr Solutions assists our clients in reducing chemical costs by finding the lowest cost chemicals that achieve the best performance
        i. Antiscalant – dosages and costs
        ii. Cleaners for CIP – where can commodity chemistries at far lower cost be utilized versus specialty chemicals.
        iii. Many of our clients can achieve 25% savings in chemistry through an improved procurement management and dosage.
            1. Fehr Solutions works with the site to achieve.

Our costs for these services are $20,100/year billed monthly at $1,675/month or $5,025/quarter.

We look forward to working with David City and maximizing the performance of the system.

Please let me know if you have any questions or concerns,

Best regards,

Michael Fehr, Ph.D.
Technical Manager
Fehr Solutions, LLC
630-992-0556

The Recreation Director, William Reiter, provided an update on the ball field project, reporting that the project is substantially complete and that Nemaha Sports Construction has done a good job. Fencing has been installed, the field has been graded and shaped, drainage is functioning, and approximately nine tons of infill material has been placed and worked into the fields. Approximately three tons remain for top dressing.

The irrigation system is nearing completion, with seeding and installation of the bases for the new light fixtures remaining. Council reviewed and discussed the pay application, contract amount, change orders, retainage, previous payments, and remaining balance.

Council Member Keith Marvin made a motion to approve Pay Application No. 2 for Nemaha Sports Construction, LLC, in the amount of $75,654.00 for the David City Youth Ballfield updates. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

AIA Type Document
Application and Certification for Payment

TO (OWNER): City of David City
490 E Street
David City, NE 68632

PROJECT: David City Youth Ballfield
490 E Street
David City, NE 68632

APPLICATION NO: 2
PERIOD TO: 7/31/2026

DISTRIBUTION TO:
_ OWNER
_ ARCHITECT
_ CONTRACTOR

FROM (CONTRACTOR): Nemaha Sports Construction LLC
541 S 1st ST
Lincoln, NE 68508

VIA (ARCHITECT):

ARCHITECT'S PROJECT NO:

CONTRACT FOR: David City Youth Ballfield

CONTRACT DATE: 5/4/2026

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.
Continuation Sheet, AIA Type Document is attached.

1. ORIGINAL CONTRACT SUM .... $ 186,707.00

2. Net Change by Change Orders .... $ -5,431.00

3. CONTRACT SUM TO DATE (Line 1 + 2)........... $ 181,276.00

4. TOTAL COMPLETED AND STORED TO DATE ...... $ 164,190.00

5. RETAINAGE:

a. 10.00% of Completed Work $ 16,419.00

b. 0.00% of Stored Material $ 0.00

Total retainage (Line 5a + 5b) .... $ 16,419.00

6. TOTAL EARNED LESS RETAINAGE .... $ 147,771.00
(Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT
(Line 6 from prior Certificate) .... $ 72,117.00

8. CURRENT PAYMENT DUE .... $ 75,654.00

9. BALANCE TO FINISH, INCLUDING RETAINAGE
(Line 3 less Line 6) $ 33,505.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	0.00
Total approved this Month	0.00	-5,431.00
TOTALS	0.00	-5,431.00
NET CHANGES by Change Order		-5,431.00

The Undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the work covered by this application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the owner, and that current payment shown herein is now due.

CONTRACTOR: Nemaha Sports Construction LLC
541 S 1st ST Lincoln, NE 68508

By: ______ Date: 7/23/2026

GENERAL NOTARY-State of Nebraska
KELCY M. BOOTH
My Comm. Exp. November 14, 2026

State of: NE

County of: Lancaster

Subscribed and Sworn to before me this 23rd Day of July 20 26

Notary Public:

My Commission Expires : 11-14-26

ARCHITECT'S CERTIFICATE FOR PAYMENT

In Accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated,the quality of the work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED .... $ ______

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT:

By: ______ Date: ______

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, Payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

AIA Type Document
Application and Certification for Payment

TO (OWNER): City of David City
490 E Street
David City, NE 68632

PROJECT: David City Youth Ballfield
490 E Street
David City, NE 68632

APPLICATION NO: 2
PERIOD TO: 7/31/2026

DISTRIBUTION TO:
_ OWNER
_ ARCHITECT
_ CONTRACTOR

FROM (CONTRACTOR): Nemaha Sports Construction LLC
541 S 1st ST
Lincoln, NE 68508

VIA (ARCHITECT):

ARCHITECT'S PROJECT NO:

CONTRACT FOR: David City Youth Ballfield

CONTRACT DATE: 5/4/2026

ITEM	DESCRIPTION	SCHEDULE VALUE	PREVIOUS APPLICATIONS	COMPLETED THIS PERIOD	STORED MATERIAL	COMPLETED STORED	%	BALANCE	RETAINAGE
1	General Conditions	6,315.00	3,315.00	3,000.00	0.00	6,315.00	100.00	0.00	631.50
2	Mobilization	4,372.00	4,372.00	0.00	0.00	4,372.00	100.00	0.00	437.20
3	SWPPP BMPs & Maintenance	3,560.00	2,560.00	0.00	0.00	2,560.00	71.91	1,000.00	256.00
4	Survey & Layout (Allowance	4,000.00	2,000.00	2,000.00	0.00	4,000.00	100.00	0.00	400.00
5	Strip & Respread Topsoil	7,210.00	0.00	7,210.00	0.00	7,210.00	100.00	0.00	721.00
6	Earthwork	44,496.00	44,496.00	0.00	0.00	44,496.00	100.00	0.00	4,449.60
7	Chainlink Backstop	18,780.00	0.00	18,780.00	0.00	18,780.00	100.00	0.00	1,878.00
8	6" Galvanized Sideline & Outfield Fence	23,364.00	0.00	23,364.00	0.00	23,364.00	100.00	0.00	2,336.40
9	10" Galvanized Chainlink Dugout	8,400.00	0.00	8,400.00	0.00	8,400.00	100.00	0.00	840.00
10	Concrete Dugout Floors	5,300.00	0.00	5,300.00	0.00	5,300.00	100.00	0.00	530.00
11	4" Infield Mix	23,387.00	23,387.00	0.00	0.00	23,387.00	100.00	0.00	2,338.70
12	Clay Batters Boxes	3,340.00	0.00	3,340.00	0.00	3,340.00	100.00	0.00	334.00
13	Outfield Seed	4,375.00	0.00	0.00	0.00	0.00	0.00	4,375.00	0.00
14	Outfield Irrigation	9,527.00	0.00	9,527.00	0.00	9,527.00	100.00	0.00	952.70
15	Site Restoration, Fine Grade & Seeding Outside Fields	8,250.00	0.00	0.00	0.00	0.00	0.00	8,250.00	0.00
16	1EA Base Set, Anchors, Home Plate & Pitching Rubber	2,067.00	0.00	0.00	0.00	0.00	0.00	2,067.00	0.00
17	Final Cleaning & Turnover	1,394.00	0.00	0.00	0.00	0.00	0.00	1,394.00	0.00
18	Speed Rotors for Infield	5,000.00	0.00	5,000.00	0.00	5,000.00	100.00	0.00	500.00
19	Irrigation Outside Fields	3,570.00	0.00	3,570.00	0.00	3,570.00	100.00	0.00	357.00

AIA Type Document
Application and Certification for Payment

Page 3 of 3

TO (OWNER): City of David City 490 E Street David City, NE 68632	**PROJECT:** David City Youth Ballfield 490 E Street David City, NE 68632	**APPLICATION NO:** 2 **PERIOD TO:** 7/31/2026	**DISTRIBUTION TO:** _ OWNER _ ARCHITECT _ CONTRACTOR
FROM (CONTRACTOR): Nemaha Sports Construction LLC 541 S 1st ST Lincoln, NE 68508	**VIA (ARCHITECT):**	**ARCHITECT'S PROJECT NO:**	
CONTRACT FOR: David City Youth Ballfield		**CONTRACT DATE:** 5/4/2026	

ITEM	DESCRIPTION	SCHEDULE VALUE	PREVIOUS APPLICATIONS	COMPLETED THIS PERIOD	STORED MATERIAL	COMPLETED STORED	%	BALANCE	RETAINAGE
20	CO 1: deduct batters box clay and infield forming	-5,431.00	0.00	-5,431.00	0.00	-5,431.00	100.00	0.00	-543.10
	REPORT TOTALS	$181,276.00	$80,130.00	$84,060.00	$0.00	$164,190.00	90.57	$17,086.00	$16,419.00

Ethan Joy, JEO Consulting, provided an update on the wastewater treatment plant project. The project is nearing completion, with the new SBR's and Headworks operational, electrical work completed, and grading for the flood-protection berm substantially complete. The storage building is complete, and the lower building is nearly finished. Remaining work includes minor sidewalk and grading work between the SBRs. Project completion is anticipated within approximately two months. Payment of $116,013.50 was recommended. It was noted that approximately $116,000 of work remains and that nearly $900,000 is being held in retainage. Council was also reminded that the project is funded through SRF funding.

Council Member Kevin Woita made a motion to approve Pay Application No. 29 for BRB Contractors, Inc. in the amount of $116,137.50 for the David City Wastewater Treatment Plant Upgrades. Council Member Jim Angell seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

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Contractor's Application for Payment

Owner:	City of David City	**Owner's Project No.:**	
Engineer:	JEO Consulting Group, Inc.	**Engineer's Project No.:**	251034.00
Contractor:	BRB Contractors, Inc.	**Contractor's Project No.:**	NE3DAV
Project:	David City Wastewater Treatment Facility Improvements		
Contract:	David City Wastewater Treatment Facility Improvements		
Application No.:	29	**Application Date:**	7/27/2026
Application Period:	From 6/24/2026	to	7/27/2026

1. Original Contract Price		$ 16,882,000.00
2. Net change by Change Orders		$ 1,433,385.88
3. Current Contract Price (Line 1 + Line 2)		$ 18,315,385.88
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)		$ 18,009,266.56
5. Retainage		
a. 5% X $ 17,926,063.44 Work Completed =	$ 896,303.17	
b. 5% X $ 83,203.12 Stored Materials =	$ 4,160.16	
c. Total Retainage (Line 5.a + Line 5.b)		$ 900,463.33
6. Amount eligible to date (Line 4 - Line 5.c)		$ 17,108,803.23
7. Less previous payments (Line 6 from prior application)		$ 16,992,665.73
8. Amount due this application		$ 116,137.50
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)		$ 1,206,582.65

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: BRB Contractors, Inc.

Signature: Signed by: Josh Kling **Date:** 7/30/2026

Recommended by Engineer		**Approved by Owner**	
By:	DocuSigned by: Ethan Joy, P.E.	**By:**	Jessica Miller
Title:	Project Manager	**Title:**	Mayor
Date:	7/30/2026	**Date:**	8-12-26
Approved by Funding Agency			
By:	N/A	**By:**	N/A
Title:		**Title:**	
Date:		**Date:**	

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

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	251034.00
Contractor:	BRB Contractors, Inc.	Contractor's Project No.:	NE3DAV
Project:	David City Wastewater Treatment Facility Improvements		
Contract:	David City Wastewater Treatment Facility Improvements		

Application No.: 29 Application Period: From 06/24/26 to 07/27/26 Application Date: 07/27/26

A	B	C	D	E	F	G	H	I
			Work Completed					
Item No.	Description	Scheduled Value ($)	(D + E) From Previous Application ($)	This Period ($)	Currently Stored (not in D or E) ($)	Work Completed and Materials Stored to Date (D + E + F) ($)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) ($)
			Original Contract					
	GENERAL SITEWORK					-		-
1	Mobilize	$ 750,000.00	750,000.00			750,000.00	100%	-
2	Bonds and Insurance	$ 180,000.00	180,000.00			180,000.00	100%	-
3	SWPP Items	$ 25,000.00	24,000.00	250.00		24,250.00	97%	750.00
4	Site Clearing	$ 30,000.00	30,000.00			30,000.00	100%	-
5	12" & 16" Forcemain Piping	$ 300,000.00	300,000.00			300,000.00	100%	-
6	Other Piping/Valves	$ 1,395,000.00	1,288,000.00	8,000.00	83,203.12	1,379,203.12	99%	15,796.88
7	Precast Manholes	$ 65,000.00	65,000.00			65,000.00	100%	-
8	Instrumentation & Control	$ 50,000.00	50,000.00			50,000.00	100%	-
9	Electrical/Generator Work	$ 125,000.00	125,000.00			125,000.00	100%	-
	HEADWORKS BUILDING		-			-		-
10	Excavation & Backfill	$ 150,000.00	150,000.00			150,000.00	100%	-
11	Concrete Base Structure	$ 500,000.00	500,000.00			500,000.00	100%	-
12	Concrete Walls Structure	$ 1,207,000.00	1,207,000.00			1,207,000.00	100%	-
13	Concrete Floor/Deck Structure	$ 350,000.00	350,000.00			350,000.00	100%	-
14	Misc. Metals Furnish/Install	$ 50,000.00	50,000.00			50,000.00	100%	-
15	Masonry Above Structure	$ 225,000.00	225,000.00			225,000.00	100%	-
16	Doors & Windows Furnish/Install	$ 65,000.00	65,000.00			65,000.00	100%	-
17	Roof Trusses Furnish/Install	$ 45,000.00	45,000.00			45,000.00	100%	-
18	Standing Seam Roof & Specialties	$ 100,000.00	100,000.00			100,000.00	100%	-
19	Slide Gates Furish/Install	$ 100,000.00	100,000.00			100,000.00	100%	-
20	Bar Screen Furnish/Install	$ 200,000.00	200,000.00			200,000.00	100%	-
21	Grit Equipment, Valves, Flumes Furnish/Install	$ 1,300,000.00	1,300,000.00			1,300,000.00	100%	-
22	Parshall Flume	$ 10,000.00	10,000.00			10,000.00	100%	-
23	Indoor Sampler	$ 20,000.00	20,000.00			20,000.00	100%	-
24	Painting Structure	$ 40,000.00	40,000.00			40,000.00	100%	-
25	Instrumentation & Control Work	$ 950,000.00	950,000.00			950,000.00	100%	-
26	Mechanical Work (both buildings)	$ 270,000.00	260,000.00	7,000.00		267,000.00	99%	3,000.00
27	Electrical Work	$ 700,000.00	700,000.00			700,000.00	100%	-
	AGP FLUME NO. 20		-			-		-
28	Excavation & Backfill	$ 15,000.00	15,000.00			15,000.00	100%	-
29	Concrete Base	$ 20,000.00	20,000.00			20,000.00	100%	-
30	Concrete Walls	$ 42,000.00	42,000.00			42,000.00	100%	-
31	Misc. Metals Furnish/Install	$ 10,000.00	10,000.00			10,000.00	100%	-
32	Equipment Flume Install	$ 15,000.00	15,000.00			15,000.00	100%	-
	INFLUENT PUMP STATION		-			-		-

EJCDC C-620 Contractor's Application for Payment

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of David City	**Owner's Project No.:**	
Engineer:	JEO Consulting Group, Inc.	**Engineer's Project No.:**	251034.00
Contractor:	BRB Contractors, Inc.	**Contractor's Project No.:**	NE3DAV
Project:	David City Wastewater Treatment Facility Improvements		
Contract:	David City Wastewater Treatment Facility Improvements		

Application No.: 29 **Application Period:** From 06/24/26 to 07/27/26 **Application Date:** 07/27/26

A	B	C	D	E	F	G	H	I
			Work Completed					
Item No.	Description	Scheduled Value ($)	(D + E) From Previous Application ($)	This Period ($)	Currently Stored (not in D or E) ($)	Work Completed and Materials Stored to Date (D + E + F) ($)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) ($)
33	Excavation & Backfill	$ 160,000.00	160,000.00			160,000.00	100%	-
34	Concrete Base	$ 50,000.00	50,000.00			50,000.00	100%	-
35	Concrete Walls	$ 327,000.00	327,000.00			327,000.00	100%	-
36	Concrete Roof	$ 100,000.00	100,000.00			100,000.00	100%	-
37	Misc. Metals Funish/Install	$ 50,000.00	50,000.00			50,000.00	100%	-
38	Furnish & Install Pumps	$ 525,000.00	525,000.00			525,000.00	100%	-
39	Furnish & Install Jib Crane & Foundation	$ 50,000.00	50,000.00			50,000.00	100%	-
40	Painting Work	$ 35,000.00	35,000.00			35,000.00	100%	-
41	Electrical Work	$ 50,000.00	50,000.00			50,000.00	100%	-
	NEW SBR STRUCTURE		-			-		-
42	Excavation & Backfill	$ 350,000.00	350,000.00			350,000.00	100%	-
43	SBR Concrete Base Sections	$ 520,000.00	520,000.00			520,000.00	100%	-
44	SBR Concrete Wall Sections	$ 1,261,000.00	1,261,000.00			1,261,000.00	100%	-
45	SBR Basin Equipment Aeration	$ 1,000,000.00	1,000,000.00			1,000,000.00	100%	-
46	SBR Basin Equipment Pumps	$ 50,000.00	50,000.00			50,000.00	100%	-
47	Misc. Metals Furnish/Install	$ 40,000.00	40,000.00			40,000.00	100%	-
48	Painting Work	$ 15,000.00	15,000.00			15,000.00	100%	-
49	Electrical Work	$ 50,000.00	50,000.00			50,000.00	100%	-
	BLOWER BUILDING MODIFICATIONS		-			-		-
50	Concrete Floor/Wall Demolition	$ 15,000.00	15,000.00			15,000.00	100%	-
51	Excavation & Backfill	$ 15,000.00	15,000.00			15,000.00	100%	-
52	New Concrete Floor and Blower Bases	$ 35,000.00	35,000.00			35,000.00	100%	-
53	New Masonry Wall/Misc. Infill	$ 7,500.00	7,500.00			7,500.00	100%	-
54	Furnish & Install Doors	$ 7,500.00	7,500.00			7,500.00	100%	-
55	Funish & Install New/Existing SBR Blowers	$ 400,000.00	400,000.00			400,000.00	100%	-
56	Painting Work	$ 20,000.00	20,000.00			20,000.00	100%	-
57	Instrumentation & Control Work	$ 150,000.00	150,000.00			150,000.00	100%	-
58	Electrical Work	$ 100,000.00	100,000.00			100,000.00	100%	-
	EXISTING SBR BASIN MODIFICATIONS		-			-		-
59	Remove Existing Equipment & Piping	$ 50,000.00	50,000.00			50,000.00	100%	-
60	Existing SBR Basin Equipment Aeration	$ 1,000,000.00	985,000.00	15,000.00		1,000,000.00	100%	-
61	Existing SBR Basin Equipment Pumps	$ 50,000.00	50,000.00			50,000.00	100%	-
62	Misc. Metals Furnish/Install	$ 40,000.00	40,000.00			40,000.00	100%	-
63	Construct New SBR Splitter Box	$ 174,000.00	174,000.00			174,000.00	100%	-
64	Painting Work	$ 20,000.00	20,000.00			20,000.00	100%	-
65	Electrical Work	$ 50,000.00	45,000.00	5,000.00		50,000.00	100%	-
	STORAGE BUILDING		-			-		-

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: City of David City
Engineer: JEO Consulting Group, Inc.
Contractor: BRB Contractors, Inc.
Project: David City Wastewater Treatment Facility Improvements
Contract: David City Wastewater Treatment Facility Improvements

Owner's Project No.:
Engineer's Project No.: 251034.00
Contractor's Project No.: NE3DAV

Application No.: 29 **Application Period:** From 06/24/26 to 07/27/26 **Application Date:** 07/27/26

A	B	C	D	E	F	G	H	I
			Work Completed					
Item No.	Description	Scheduled Value ($)	(D + E) From Previous Application ($)	This Period ($)	Currently Stored (not in D or E) ($)	Work Completed and Materials Stored to Date (D + E + F) ($)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) ($)
66	Excavation & Backfill	$ 35,000.00	35,000.00			35,000.00	100%	-
67	Building Drainage Piping & Oil Seperator	$ 40,000.00	40,000.00			40,000.00	100%	-
68	Concrete Foundations	$ 40,000.00	40,000.00			40,000.00	100%	-
69	Concrete Floor	$ 56,000.00	56,000.00			56,000.00	100%	-
70	New Building Walls and Roof	$ 270,000.00	270,000.00			270,000.00	100%	-
71	Doors & Windows	$ 40,000.00	40,000.00			40,000.00	100%	-
72	Painting Work	$ 30,000.00	15,000.00	10,000.00		25,000.00	83%	5,000.00
73	Electrical Work	$ 75,000.00	65,000.00	7,000.00		72,000.00	96%	3,000.00
	DEMO EXISTING HEADWORKS BUILDING		-			-		-
74	Demolition of Existing Building Complete	$ 30,000.00	30,000.00			30,000.00	100%	-
	CLOSEOUT		-			-		-
75	Site Grading	$ 25,000.00	-	10,000.00		10,000.00	40%	15,000.00
76	SBR/Storage Building Sidewalks	$ 25,000.00	15,000.00	5,000.00		20,000.00	80%	5,000.00
77	Concrete Paving	$ 20,000.00	-	10,000.00		10,000.00	50%	10,000.00
78	Seeding & Mulch	$ 15,000.00	-			-	0%	15,000.00
79	Crushed Rock Surfacing Roads	$ 80,000.00	10,000.00			10,000.00	13%	70,000.00
80	Fence & Gate System	$ 30,000.00	-			-	0%	30,000.00
	Original Contract Totals	$ 16,882,000.00	$ 16,549,000.00	$ 77,250.00	$ 83,203.12	$ 16,709,453.12	99%	$ 172,546.88

EJCDC C-620 Contractor's Application for Payment

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of David City
Engineer:	JEO Consulting Group, Inc.
Contractor:	BRB Contractors, Inc.
Project:	David City Wastewater Treatment Facility Improvements
Contract:	David City Wastewater Treatment Facility Improvements

Owner's Project No.:	
Engineer's Project No.:	251034.00
Contractor's Project No.:	NE3DAV

Application No.: 29 **Application Period:** From 06/24/26 to 07/27/26 **Application Date:** 07/27/26

A	B	C	D	E	F	G	H	I
			Work Completed					
Item No.	Description	Scheduled Value ($)	(D + E) From Previous Application ($)	This Period ($)	Currently Stored (not in D or E) ($)	Work Completed and Materials Stored to Date (D + E + F) ($)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) ($)
			Change Orders					
1	Misc Submittals and Deducts	$ 39,532.11	39,532.11			39,532.11	100%	-
2	Headworks Stabilization Rock	$ 133,342.31	133,342.31			133,342.31	100%	-
3	Temporary Bypass Lane	$ 105,656.02	105,656.02			105,656.02	100%	-
4	Headworks Building Deducts	$ (9,951.85)	(9,951.85)			(9,951.85)	100%	-
5	Misc Modifications	$ 112,629.23	112,629.23			112,629.23	100%	-
6	SBR Stabilization Rock, OVH Door & Surge Relief Valves	$ 220,266.68	220,266.68			220,266.68	100%	-
7	Headworks & Storage HVAC, SBR Air Piping	$ 135,701.87	135,701.87			135,701.87	100%	-
8	WCD 10-13, 16-18: Electrical, Grading, HVAC, HW Ceiling	$ 557,215.22	500,000.00	40,000.00		540,000.00	97%	17,215.22
9	WCDs: 1, 15, 20-23, 26-27, 29-30 Misc	$ 37,790.74	17,637.07	5,000.00		22,637.07	60%	15,153.67
10	WCD 25 - Headworks Slide Gate	$ 80,262.53				-	0%	80,262.53
11	Hydrant Line Revision	$ 20,941.02				-	0%	20,941.02
						-		-
						-		-
						-		-
						-		-
						-		-
						-		-
						-		-
						-		-
						-		-
	Change Order Totals	**$ 1,433,385.88**	**$ 1,254,813.44**	**$ 45,000.00**	**$ -**	**$ 1,299,813.44**	**91%**	**$ 133,572.44**
			Original Contract and Change Orders					
	Project Totals	**$ 18,315,385.88**	**$ 17,803,813.44**	**$ 122,250.00**	**$ 83,203.12**	**$ 18,009,266.56**	**98%**	**$ 306,119.32**

EJCDC C-620 Contractor's Application for Payment

Stored Materials Summary

Contractor's Application for Payment

Owner:	City of David City
Engineer:	JEO Consulting Group, Inc.
Contractor:	BRB Contractors, Inc.
Project:	David City Wastewater Treatment Facility Improvements
Contract:	David City Wastewater Treatment Facility Improvements
Owner's Project No.:	
Engineer's Project No.:	251034.00
Contractor's Project No.:	NE3DAV
Application No.:	29
Application Period:	From 06/24/26 to 07/27/26
Application Date:	07/27/26

A	B	C	D	E	F	G	H	I	J	K	L	M
						Materials Stored			Incorporated in Work			
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Previous Amount Stored ($)	Amount Stored this Period ($)	Amount Stored to Date (G + H) ($)	Amount Previously Incorporated in the Work ($)	Amount Incorporated in the Work this Period ($)	Total Amount Incorporated in the Work (J + K) ($)	Materials Remaining in Storage (I - L) ($)
	105795-1		Aqua Aerobics Down Payment			261,353.50		261,353.50	261,353.50		261,353.50	-
	50026177578		Rebar			19,091.30		19,091.30	19,091.30		19,091.30	-
	50026159555		Rebar			28,359.32		28,359.32	28,359.32		28,359.32	-
	50026147392		Rebar			26,753.09		26,753.09	26,753.09		26,753.09	-
	50026147072		Rebar			29,743.20		29,743.20	29,743.20		29,743.20	-
	50026147071		Rebar			29,743.20		29,743.20	29,743.20		29,743.20	-
	50026114832		Rebar			29,743.20		29,743.20	29,743.20		29,743.20	-
	50026127187		Rebar			22,299.72		22,299.72	22,299.72		22,299.72	-
	50026303876		Rebar			30,145.37		30,145.37	30,145.37		30,145.37	-
	0755219-1		Polywrap			1,964.40		1,964.40	1,964.40		1,964.40	-
	755226		Polywrap			420.00		420.00	420.00		420.00	-
	755219		Polywrap			3,170.72		3,170.72	3,170.72		3,170.72	-
	27693		HME Shop Drawings			6,675.00		6,675.00	6,675.00		6,675.00	-
	50026415841		Rebar			17,736.06		17,736.06	17,736.06		17,736.06	-
	50026367581		Rebar			26,960.24		26,960.24	26,960.24		26,960.24	-
	50026337203		Rebar			26,014.37		26,014.37	26,014.37		26,014.37	-
	50026392138		Rebar			18,469.82		18,469.82	18,469.82		18,469.82	-
	94020		SBR Wall Valves			76,643.95		76,643.95	76,643.95		76,643.95	-
	755902		Ductile Iron Pipe			18,451.18		18,451.18	18,451.18		18,451.18	-
	755171		Project Manager			15,132.60		15,132.60	15,132.60		15,132.60	-
	50026489471		Rebar			650.00		650.00	650.00		650.00	-
	50026599911		Rebar			5,675.00		5,675.00	5,675.00		5,675.00	-
	50026604462		Rebar			2,179.06		2,179.06	2,179.06		2,179.06	-
			Concrete Expansion Joints			5,892.80		5,892.80	5,892.80		5,892.80	-
	105795-2		Aqua Aerobics - Second Payment			522,707.00		522,707.00	522,707.00		522,707.00	-
	0756281-2		Ductile Iron Pipe and Accessories			1,975.74		1,975.74	1,975.74		1,975.74	-
	0756281-1		Ductile Iron Pipe and Accessories			10,440.99		10,440.99	10,440.99		10,440.99	-
	757833		24" PVC Pipe			83,203.12		83,203.12	-		-	83,203.12
	0755902-1		Ductile Iron Pipe and Accessories			21,275.08		21,275.08	21,275.08		21,275.08	-
	757699		Ductile Iron Pipe and Accessories			622.71		622.71	622.71		622.71	-
	755893		Ductile Iron Pipe and Accessories			22,446.17		22,446.17	22,446.17		22,446.17	-
	756281		Ductile Iron Pipe and Accessories			5,056.44		5,056.44	5,056.44		5,056.44	-
	94511		Butterfly Valves and Accessories			128,612.31		128,612.31	128,612.31		128,612.31	-
	94275		Air Release Valves			7,803.31		7,803.31	7,803.31		7,803.31	-
	27920		HME Shop Drawings			20,025.00		20,025.00	20,025.00		20,025.00	-
	0174120-IN		Hatches and Crane Equipment			30,750.00		30,750.00	30,750.00		30,750.00	-
	0756283-3		Ductile Iron Pipe and Accessories			3,181.29		3,181.29	3,181.29		3,181.29	-
	2022-113		Electrical Stored Materials			36,633.43		36,633.43	36,633.43		36,633.43	-
	759894		Ductile Iron Forcemain Pipe			184,557.08		184,557.08	184,557.08		184,557.08	-
	94711		Valves			116,428.37		116,428.37	116,428.37		116,428.37	-
	0755902-2		Ductile Iron Pipe			23,676.17		23,676.17	23,676.17		23,676.17	-
	50027906312		Rebar			27,202.03		27,202.03	27,202.03		27,202.03	-
	50027701696		Rebar			2,573.98		2,573.98	2,573.98		2,573.98	-
	50027633543		Rebar			14,510.75		14,510.75	14,510.75		14,510.75	-
	50027634897		Rebar			20,282.00		20,282.00	20,282.00		20,282.00	-
	95073		Gates/Valves/Flumes			10,622.32		10,622.32	10,622.32		10,622.32	-
	94913		Gates/Valves/Flumes			135,104.83		135,104.83	135,104.83		135,104.83	-
	0759894-2		Ductile Iron Pipe			89,965.26		89,965.26	89,965.26		89,965.26	-
	0759894-1		Ductile Iron Pipe			48,516.80		48,516.80	48,516.80		48,516.80	-
	760997		Ductile Iron Pipe			30,341.68		30,341.68	30,341.68		30,341.68	-

Stored Materials Summary

Contractor's Application for Payment

Owner:	City of David City
Engineer:	JEO Consulting Group, Inc.
Contractor:	BRB Contractors, Inc.
Project:	David City Wastewater Treatment Facility Improvements
Contract:	David City Wastewater Treatment Facility Improvements
Owner's Project No.:	
Engineer's Project No.:	251034.00
Contractor's Project No.:	NE3DAV

Application No.: 29 | Application Period: From 06/24/26 to 07/27/26 | Application Date: 07/27/26

A	B	C	D	E	F	G	H	I	J	K	L	M
						Materials Stored			Incorporated in Work			
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Previous Amount Stored ($)	Amount Stored this Period ($)	Amount Stored to Date (G + H) ($)	Amount Previously Incorporated in the Work ($)	Amount Incorporated in the Work this Period ($)	Total Amount Incorporated in the Work (J + K) ($)	Materials Remaining in Storage (I - L) ($)
	0757892-1		Ductile Iron Pipe			6,545.67		6,545.67	6,545.67		6,545.67	-
	757892		Ductile Iron Pipe			34,436.37		34,436.37	34,436.37		34,436.37	-
	8635424-01		Electrical Stored Materials			1,893.10		1,893.10	1,893.10		1,893.10	-
	8653766-00		Electrical Stored Materials			1,344.01		1,344.01	1,344.01		1,344.01	-
	8635424-00		Electrical Stored Materials			1,029.30		1,029.30	1,029.30		1,029.30	-
	8651280-00		Electrical Stored Materials			249.97		249.97	249.97		249.97	-
	8602508-01		Electrical Stored Materials			5,846.58		5,846.58	5,846.58		5,846.58	-
	8602508-02		Electrical Stored Materials			18,107.44		18,107.44	18,107.44		18,107.44	-
	8634948-00		Electrical Stored Materials			10.92		10.92	10.92		10.92	-
	2022-119		Electrical Stored Materials			5,915.24		5,915.24	5,915.24		5,915.24	-
	95314		Valves			35,962.26		35,962.26	35,962.26		35,962.26	-
	95296		Valves			5,507.18		5,507.18	5,507.18		5,507.18	-
	95194		Valves			64,227.99		64,227.99	64,227.99		64,227.99	-
	0760997-1		Embedded Wall Pipe			10,490.00		10,490.00	10,490.00		10,490.00	-
	761001		Embedded Wall Pipe			10,763.56		10,763.56	10,763.56		10,763.56	-
	759887		Ductile Iron Fittings			14,654.75		14,654.75	14,654.75		14,654.75	-
	0760997-2		Ductile Iron Pipe			18,733.52		18,733.52	18,733.52		18,733.52	-
	50028222134		Headworks Area Rebar			17,661.05		17,661.05	17,661.05		17,661.05	-
	50028559050		Generator Pad Rebar			5,316.85		5,316.85	5,316.85		5,316.85	-
	95460		Valves			9,113.55		9,113.55	9,113.55		9,113.55	-
	765539		Ductile Iron Pipe			11,022.47		11,022.47	11,022.47		11,022.47	-
	765117		Ductile Iron Pipe			95,948.26		95,948.26	95,948.26		95,948.26	-
	764836		Ductile Iron Pipe			22,291.21		22,291.21	22,291.21		22,291.21	-
	764427		Ductile Iron Pipe			2,800.00		2,800.00	2,800.00		2,800.00	-
	0764836-1		Ductile Iron Pipe			9,449.42		9,449.42	9,449.42		9,449.42	-
	764846		Ductile Iron Pipe			21,007.67		21,007.67	21,007.67		21,007.67	-
	0765117-2		Ductile Iron Pipe			21,792.38		21,792.38	21,792.38		21,792.38	-
	8653766-01		Electrical Stored Materials			6,180.00		6,180.00	6,180.00		6,180.00	-
	8635424-02		Electrical Stored Materials			9,419.62		9,419.62	9,419.62		9,419.62	-
	8635424-03		Electrical Stored Materials			5,327.55		5,327.55	5,327.55		5,327.55	-
	8658232-00		Electrical Stored Materials			20,413.00		20,413.00	20,413.00		20,413.00	-
	8635424-04		Electrical Stored Materials			4,119.52		4,119.52	4,119.52		4,119.52	-
	8666003-00		Electrical Stored Materials			8,910.00		8,910.00	8,910.00		8,910.00	-
	8602508-03		Electrical Stored Materials			5,317.25		5,317.25	5,317.25		5,317.25	-
	8658232-02		Electrical Stored Materials			31,315.00		31,315.00	31,315.00		31,315.00	-
	8658232-01		Electrical Stored Materials			32,956.00		32,956.00	32,956.00		32,956.00	-
	NECOL256197		Electrical Stored Materials			301.18		301.18	301.18		301.18	-
	79795		Electrical Stored Materials			270.00		270.00	270.00		270.00	-
	12251		HOA Progress Billing			227,884.60		227,884.60	227,884.60		227,884.60	-
	27665		Submersible Pumps			432,500.00		432,500.00	432,500.00		432,500.00	-
	0174897-IN		Hoist			19,110.00		19,110.00	19,110.00		19,110.00	-
	0765117-6		Pipe and Fittings			9,402.29		9,402.29	9,402.29		9,402.29	-
	0765117-5		Pipe and Fittings			39,726.61		39,726.61	39,726.61		39,726.61	-
	0765117-4		Pipe and Fittings			6,442.13		6,442.13	6,442.13		6,442.13	-
	0760997-3		Pipe and Fittings			26,816.12		26,816.12	26,816.12		26,816.12	-
	0765117-3		Pipe and Fittings			578.28		578.28	578.28		578.28	-
	766259		Pipe and Fittings			21,663.44		21,663.44	21,663.44		21,663.44	-
	764818		Pipe and Fittings			25,146.59		25,146.59	25,146.59		25,146.59	-
	95755		Valves			33,531.00		33,531.00	33,531.00		33,531.00	-
	8635424-05		Electrical Stored Materials			386.20		386.20	386.20		386.20	-

EJCDC C-620 Contractor's Application for Payment

Stored Materials Summary

Contractor's Application for Payment

Owner:	City of David City
Engineer:	JEO Consulting Group, Inc.
Contractor:	BRB Contractors, Inc.
Project:	David City Wastewater Treatment Facility Improvements
Contract:	David City Wastewater Treatment Facility Improvements

Owner's Project No.:	
Engineer's Project No.:	253034.00
Contractor's Project No.:	NEDAV

Application No.: 29 Application Period: From 06/24/26 to 07/27/26 Application Date: 07/27/26

A	B	C	D	E	F	G	H	I	J	K	L	M
							Materials Stored			Incorporated in Work		
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Previous Amount Stored ($)	Amount Stored this Period ($)	Amount Stored to Date (G + H) ($)	Amount Previously Incorporated in the Work ($)	Amount Incorporated in the Work this Period ($)	Total Amount Incorporated in the Work (J + K) ($)	Materials Remaining in Storage (I - L) ($)
	8658653-00		Electrical Stored Materials			1,335.00		1,335.00	1,335.00		1,335.00	-
	8602508-04		Electrical Stored Materials			373.10		373.10	373.10		373.10	-
	8694471-00		Electrical Stored Materials			266.93		266.93	266.93		266.93	-
	8602508-05		Electrical Stored Materials			2,328.26		2,328.26	2,328.26		2,328.26	-
	8635424-00		Electrical Stored Materials			12,514.95		12,514.95	12,514.95		12,514.95	-
	8792		Grit Pump			23,395.00		23,395.00	23,395.00		23,395.00	-
	29452		Handrail			12,300.00		12,300.00	12,300.00		12,300.00	-
	508		HVAC: Air Conditioners			16,920.00		16,920.00	16,920.00		16,920.00	-
	0765117-2		Pipe and Fittings			2,528.22		2,528.22	2,528.22		2,528.22	-
	766417		Piping System/Ball Valves			3,112.76		3,112.76	3,112.76		3,112.76	-
	770080		Pipe and Fittings			4,184.11		4,184.11	4,184.11		4,184.11	-
	765579		Pipe and Fittings			33,920.76		33,920.76	33,920.76		33,920.76	-
	0057750-IN		Sand/Oil Trap			10,900.00		10,900.00	10,900.00		10,900.00	-
	29678		Ladders			8,250.00		8,250.00	8,250.00		8,250.00	-
	769915		Pipe and Fittings			17,343.56		17,343.56	17,343.56		17,343.56	-
	1045880		Aqua Aerobics SBR Equipment			254,849.56		254,849.56	254,849.56		254,849.56	-
	1046052		Aqua Aerobics SBR Equipment			703,753.84		703,753.84	703,753.84		703,753.84	-
	24105-18870		Bar Screen			127,871.00		127,871.00	127,871.00		127,871.00	-
	92726-00		Generator			82,368.00		82,368.00	82,368.00		82,368.00	-
	8653766-02		Electrical Stored Materials			12,200.28		12,200.28	12,200.28		12,200.28	-
	1046371		Aqua Aerobics SBR Equipment			56,029.84		56,029.84	56,029.84		56,029.84	-
	448099		Precast Manholes			6,829.90		6,829.90	6,829.90		6,829.90	-
	448100		Precast Manholes			6,367.98		6,367.98	6,367.98		6,367.98	-
	1046768		Aqua Aerobic Equipment			456,848.92		456,848.92	456,848.92		456,848.92	-
	1046711		Aqua Aerobic Equipment			4,266.73		4,266.73	4,266.73		4,266.73	-
	769540		Pipe and Fittings			10,912.32		10,912.32	10,912.32		10,912.32	-
	777143		Pipe and Fittings			9,368.08		9,368.08	9,368.08		9,368.08	-
	50030735331		Blower Room Rebar			4,203.29		4,203.29	4,203.29		4,203.29	-
	50113891		Doors and Frames			30,000.00		30,000.00	30,000.00		30,000.00	-
	1047062		Aqua Aerobic Equipment			75,103.16		75,103.16	75,103.16		75,103.16	-
	12687		Instrumentation Equipment			55,490.40		55,490.40	55,490.40		55,490.40	-
	97598		Slide Gates			277,359.52		277,359.52	277,359.52		277,359.52	-
	777559		Ductile Iron Pipe and Fittings (SBR)			33,415.07		33,415.07	33,415.07		33,415.07	-
	777526		Ductile Iron Pipe and Fittings (Blower)			7,835.01		7,835.01	7,835.01		7,835.01	-
	0777559-1		Ductile Iron Pipe and Fittings (SBR)			17,352.34		17,352.34	17,352.34		17,352.34	-
	30706		Misc Steel			81,605.00		81,605.00	81,605.00		81,605.00	-
	12743		Motor Control Centers and Drives			438,253.00		438,253.00	438,253.00		438,253.00	-
	97802		Slide Gate Actuator			22,576.82		22,576.82	22,576.82		22,576.82	-
	97966		Grit Removal System			227,316.00		227,316.00	227,316.00		227,316.00	-
6	781379		Ductile Iron Pipe and Fittings			6,995.20		6,995.20	6,995.20		6,995.20	-
6	0779486-1		Ductile Iron Pipe and Fittings			5,131.29		5,131.29	5,131.29		5,131.29	-
6	0799486-2		Ductile Iron Pipe and Fittings			93,081.78		93,081.78	93,081.78		93,081.78	-
6	0777559-2		Ductile Iron Pipe and Fittings			11,821.88		11,821.88	11,821.88		11,821.88	-
6	780229		14" SBR Pipe			4,492.31		4,492.31	4,492.31		4,492.31	-
	IN108191		Doors and Frames			16,637.14		16,637.14	16,637.14		16,637.14	-
	133739		Headworks Trusses (Partial)			4,925.00		4,925.00	4,925.00		4,925.00	-
	781551		Ductile Iron Pipe and Fittings			12,310.45		12,310.45	12,310.45		12,310.45	-
	0785422-1		Dutile Iron Fittings (Blower)			9,229.73		9,229.73	9,229.73		9,229.73	-
CO 7	0793899-2		Ductile Iron Fittings (SBRs)			30,196.48		30,196.48	30,196.48		30,196.48	-
					Totals	$ 7,068,288.03	$ -	$ 7,068,288.03	$ 6,985,084.91	$ -	$ 6,985,084.91	$ 83,203.12

EJCDC C-620 Contractor's Application for Payment

Ethan Joy, JEO Consulting Group, presented Change Order No. 12 for the wastewater treatment plant project. The change order includes a deduct for eliminating a concrete pad originally planned near the entrance driveway for the automatic gate loop detector, as staff determined the additional concrete was unnecessary.

The change order also includes installation of a drainage system along the south side of the blower building to address longstanding ponding and drainage issues. The proposed system will utilize PVC Pipe and intakes to improve drainage without requiring additional pavement. During discussion, City Administrator Alan Zavodny, requested that a rodent guard or similar screen be added to the discharge end of the drainage pipe.

Council Member Keith Marvin made a motion to approve Change Order No. 12 to BRB Contractors, Inc. in the amount of $27,150.29 for the blower building apron drainage and entrance gate deducts. Council Member Jim Angell seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

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CHANGE ORDER NO.: 12

Owner:	**City of David City**	Owner's Project No.:	
Engineer:	**JEO Consulting Group, Inc.**	Engineer's Project No.:	**251034.00**
Contractor:	**BRB Contractors, Inc.**	Contractor's Project No.:	**NE3DAV**
Project:	**Wastewater Treatment Facility Improvements**		
Contract Name:			
Date Issued:	**8/12/2026**	Effective Date of Change Order:	**8/12/2026**

The Contract is modified as follows upon execution of this Change Order:

Description:

This Change Order will incorporate the modifications outlined in Work Change Directive No. 33 and 35. This WCD includes the installation of drain pipe for the blower building apron and deducts the installation of the concrete pad and lightpole near the entrance gate.

Attachments:

1 **WCD No. 33 - Blower Building Apron Drainage**

2 **WCD No. 35 - Entrance Gate Deducts**

Change in Contract Price	**Change in Contract Times**
Original Contract Price: $ 16,882,000.00	Original Contract Times: Substantial Completion: 3/31/2026 Ready for final payment: 7/31/2026
Net change from previously approved Change Orders No. 1 to No. 11: $ 1,433,385.88	**Net change** from previously approved Change Orders 1 to No. 11: Substantial Completion: 60 days Ready for final payment: 60 days
Contract Price prior to this Change Order: $ 18,315,385.88	Contract Times prior to this Change Order: Substantial Completion: 5/30/2026 Ready for final payment: 9/29/2026
Net change for this Change Order: $ 27,150.29	**Net change** for this Change Order: Substantial Completion: 0 days Ready for final payment: 0 days
Contract Price incorporating this Change Order: $ 18,342,536.17	Contract Times with all approved Change Orders: Substantial Completion: 5/30/2026 Ready for final payment: 9/29/2026

Recommended by Engineer (if required)	Authorized by Owner
By: DocuSigned by: Ethan Joy, P.E. B958CABF585D4C4...	Jessica Miller
Title: Project Engineer	Mayor
Date: 8/10/2026	8·12·26

Accepted by Contractor	Approved by Funding Agency (if applicable)
By: Signed by: Josh Klug	N/A
Title: Project Manager	
Date: 8/10/2026	

Change Order Estimate - Lump Sum Work

JEO Project Name:	**Wastewater Treatment Facility Improvements**	JEO Project Number:	**251034.00**
Owner:	**City of David City**	Change Order Number:	**12**
Contractor:	**BRB Contractors, Inc.**	Effective Date:	**August 12, 2026**

Item		Change Order Information
Specification Section No.	Description	Scheduled Value
	WCD No. 33 - Blower Building Apron Drainage	$33,090.29
	WCD No. 35 - Entrance Gate Deducts	($5,940.00)
		$0.00
		$0.00
		$0.00
		$0.00
		$0.00
		$0.00
		$0.00
		$0.00
	Total:	**$27,150.29**

CONTRACTORS, INC.

7/31/2026

To JEO and the City of David City,

Per WCD #33, BRB was asked to provide pricing to improve the drainage by the blower building pad at the David City Wastewater Facility. This includes installing a 6" line and (qty 5) drain basins. The cost of these modifications would be $33,090.29. To clarify several items on this proposal:

- The specific pipe material to be used is per the attached quote from Ferguson.
- Per discussion with JEO, the drains will only be two feet deep to avoid electrical conflicts at 3' and air line conflicts at 4' feet.
- Concrete steps/sidewalk will need to be replaced. However, no concrete paving will be replaced as this line runs adjacent to the concrete
- The existing flowmeter housing and line will be left alone. These drains will come as close to these conflicts as possible.

If you have any questions, feel free to reach out.

Thank You,

Josh Klug
Project Manager
BRB Contractors, Inc

Street Address:
4646 NW Fielding Rd
Topeka, KS 66618

Phone: 785-232-1245

Fax: 785-235-8045

Mailing Address:
PO Box 750940
Topeka, KS 66675-0940

Work Change Directive

WORK CHANGE DIRECTIVE NO. | 33
DATE | 7/24/2026
PROJECT | Wastewater Treatment Facility Improvements
JEO PROJECT NO. | 251034.00
LOCATION | David City, NE
OWNER | City of David City, NE
CONTRACTOR | BRB Contractors, Inc.

You are directed to proceed promptly with the following change(s):
Description Change to the scope of work to add drainage piping and inlets on the south edge of the apron for the blower building.

Purpose of Change Directive To allow water to drain from the apron in front of the blower building.

Attachment(s) Modified 02-C-8 - SBR Improvement Site Plan

If claim is made that the above changes have affected Contract Price or Contract Times, any claim for a Change Order based thereon will involve one or more of the following methods of determining the effect of the changes:

Method of Determining Change in Contract Price
☐ Unit Prices
☐ Lump Sum
☒ Other N/A

Method of Determining Change in Contract Times
☐ CONTRACTOR's Records
☐ ENGINEER's Records
☒ Other N/A

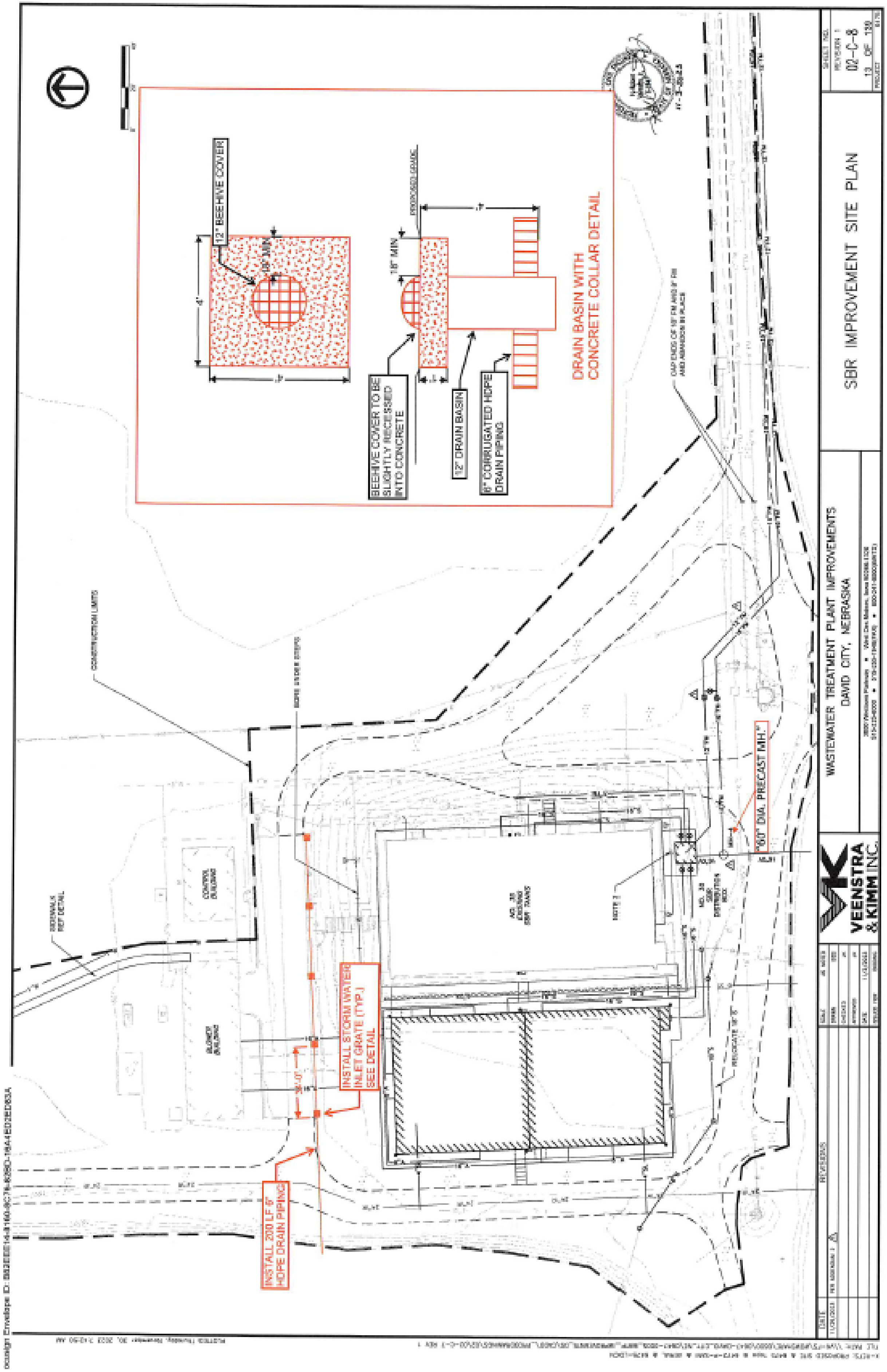
Estimated Increase (Decrease) in Contract Price
$ TBD

Estimated Increase (Decrease) in Contract Times
0 Days

If the change involves an increase, the estimated amount is not to be exceeded without further authorization.

Recommended:	Authorized:	Accepted:
______________	______________	______________
ENGINEER	OWNER	CONTRACTOR
______________	______________	______________
Date	Date	Date

cc: Project Manager, Resident Project Representative, Contractor, Owner


SBR IMPROVEMENT SITE PLAN
WASTEWATER TREATMENT PLANT IMPROVEMENTS
DAVID CITY, NEBRASKA
VEENSTRA & KIMM INC.
02-C-8
DRAIN BASIN WITH CONCRETE COLLAR DETAIL
12" BEEHIVE COVER
BEEHIVE COVER TO BE SLIGHTLY RECESSED INTO CONCRETE
12" DRAIN BASIN
6" CORRUGATED HDPE DRAIN PIPING
INSTALL STORM WATER INLET GRATE (TYP.) SEE DETAIL
INSTALL 200 LF 6" HDPE DRAIN PIPING
"60" DIA. PRECAST MH."

David City WWTF
JEO

Cost Proposal: Add Drain Piping Beside Blower Pad
Date: July 31, 2026

Class of Work Install New	QTY.	Unit	Unit Labor	Labor Hours	Total Labor	Unit Material	Extended Material	Equipment Cost	Sub Contract
Drain Line	1.00	EA	130.00	70.00	9100.00		8744.75	2500.00	
Repair/Pad Concrete	1.00	EA			0.00		1800.00		5000.00
Additional Material (rock, reseeding)	1.00	EA			0.00		1500.00		
	1.00	EA			0.00				
	1.00	EA			0.00				
	1.00	EA			0.00				
	1.00	EA			0.00				
Sub Totals:					$9,100.00		$12,044.75	$2,500.00	$5,000.00

Material Sub-Total		$12,044.75
Labor Sub-Total		$9,100.00
Subcontractor-Total		$5,000.00
Equipment Sub-Total		$2,500.00
Sub-Total		$28,644.75
Sub-Total Without Sub		$23,644.75
Contractor's Fee	15.00%	$3,546.71
Sub-Contractors Fee	5.00%	$250.00
Sub-Total		$32,441.46
Insurance and Bond	2.00%	$648.83
Total		$33,090.29

Subcontract work: concrete
Steps
4x4 pads at basins

FERGUSON WATERWORKS

FERGUSON WATERWORKS #2923
1251 N CENTURY AVE
KANSAS CITY, MO 64120-2923

Phone: 816-627-2706
Fax: 816-920-5723

Deliver To: ,
From: Trevor Dehart
trevor.dehart@ferguson.com
Comments:

10:00:17 JUL 28 2026

FERGUSON ENTERPRISES LLC #1895
Price Quotation
Phone: 816-627-2706
Fax: 816-920-5723

Bid No: B459828
Bid Date: 07/28/26
Quoted By: TXD

Cust Phone: 785-290-1128
Terms: NET 10TH PROX

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

Ship To: BRB CONTRACTORS INC
3461 M RD
DAVID CITY WWTP IMPROVEMEN
.
DAVID CITY, NE 68632

Cust PO#: R058

Job Name:

Item	Description	Quantity	Net Price	UM	Total
A06650020IBDW	6X20 F2648 W/TITE SLD HDPE PIPE SEQ #: 925 6"X20' F2648 W/TITE SLD HDPE PIPE	200	4.320	FT	864.00
N2812AG	12 DRN BASIN SEQ #: 926 12" NYLOPLAST DRAIN BASIN W/ DOM DRAIN DOME	5	1576.150	EA	7880.75

Net Total:	$8744.75
Tax:	$0.00
Freight:	$0.00
Total:	$8744.75

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

Due to the uncertain impact of potential tariffs, Ferguson's quotation/proposal has not included any provision or contingency for future tariffs or increase of existing tariffs. Ferguson reserves the right to adjust prices to reflect the impact of any new or increased tariffs that affect our costs at the time of shipment. Ferguson will provide notice of any such adjustments along with documentation supporting the changes.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE//VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at https://www.ferguson.com/content/website-info/terms-of-sale
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.

HOW ARE WE DOING? WE WANT YOUR FEEDBACK!
Scan the QR code or use the link below to complete a survey about your bids:
https://survey.medallia.com/?bidsorder&fc=2923&on=36419

FERGUSON WATERWORKS

FERGUSON ENTERPRISES LLC #1895
Price Quotation

Fax: 816-920-5723

10:00:17 JUL 28 2026
Reference No: B459828

BRB CONTRACTORS, INC.

To JEO and the City of David City,

BRB was asked to provide a deduct for removing the requirement for the concrete pad and a light pole at the entrance gate of the David City Wastewater Facility. This would mean that gravel would be used in lieu of a 40x16 pad as shown on 02-C-7, and no light pole would be added on the south side of the entrance. The concrete was deemed unnecessary, and the light pole was not needed due to existing lighting in the area.

These modifications would result in a deduct of $5,940.00. If you have any questions, feel free to reach out.

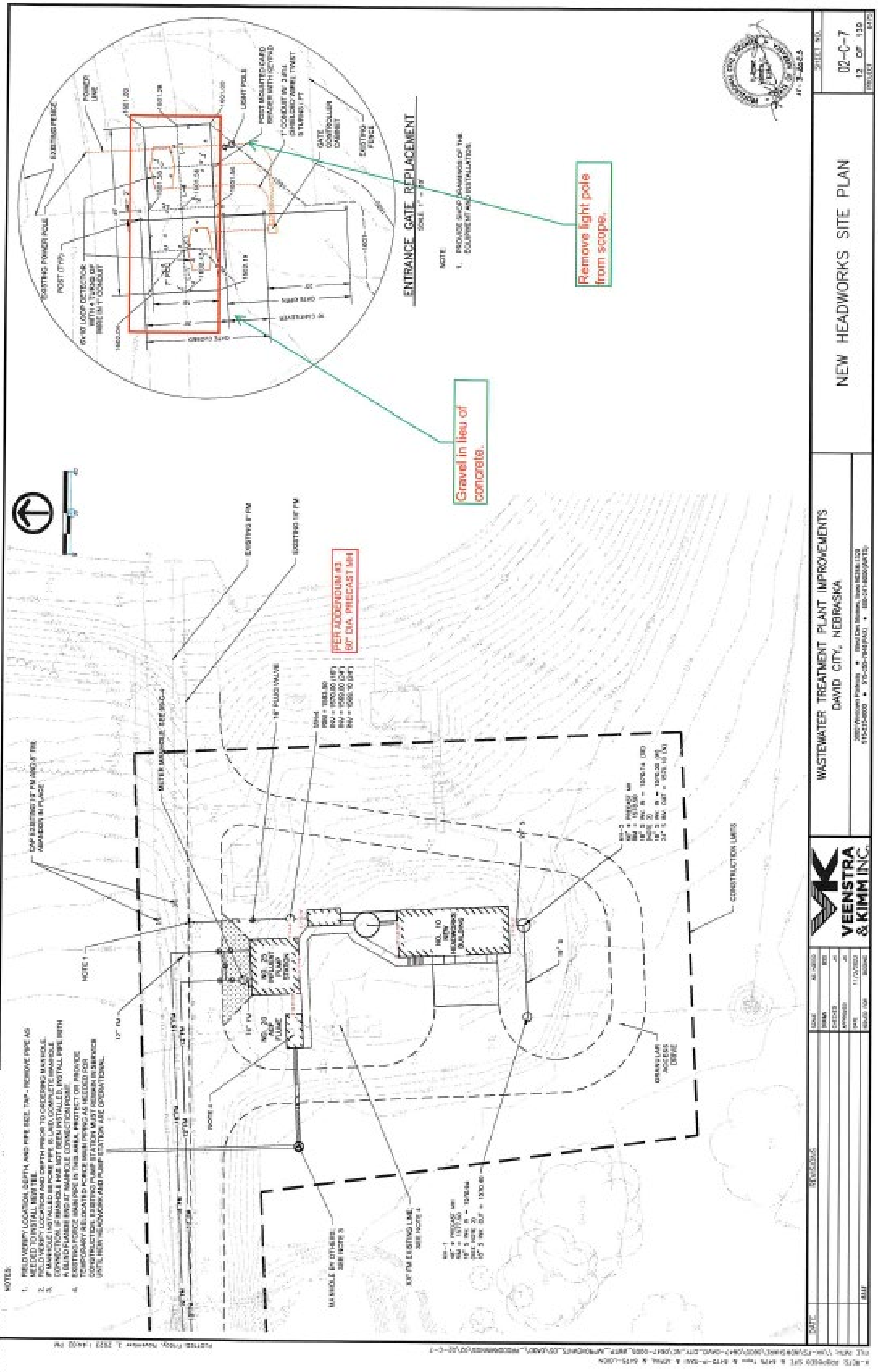
Thank You,
Josh Klug
Project Manager
BRB Contractors, Inc

Street Address:
4646 NW Fielding Rd
Topeka, KS 66618

Phone: 785-232-1245

Fax: 785-235-8045

Mailing Address:
PO Box 750940
Topeka, KS 66675-0940


ENTRANCE GATE REPLACEMENT
Remove light pole from scope.
Gravel in lieu of concrete.
PER ADDENDUM #3
60" DIA. PRECAST MH
VEENSTRA & KIMM INC.
WASTEWATER TREATMENT PLANT IMPROVEMENTS
DAVID CITY, NEBRASKA
NEW HEADWORKS SITE PLAN
02-C-7
12 OF 139

Staff reported that the City was awaiting notification from the USDA and City Attorney regarding whether it could proceed with the third and final on Ordinance No. 1534, no response has been received by the USDA on if the City can proceed.

Council Member Jim Angell made a motion to table Ordinance No. 1534 authorizing Amendment No. 1 to the Loan Agreement with the Nebraska Department of Water, Energy, and Environment for SRF Project No. C318068. Council Member Rick Holland seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Council discussed Ordinance No. 1537, amending the David City Municipal Code relating to the Park and Recreation Advisory Board. Concerns were raised that the ordinance presented differed substantially from the Park and Recreation Board's original recommendations. Areas discussed include the allocation of local sales tax revenue, review of expenditures exceeding $30,000, the proposed 30-day versus 45-day budget review period, procedures for transmitting Park and Recreation Board recommendations to Council, frequency of Park and Recreation Board meetings, and proposed changes to the Recreation Director's responsibilities.

Council and staff discussed maintaining flexibility in allocating sales tax revenues while recognizing that eligible revenues are designated for downtown revitalization, north-west drainage, and recreation/cultural purposes. Council indicated that $300,000 is currently planned for recreation and park purposes. It was agreed that additional review of the ordinance language was necessary before adoption.

The City Attorney, Recreation Director, and appropriate City representatives will work together to review the proposed language and address the identified concerns before bringing the ordinance back to Council.

Council Member Keith Marvin made a motion to table Ordinance No. 1537 amending the David City Municipal Code relating to the Park and Recreation Advisory Board to September 9, 2026. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Council considered Ordinance No. 1538, amending the David City Municipal Code to establish minimum staffing requirements for the David City Police Department. Police Chief Marla Schnell addressed the Council regarding the revised ordinance language. The updated ordinance provides for no fewer than one full-time Police Chief, six full-time sworn law enforcement officers, and four part-time sworn law enforcement officers. Because the ordinance language had recently been revisited. Council discussed allowing additional time for the public to review the updated version before taking action.

Council Member Keith Marvin made a motion to table Ordinance No. 1538 amending the David City Municipal Code to impose a minimum staffing requirement for the David City Police Department. Council Member Rick Holland seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

Council considered Ordinance No. 1539, amending the David City Municipal Code to regulate the use of electric scooters and electric motorcycles within the corporate limits.

Additional information is being sought from other Nebraska communities regarding regulations and safety concerns associated with these vehicles. Council discussed local safety concerns, including riders failing to obey stop signs and other traffic laws, lack of helmet use, and unsafe operation in parking and traffic areas. Council agreed that additional information should be obtained before proceeding with the ordinance.

Council Member Jim Angell made a motion to table Ordinance No. 1539 amending the David City Municipal Code to include and regulate the use of Electric Scooters and Electric Motorcycles within the corporate limits of the City of David City, Nebraska. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

The Downtown Revitalization (DTR) Committee reviewed Bob Wright's CDBG grant application for a total roof replacement and window improvements to 402 N. 5th Street, David City, Nebraska. The total project cost is $128,219, with $80,000 eligible for reimbursement through the grant program and the remaining $48,219 being the property owner's responsibility. The project will be subject to applicable federal requirements, including Davis-Bacon requirements, and the work will be reviewed as part of the reimbursement process. The Downtown Revitalization Committee recommended approval of the application.

Council Member Kevin Woita made a motion to approve the CDBG Downtown Revitalization Grant Application for Bob Wright, 402 N. 5th Street, for total replacement of roof and update to windows in the amount of $128,219.00, of which $80,000.00 will be eligible for reimbursement from the City's CDBG award and the remaining $48,219.00 to be the sole responsibility of Bob Wright. Council Member Jeremy Abel seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

(Space Intentionally Left Blank)

Tier II: Site Specific Environmental Review

Community Development Block Grant

Grant Number: 22-DTR-004 **Grantee:** City of David City, NE

Property Address 502 N 5th Street

Activity Description Roof and window/door replacement on west and south elevations of 402 N. 5th Street. Roof work involves removal of compromised surface and installation of new roofing system above grade. Windows and doors on both floors of west and south elevations replaced with bronze anodized aluminum framing and insulated tempered glass. Ground floor doors replaced with medium stile units.

Cost:

- Projected Acquisition Cost **$ 0.00**
- Projected Rehab Cost **$ 128,219.00**
- Projected All Cost **$ 128,219.00**

- **4. Contamination and Toxic Substances** *[24 CFR 58.5(i)(2)]*
  - Visual review and pictures of site and surroundings conducted by Aysan Esmaely on 06/04/2026.
  - The site review identified the following concerns on or adjacent to the project site:
    The site review did not indicate any concerns on or adjacent to the project site. Exhibit is attached.
  - The EPA, https://www.epa.gov/nepa/nepassist, mapping web-tool was used. The following sites were identified on or near the site that may be a concern for the project.
  - A spreadsheet of above and underground storage tanks provided by the state fire marshal was reviewed and tanks are listed on the property or adjacent properties.
    None.

- **10. Historic Preservation** *[36 CFR 800]*
  - The structure was built in the year: Unknown
  - A site review and photos of the property were completed on the following date: 06/04/2026
  - Based on the review, it has been determined that the structure is:
    ☒Historic
    ☐Not historic
  - It has also been determined that the rehab activities proposed in the project
    ☒ Will not impact any historic resources.
    ☐ May impact historic resources which may include the home or nearby houses or structures.
  - A letter determining whether or not any historic resources might be impacted by the project, along with photos of the site, an aerial map of the residence, and a list of proposed activities were sent to the

- SHPO on the following date: 4/6/2026
- SHPO response was received back on the following date: 06/26/2026
- SHPO noted:
  - Based on the information provided, no adverse effects to historic properties are expected.
- The following Attachments have also been included:

☐ Photographs	☐ Documentation showing THPO was contacted
☐ Website	☒ Response received back from Nebraska SHPO
☐ Maps	☒ SHPO Consultation Reqeust
☐ Aerials	

A site specific environmental review has been performed at the above location in compliance with HUD environmental review regulations (24 CFR 58) and related laws, authorities, and requirements. The review has been performed prior to the commitment of HUD or non-HUD funds, as required by 24 CFR 58.22(a) and (e). This review shall be retained as a component of the project's ERR. Consult the Tier I for further information as to compliance with other laws and authorities for this HUD-assisted project.

Preparer Name (print)	Preparer Signature	Date
James Owens	[signature]	July 9, 2026

RE Certifying Officer Name, Title (print)	Certifying Officer Signature	Date
Jessica Miller, Mayor	Jessica Miller	8·12·26

Step 2: Site Visit Checklist

Field Visit Checklist sample format

Completing the form requires a site visit by the preparer. The preparer should be sure to observe the property by walking through the property and the building(s) and other structures on the property to the extent possible and observing all adjoining* properties.
<u>Preparer should provide responses to all fields to avoid ambiguity</u>

Date of Visit: June 04, 2026	**Time:** 1.00pm	**Weather Conditions:** Rainy - Heavy

Program Name: David City 22DTR004

Project Location/Address: 402 N 5th St, David City, NE

Property Owner: Bob Wright

<u>Attach the following, as appropriate</u>:

☒ **Photographs of site and surrounding areas** ☐ **Maps (street, topographic, aerial, site map, etc.)**

QUESTION **Is there evidence of any of the following?**	**OBSERVATION**	
	SUBJECT PROPERTY	**ADJOINING PROPERTIES**
Is the property or any adjoining property currently used, or has evidence of prior use, as a ***gasoline station, motor vehicle repair facility, printing facility, dry cleaners, photo developing laboratory, junkyard, or as a waste treatment, storage, disposal, processing or recycling facility***?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☐ UNKNOWN ☐
Are there any damaged or discarded ***automobile(s), automotive or industrial batteries, pesticides, paints, or other chemicals*** in individual containers greater than 5 gal in volume or 50 gal in the aggregate, stored on or used at the property or adjoining properties?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Are there any industrial ***drums*** (typically 55 gal) or sacks of ***chemicals, herbicides or pesticides*** located on the property or adjoining properties?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Has ***fill dirt*** been brought onto the property or adjoining properties that originated from a suspicious site or that is of an unknown origin?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Are there any ***pits, ponds, or lagoons*** located on the property or adjoining properties in connection with waste treatment or waste disposal?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Is there any ***stained soil, distressed vegetation*** and/or ***discolored water*** on the property or adjoining properties?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Are there any ***storage tanks,*** aboveground or underground (other than residential), located on the property or adjoining properties?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐

**Adjoining properties*: Any real property or properties the border of which is contiguous or partially contiguous with that of the property, or that would be contiguous or partially contiguous with that of the property but for a street, road, or other public thoroughfare separating them.

QUESTION Is there evidence of any of the following?	SUBJECT PROPERTY	ADJOINING PROPERTIES
Are there any ***vent pipes, fill pipes, or underground tank access ways*** visible on the property or adjoining properties?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Are any flooring, drains, walls, ceilings, or grounds on the property or adjoining properties ***stained by substances*** (other than water) or emitting ***noxious or foul odors*** **or** ***odors of a chemical nature?***	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Is the property served by a ***private well or non-public water system***? (If yes, a follow-up investigation is required to determine if contaminants have been identified in the well or system that exceed guidelines applicable to the water system, or if the well has been designated contaminated by any government environmental/health agency.)	YES ☐ NO ☒ UNKNOWN ☐	
Has the owner or occupant of the property been informed of the existence of past or current ***hazardous substances or petroleum products or environmental violations*** with respect to the property or adjoining properties?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Do the property or adjoining properties ***discharge wastewater*** (not including sanitary waste or storm water) onto the property or adjoining properties and/or into a storm water system?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐
Is there a ***transformer, capacitor, or any hydraulic equipment*** on the property or adjoining properties that are not marked as "non-PCB"?	YES ☐ NO ☒ UNKNOWN ☐	YES ☐ NO ☒ UNKNOWN ☐

If answering "YES" or UNKNOWN" to any above items, describe the conditions:

Use photographs and maps to mark and identify conditions. Attach more information as needed.

Is further evaluation warranted? **YES** ☐ **NO** ☐ **UNCERTAIN** ☐

Preparer of this form must complete the following required information.

This inspection was completed by:
Name: Ayson Esmaely

Title: Community planner

Phone Number: 402-907-2035

Email: aesmaely@sendd.org

Agency: SENDD

Address: 1407 O street. Lincoln. 68510

Preparer represents that to the best of his/her knowledge the above statements and facts are true and correct and to the best of his/her actual knowledge no material facts have been suppressed, omitted or misstated.

Signature: [signature]

Date: 6.4.26


DAVID CITY
DISCOUNT PHARMACY


EPA
NEPAssist
David City

Nebraska State
HISTORICAL SOCIETY

HP#2604-019-01

June 26th, 2026

James Owens
HUD/CDBG-DTR
VIA EMAIL

RE: HP# 2604-019-01, 402 N 5th St, Agency No: 22DTR004, David City, Butler County, NE

Dear James,

Thank you for submitting information for the above-referenced project for the Nebraska State Historic Preservation Office (NESHPO) to review and comment on. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800.

Based on the information provided, the proposed undertaking is unlikely to adversely affect any cultural resources listed in the National Register of Historic Places or eligible for such a listing. A determination that there will be **no adverse effects to historic properties (NAE)** is appropriate for this undertaking, and the project may proceed as planned. Should any changes to the project be made, please notify NESHPO of the changes before further project planning continues.

Please retain this correspondence and your documented finding to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at haylee.rose@nebraska.gov.

Sincerely,

HRose

Haylee Rose
Section 106 Review and Compliance Coordinator for Standing Structures

1500 R Street
Lincoln, NE, 68508-1651
https://history.nebraska.gov

Section 106
RECEIVED

NESHPO USE ONLY

Date Received APR 06 2026 | HP Number 2604-019-01

Nebraska State
HISTORICAL SOCIETY
1500 R Street, Lincoln, NE 68508-1651

NE State Histor
Preservation Offic

NESHPO SECTION 106 PROJECT REVIEW FORM

Submission of a completed Section 106 Project Review Form with adequate information constitutes a request for review pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. More information may be required to adequately complete the Section 106 review process. Please submit this completed form to NSHS.S106@nebraska.gov.

For more information, see NESHPO's Section 106 Review and Compliance FAQ page: https://history.nebraska.gov/historic-preservation/review-and-compliance-section-106/.

NOTE: Section 106 regulations provide for a 30-day response time by the Nebraska State Historic Preservation Office (NESHPO) from the date of receipt.

I. PROJECT STATUS

- ☒ Federal Undertaking Anticipated (Applied for Federal Assistance)
- ☐ Federal Undertaking Established (Federal Assistance Received)
- ☐ Due Diligence Project (No Federal Assistance Anticipated)
- ☐ Alteration to or Resubmission of a Previously Submitted Project (HP# ______________)
- ☐ Submitted under a Programmatic Agreement (PA) (title/date: ______________)
- ☐ Previously applied/will apply for Nebraska Historic Tax Credit

II. PROJECT SUBMISSION

Project Name (if applicable)
David City 22DTR004 - 402 N 5th Street

Agency Project No. (if applicable)
22DTR004

Nearest City/Town
David City

County
Butler

Location (e.g., coordinates, legal description, address—no P.O. Box numbers)
402 N 5th Street, David City, NE 68632

Is this project located within a Certified Local Government (CLG)? ◉ YES Crete ○ NO ○ DO NOT KNOW

Agency (providing funds, license, permit, or other assistance)/Designee
Nebraska Department of Economic Development/City of David City

Agency/Designee Contact Name
James Owens

Agency/Designee Contact Email Address
jowens@sendd.org

Agency/Designee Address
7407 O Street, Lincoln, NE 68510

Agency/Designee Contact Phone Number
402-475-2560

III. PROJECT SUBMISSION

A. Project Type (select all that apply)

- ☐ New Construction
- ☐ Demolition
- ☒ Rehabilitation
- ☐ Replacement/Repair
- ☐ Utilities/Infrastructure
- ☐ Other: ______________

B. Attachments Included (select all that apply)

- ☐ Map(s) including Area of Potential Effect (APE)
- ☒ Photographs
- ☐ Cultural Resources Report/Inventory
- ☐ Archeological Site Form(s)
- ☐ Spatial Data Files (e.g., .kmz, .shp)
- ☒ Other: DTR Application with support documents

NESHPO USE ONLY

Nebraska SHPO Determination

If selected, the project may proceed as planned

- ☐ No Historic Properties Affected (NP)
- ☐ No Effect to Historic Properties (NO EFF)
- X No Adverse Effect to Historic Properties (NAE)

Site Number(s): BU09-054

If selected, additional consultation with NESHPO is required

- ☐ More Information (MI)*
- ☐ No Adverse Effect to Historic Properties with Conditions (NAEWC)
- ☐ Adverse Effect to Historic Properties (AE)

AARose
Section 106 Review & Compliance Coordinator
State Historic Preservation Office, Nebraska State Historical Society

Date: June 26, 2026

***If NESHPO determines that more information is required to complete the Section 106 Review, the allowed 30-day review period resets on the date that NESHPO receives all requested information.**

IV. PROJECT DESCRIPTION

A. GROUND DISTURBING ACTIVITIES

NOTE: Ground disturbing activities can include, but are not limited to excavation, trenching, grading, slating, and/or trenching.

1. Does this project involve ground disturbing activities? ○ YES ⊙ NO (skip to IV. B. 1.) ○ DO NOT KNOW

2. Please describe the nature of the proposed ground disturbing activities involved as well as previous and current land use, conditions, and/or ground disturbances. If the extent of the proposed ground disturbing activities involved in this undertaking is not yet known, please include as much preliminary information as possible.

B. NON-GROUND DISTURBING PROJECT ACTIVITIES

1. Please describe all proposed project activities that do not result in ground disturbance in as much detail as possible.

Roof and window/door replacement on west and south elevations of 402 N. 5th Street. Roof work involves removal of compromised surface and installation of new roofing system above grade. Windows and doors on both floors of west and south elevations replaced with bronze anodized aluminum framing and insulated tempered glass. Ground floor doors replaced with medium stile units.

V. IDENTIFICATION OF HISTORIC PROPERTIES: ARCHEOLOGY

A. Has a cultural resources survey/inventory been conducted within the APE? (if yes, provide the title, date, and author in the space below)

Unknown

B. Is the landowner aware of any archeological resources identified within the APE? (if yes, please describe in the space below)

No

VI. IDENTIFICATION OF HISTORIC PROPERTIES: STANDING STRUCTURES

A. Are there any buildings or structures 50 years or older within the area of potential effect (APE)? ⊙ YES ○ NO ○ DO NOT KNOW

B. To the best of your knowledge, is/are the structure(s) any of the following?

- ☐ Listed Individually in the National Register
- ☐ Designated Local Landmark (or with a Local Landmark Historic District)
- ☐ Listed within a National Register Historic District

C. List all buildings and structures within the APE that are older than 50 years. Please include the address/location, *original construction date*, and *dates of additions or major repair*. Please attach photographs of each building/structure within the APE older than 50 years.

402 N 5th Street, David City, NE 68632

VII. PRELIMINARY ASSESSMENT OF EFFECTS (REQUIRED)

A. Based on the information submitted, are there historic properties present within the APE? ○ YES ⊙ NO ○ DO NOT KNOW

B. Please select one preliminary determination based on the information included in this submission.

No Adverse Effect(s) to Historic Properties (NAE)

C. Please justify your assessment of effects in the space below. If adverse effects are anticipated, please use this space to identify potential mitigation actions.

Replacement of roof, windows, and doors, while following any and all prescribed mitigations (if applicable) is not likely to affect character-defining features that make the property eligible for listing on the National Register.

NEBRASKA STATE HISTORIC PRESERVATION OFFICE (NESHPO)

Section 106 Determinations of Effect

(NP)	**No Historic Properties Affected** No historic properties are present within the APE, or a cultural resource is identified within the APE as the result of field inventory, but it is not eligible for listing in the National Register of Historic Places (NRHP). If a cultural resource is not deemed eligible for listing in the NRHP, it is not considered a historic property, as defined by 36 CFR Part § 800.16 (l)(1).
(NO EFF)	**Historic Properties Present but No Effect** Cultural resources listed or eligible for listing in the NRHP are identified within the APE as a result of field inventory, but the NESHPO has determined that the undertaking will have no effect on them.
(NAE)	**No Adverse Effect(s)** When historic properties are present within the APE, but activities associated with the undertaking are determined by the NESHPO to have no adverse effect on the significance or integrity of the historic property.
(NAEWC)	**No Adverse Effect with Conditions** When historic properties are present within the APE, but the activities associated with the undertaking can be modified, or the conditions can be imposed to avoid adverse effects through consultation with the NESHPO.
(AE)	**Adverse Effect(s)** When it is determined that an undertaking cannot be modified to avoid adverse effects to historic properties, the federal agency/designee shall notify the ACHP and other consulting parties to resolve adverse effects under 36 CFR Parts 800.6 and 800.7, as necessary.

SECTION 106 PROJECT REVIEW SUBMISSION CHECKLIST

- [x] Completed NESHPO Section 106 Project Review Form
    - Include all contact information for the project's person of contact.
    - Include federal agency/designee assigned project number, if applicable.
    - Include project name, if applicable.

ATTACHMENTS

- [ ] Map(s) including:
    - APE boundaries (i.e., direct and visual)
    - North Arrow
    - Legend
    - Project Name and/or Project Number, if applicable
    - Aerial Maps are preferred
- [x] Project Plans (if applicable)
    - Site Plans (e.g., engineering, architectural)
    - Historic Drawings, if available
    - Elevations (existing and proposed)
- [ ] Archeological Survey Report and/or Site Form(s), if applicable
- [x] Digital Photographs
    - May be submitted individually or in a pdf with one photograph per page.
    - Must include captions with the following information, as relevant: orientation of the photo, street address/location of view, and a brief description of the photograph subject (e.g., residential dwelling, telecommunications tower).
- [x] Photo Key
    - Photos must be labeled numerically (e.g., Figure 1, Figure 2)
    - Photo key must indicate the direction view for all photographs.
- [x] Preliminary determination and justification

For additional project submission questions, please contact the Nebraska State Historic Preservation Office at NSHS.S106@nebraska.gov.

P.O. Box 191
557 4th Street
David City, NE 68632

DAVID CITY NEBRASKA

Phone: (402) 367-3135
FAX: (402) 367-3126
Website: www.davidcityne.com

DOWNTOWN REVITALIZATION (DTR) APPLICATION

PART I: APPLICANT INFORMATION

Applicant Name: Robert Wright

Mailing Address: 163 S 7th Street City: David City State: NE Zip: 68632

Email Address: robwright.dcn@gmail.com Phone: (402) 367 - 7954

Legal Name of Business or Entity*: Robert Wright sole proprietorship

Name used to register business with the State of Nebraska

Business Address: same as above City: ______ State: ______ Zip: ______

PART II: PROJECT INFORMATION

Eligible Property Address: 402 N 5th Street

Total Square Footage: 2500 Commercial Square Footage: 2500

Residential Square Footage: 0 Other: 0

PART III: OWNERSHIP INFORMATION

☑ OWN ☐ LEASE

IF LEASE

Name of Property Owner: ______

Email Address: ______ Phone: (______) ______ - ______

Beginning Date of Lease: ______ Termination Date of Lease: ______

Note: A copy of the applicant's current lease and a letter from the property owner authorizing the application and rehabilitation activities must be submitted with the Application Form.

PART IV: ELIGIBLE ACTIVITIES

Proposed project activities (please mark all that apply):

- [ ] Preparation of Structural Engineering
- [ ] Preparation of Engineering Specifications
- [ ] Removal of Nonconforming Items/Materials
- [ ] Brick/Exterior Repair or Restoration
- [ ] Other Facade Improvements (please explain)
- [ ] Preparation of Architectural Plans
- [x] Building Code Compliance
- [ ] Sign/Awning Repair or Replacement
- [x] Window/Door Repair or Replacement
- [x] Other Improvements (please explain)

Explanation:

compromised roof in need of total replacement as per building inspector and roofing companies

PART V: FINANCIAL

Estimated total project cost: $ 128,219.00

Revitalization Grant Funds* (up to 75% of Total Project Costs): $80,000.00

Matching Funds provided (at least 25 % of Total Project Costs):

$48.219.00

*Revitalization funds provided by the Nebraska Department of Economic Development Community Development Block Grant (CDBG) Program.

Sources of Matching Funds (please mark all that apply):

- [x] Cash on hand in checking, savings, or other
- [ ] Bank loan
- [ ] Private loan or gift
- [ ] Other (please explain) ____________________

PART VI: AGREEMENT & SIGNATURE

Certification of Assurances

To the best of my knowledge and belief, as a condition of obtaining assistance through the David City DTR Program, the applicant will, if assistance is approved, comply with all Federal and State requirements and code, including the following:

A. The Civil Rights Act of 1964 (PL 88-352) and Title VII of the Civil Rights Act of 1968 (PO 90- 284);

B. Housing and Community Development Act of 1974, as amended;

C. Age Discrimination Act of 1975;

D. Section 504 of the Rehabilitation Act of 1973;

E. Davis Bacon Act, as amended (40 U.S.C 276a-276a-5), where applicable under Section 110 of the Housing and Community Development Act of 1974 as amended;

F. Fair Labor Standards Act of 1938, as amended, (29 U.S.C., 102 et, seq);

G. Preservation of Historical and Archaeological Data Act of 1974 (PL, 93-291);

H. National Historic Preservation Act of 1966, Section 106 (PL 89-665);

I. National Environmental Policy Act of 1969;

J. Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1979, Title II and Title III;

K. Nebraska Community Development Law, Section 18-2101 to 18-2144, Revised Statutes of Nebraska, 1943.

THE UNDERSIGNED, in applying for financial assistance from the City of David City Downtown Revitalization Program:

1) Agrees that prior to receiving an award, he or she shall comply with all federal, state, and local laws to the extent that such are applicable;

2) Attests that he or she is currently in good standing with the City or will return to good standing before any release of funds; and,

3) Acknowledges and agrees to enter into or execute any additional documents required by the City, the Nebraska Department of Economic Development, or the United States Department of Housing and Urban Development.

Address: 163 S 7th Street City: David City State: NE Zip: 68632

Signature: [signature]

Printed Name and Title: Robert Wright - owner

Date: October 24, 2024

Release and Hold Harmless Agreement

Release executed on this 24th day of October, 2024.

By (Property Owner) Robert Wright and

(Business Owner if applicable) ____________________, of

(Street Address) 163 S. 7th Street, City of David City, State of Nebraska, referred to as Releaser(s).

- In consideration of being granted monies for restoration, modifications, or other physical changes to property located at the above address, the Releaser(s), understands that they are solely responsible for providing their own contractors, paying their contractors, to assure that those contractors are fully insured and (where required) licensed, and have obtained all necessary permits in accordance with all pertinent regulations.

- The Releaser(s) waives, releases, discharges, and agreed to indemnify the City of David City (or entities under the City's umbrella) for loss or damage, and claims or damages therefore, on account of any work that has been performed in accordance with City or State guidelines.

- Releaser(s) agree that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as permitted by the laws of the State of Nebraska and that if any portion of the agreement is held invalid, it is agreed that the balance, shall; notwithstanding, continue in full legal force and effect

- Releaser(s)'s obligation and duties hereunder shall in no manner be limited or restricted by maintaining any insurance coverage related to the above referenced event.

- This release contains the entire agreement between the parties to this agreement and the terms of this release are contractual and not a mere recital.

Signature of Property Owner: [signature]

Printed Name and Title: Robert Wright - owner

Date: October 24, 2024

If Applicable:

Signature of Business Owner: ____________________

Printed Name and Title: ____________________

Date: ____________________

Attestation of U.S. Citizenship

For the purpose of complying with Neb. Rev. Stat. §§4-108 through 4-114, I attest as follows:

☑ I am a citizen of the United States.

— OR —

☐ I am a qualified alien under the Federal Immigration and Nationality Act, my immigration status and alien number are as follows:______________________________, and I agree to provide a copy of my USCIS documentation upon request.

I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete and accurate and I understand that this information may be used to verify my lawful presence in the United States.

Printed Name: Robert Gardner Wright
First Middle Last

Signature: [signature]

Date: October 24, 2024

402 N 5th Street - Roof
BID 1

Outlook

SPF/MEMBRANE BIDS

From Robert Wright <robwright.dcn@gmail.com>
Date Mon 3/16/2026 12:12 PM
To Robert <robwright.dcn@gmail.com>

Troy
Pospisil<nenesinc@gmail.com>
RobWright.dcn@gmail.com

Rob, Here is what i came up with for the roofs I took a look at. Two different options for each section

538 D Street (Garage Flat Roof)

Apply Spray foam over it.	$11,193.00
Tax	$ 839.48
	$12,032.48
Single ply membrane	$13,934.00
Tax	$1,045.05
	$14,979.05

402 N 5th Street (two story building)

SPF foam	$29,850.00
Tax	$2,238.75
	$32,088.75
Single ply membrane	$38,867.00
Tax	$2,915.03
	$41,782.03

The spray foam option will have a 10-year material warranty
The single ply membrane option will have a 20-year material warranty

Let us know what you would like to do and then we will get that option wrote up and sent to you for approval
Look forward to working with you on these projects.

Troy Pospisil
President / Owner
North East Nebraska Energy Systems Inc.
nenesinc@gmail.com
402-649-6487

Desert Storm Veteran

402 N 5th Street - Roof
BID 2

Page 1

Tillotson Enterprises
8000 Fletcher Ave, Suite 100
Lincoln, NE 68507
Office: 402-466-7038
Fax: 402-466-0308
(herein "Tillotson")

TILLOTSON

Contract #24799 - 39294
Page 1 of 1
Date: 6/10/2025
3,162 square feet
3,162 expanded square feet

To: Robert Wright
163 S 7th St
David City, Nebraska 68632
Phone: 402-367-7954
(herein "Client")

Job Location: 402 N 5th St
David City, Nebraska 68632

Submit specifications and estimates for: installing the FOAM system using Evercoat HT coating.

1. Seal cracks in membrane on west and south parapet wall ledge with urethane sealant.
2. Power wash parapet walls and parapet wall ledge as necessary.
3. Use a foam scarifier to remove the top 1/2 inch of foam and coatings. This process is designed to remove only the surface layer of foam and coatings. If, during the scarifying process, it is determined that the foam is wet beyound 1/2 inch, a full tear-off or partial tear-off will be required. In such case, additional costs for tear-off and replacement will apply. The client will be notified promptly of any changes to the scope of work, and approval will be required before proceeding.
4. To prevent over-spray, cover vents and paper off edge detail.
5. Apply primer to scarifed foam
6. Install a minimum of 1 1/4 inches of sprayed in place polyurethane foam over the specified area. Foam thickness is an average and can vary + or -1/4" from proposed thickness. Foam R-Value is 6.7/ inch.
7. Apply Evercoat HT base coat over the entire foamed surface (2.0 gallons per square).
8. Apply Evercaulk where necessary.
9. Apply Evercoat HT top coat over the entire foamed surface (2.0 gallons per square).
10. Apply Everest Silkoxy top coat to parapet wall membrane ledge. (2.0 gallons per square).

Tillotson Enterprises, Inc. will comply with OSHA fall protection guidelines by either installing a temporary OSHA-compliant fence with an assigned OSHA monitor or, for roofs under 50 feet wide with a pitch of 4/12 or less, using only an OSHA monitor. If neither an OSHA monitor nor a fence is applicable, workers will be tied off during all phases of work.

Finished color: White
Install the above system in accordance with Everest System specifications.
Total average dry mils of coatings over entire foamed surface is 30 mils
Elongation 600% Tensile Strength 500 psi

WARRANTY: 12 year "leak free" material and 12 year "leak free" labor warranty (non pro-rated).
* This system has a twenty year life expectancy

RENEWABLE WARRANTY: An additional warranty can be renewed at the end of the warranty period with an inspection and re-coat. If the roof is re-coated on a regular basis, the roof may never need to be replaced again.

Any alteration or deviation from above specification involving extra costs, will be undertaken and performed only after a written change order has been signed by the parties, and will become an extra charge over and above the original contract price as set forth in such change order. Client shall carry fire, tornado, hail and other necessary insurance on above work. Workmen's compensation and public liability insurance on above work to be taken out by Tillotson Enterprises Inc. Tillotson Enterprises, Inc. is not responsible for any existing or future damage due to mold or mildew. The warranties set forth in this contract are in lieu of any other or additional warranties of any type or nature whatsoever, and Tillotson shall not be liable for, incidental or consequential damages.

We hereby propose to furnish material and labor - in accordance with the above specifications, for the sum of: Thirty Five Thousand Six Hundred dollars $35,600.00

Payment to be made as follows: 50% with signed contract, and 50% within 30 days of project completion. Delinquent

Page 2

payment, upon any work completed, shall bear interest at 1 1/2% per month from date of completion, and, if suit is filed to enforce payment, owner will pay reasonable attorney fees and court costs. I understand that any failure to pay as and when required by the contract, all Warranty/Guarantees contained herein can be reduced or voided. The prices, specifications and conditions are satisfactory and are hereby accepted. The contractor is authorized to do the work specified. Tillotson Enterprises Inc. reserves the right to charge client for expenses incurred for a warranty service call if it is determined the problem is not a warranty issue covered by material and/or labor.

There will be an additional 3.5% fee on the transaction amount for invoices paid with credit card or debit card.

Please note that if you require an "additional insured" or a "waiver of subrogation" on the Workers' Compensation certificate and it was not included as a line item in your contract, an additional charge of $300.00 will apply. This charge will be invoiced separately and must be paid before the job starts unless other arrangements are made.

1st Payment: $17,800.00 dollars
Date Paid:

2nd Payment: $17,800.00 dollars
Date Paid:

If the first down payment is not received with the contract, then any additional material cost, labor cost, etc. will be passed on to the client when the job is started and included in the first payment.

Acceptance of the proposal. The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

We agree to furnish the above items and conditions herein contained. All agreements contingent upon strikes, acts of God, or other causes beyond our control.

Date of Acceptance ______________

This contract price is void after 30 days

Purchaser ______________________________

Contractor ______________________________

402 N 5th Street - Windows
BID 1

Nebraska Door and Window
Zachery Adamson

Job: Bob Wright 403 N. 5th Street David City

Bid Date: 3/6/2026
Work Start Date:
Work End Date:

Quote Number: 1
Valid Until: 4/6/2026
Payment Due By:

Material

	Price	Rate	Total
Framing	$33,057.30		
Glass	$17,593.04		
Subtotal			**$50,650.34**
Tax		7.50%	$3,798.78
Total Material			**$54,449.12**

Labor

	Price	Rate	Total
Subtotal			**$22,668.02**
Tax		0.00%	$0.00
Total Labor			**$22,668.02**

Miscellaneous Charges

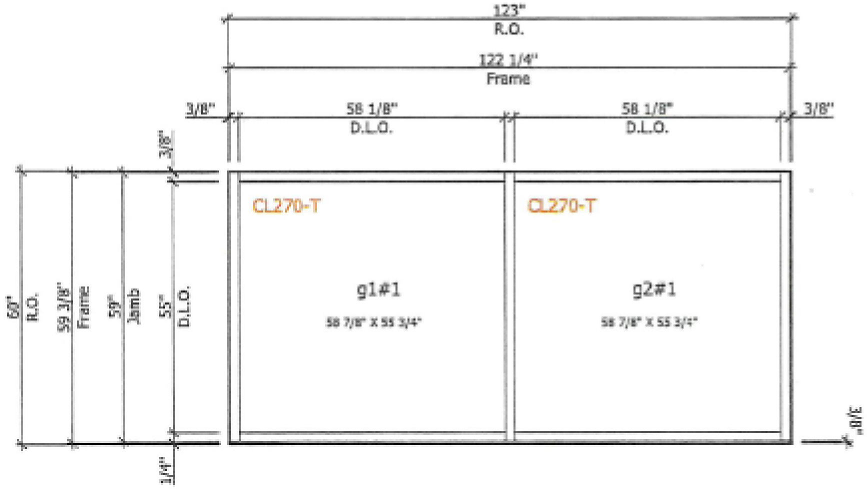
	Price	Rate	Total
Subtotal			**$14,420.00**
Tax		7.50%	$1,081.50
Total Miscellaneous			**$15,501.50**

Job Grand Total	**$92,618.64**

Sections Bid
West, South, and East window and Door Elevations

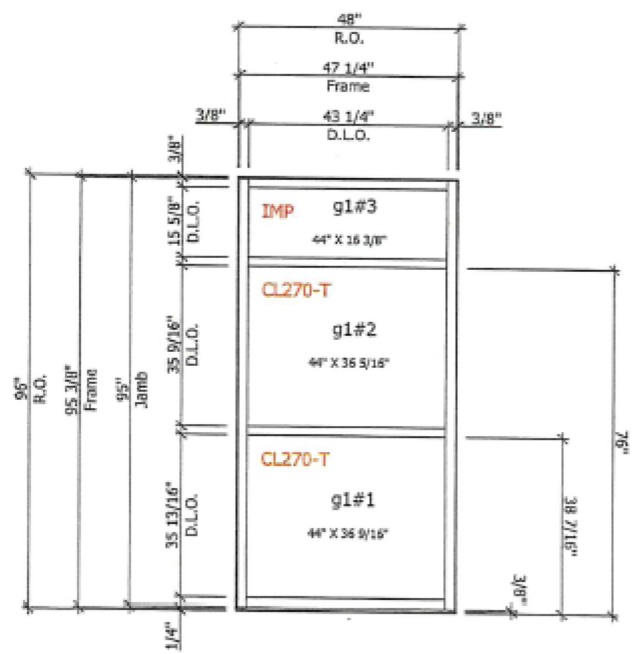
Exclusions
Window Blinds
Garage Door
Interior and exterior finihes that may need complete after window replacement (paint, trim, ceiling tie in and repair, etc.)

Notes
Doors will be storefront style with glass or insulated panel as selected by customer
Glass infill will be Clear LowE
Storefront color will be dark bronze anodized
All elevatins require further field measurements and sizes may vary from drawn elevations



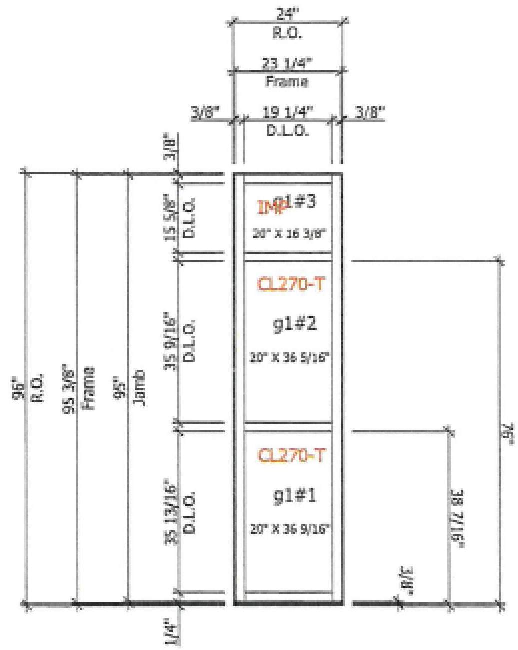
Fixed non operable window
Elevation for reference only
actual size will vary once final field
measurements are taken

Bob Wright 403 N. 5th Street David City-(1st Floor West Elevation) - Bronze- (1Thus)
Frame: NDW - Series 3000 : Storefront : Thermal :
Multiplane : Center Set : Outside Glazed : Screw Spline



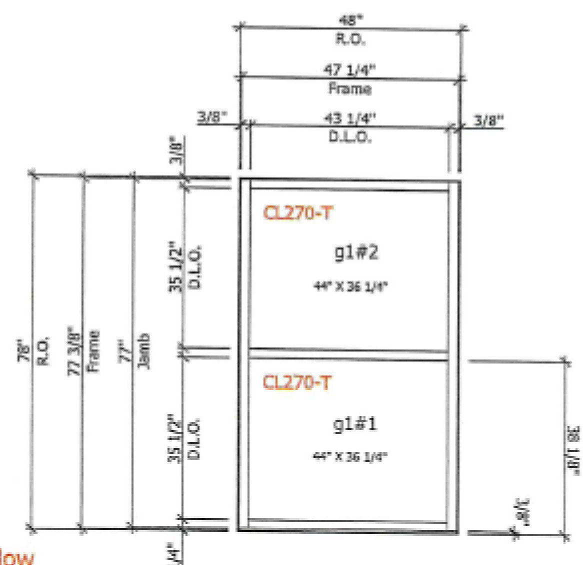
Fixed non operable window
Elevation for reference only
actual size will vary once final field
measurements are taken

Bob Wright 403 N. 5th Street David City-(2nd Floor S & W windows) - Bronze- (9Thus)
Frame: NDW - Series 3000 : Storefront : Thermal :
Multiplane : Center Set : Outside Glazed : Screw Spline



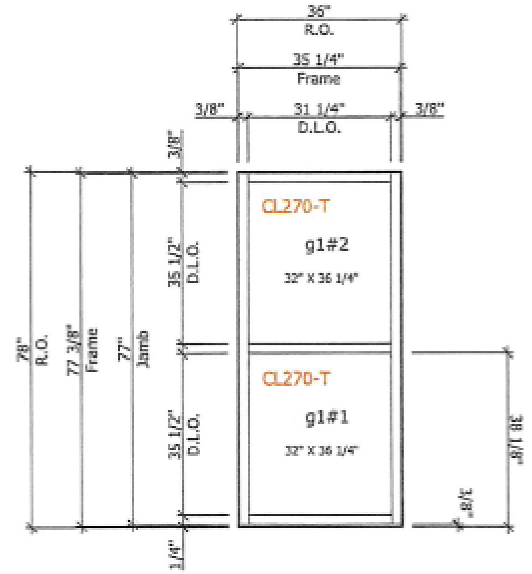
Fixed non operable window
Elevation for reference only
actual size will vary once final field
measurements are taken

Bob Wright 403 N. 5th Street David City-(2nd Floor W small windows) - Bronze- (2Thus)
Frame: NDW - Series 3000 : Storefront : Thermal : Multiplane : Center Set : Outside Glazed : Screw Spline



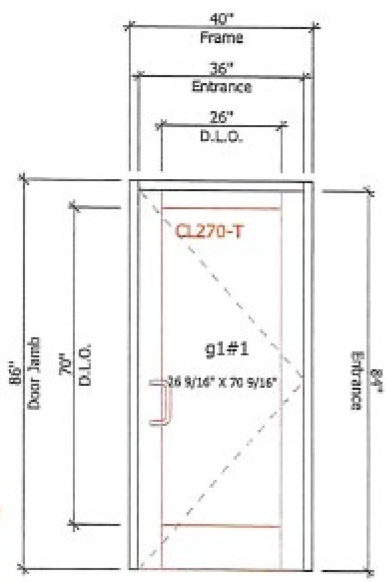
Fixed non operable window
Elevation for reference only
actual size will vary once final field
measurements are taken

Bob Wright 403 N. 5th Street David City-(1st floor South elev) - Bronze- (5Thus)
Frame: NDW - Series 3000 : Storefront : Thermal : Multiplane : Center Set : Outside Glazed : Screw Spline



Fixed non operable window
Elevation for reference only
actual size will vary once final field
measurements are taken

Bob Wright 403 N. 5th Street David City-(1st floor West elev) - Bronze- (1Thus)
Frame: NDW - Series 3000 : Storefront : Thermal :
Multiplane : Center Set : Outside Glazed : Screw Spline



Elevation for reference only
actual size and handing
will vary once final field
measurements are taken
Door included exit device to allow
egress anytime

Option of glass or insulted panel

Bob Wright 403 N. 5th Street David City-(South and West Doors) - Bronze- (7Thus)
Frame: NDW - Series 3000 : Storefront : Thermal :
Multiplane : Center Set : Outside Glazed : Screw Spline

402 N 5th Street - Windows
BID 2

Quote	103991A
Date:	3/6/2026
Page:	1 of 3

Bob Wright
402 N. 5th St.
David City NE 68632

Job: Bob Wright
402 N. 5th St.
Building #1
David City NE 68632
Mobile: 402-367-7954
Email: robwright.dcn@gmail.com

Quantity	Description
1	**Aluminum Framed Door and Window Replacements - Building #1**

Scope of work included in bid:

-Lincoln Glass to furnish and install Manko Window Systems aluminum in-swing and out-swing doors and frames. Specifically, (5) medium stile doors, continuous hinge, std. MS locks, back-to-back offset pull handles, thresholds, sweeps and closers. Framing to be Manko 2450CG series 2" x 4-1/2", centerplane, outside glazed, screwspline framing in predetermined configuration.

- Lincoln Glass to furnish and install (1) hollow metal exit door on second floor for roof access. BB hinges, passage lock, deadbolt, rim panic exit device, threshold, weather strip and closer. Primer finish

-Lincoln Glass to furnish and install Manko Window Systems aluminum framing for (19) fixed exterior storefront window elevations. Framing to be Manko 2450CG series 2" x 4-1/2",center plane,outside glazed, screwspline framing in predetermined configuration. Configuration will have to be altered slightly for horizontal dead load.

- Door R.O: - (1) 39-1/2" x 82", (1) 37" x 83", (1) 34-1/2" x 83", (1) 40" x 86, (1) 37" x 120-1/2" (transom),
(1) 30-1/2" x 81-1/4" HM

- Window R.O - : (1) 122" x 60", (2) 28" x 45", (3) 47" x 61", (2) 35-1/2" x 49", (2) 24" x 94". (1) 49" x 94", (3) 60" x 94",
(5) 38" x 94"

- Finish: Bronze Anodized

- Glass to be: - 1" Clear Insulated Tempered Units

- Removal of existing doors/frames: Included

Door Lead Time – 8-10 weeks
Lead Time for S/L Materials – 2-4 weeks

Exclusions:

Continued on next page...

This quotation is valid for 30 days from the date of issue.
Balance is due on delivery or pickup. A 50% deposit is due at the time of acceptance and must be paid before any work can commence. 50% ($48,537.74)

Quantity	Description
	• Final cleaning of glass and aluminum. • Field testing of any kind. • Hardware for doors of any kind unless specifically noted above. • Drywall/Paint Repair • Trim Replacement/Installation • Wood Framed Openings/Opening Preparation • Cement block/brick/stone demo or opening preparation. • Electrical wiring of any kind if applicable.
	1 x Manko Storefront & Glass Materials 1 x Midwest Glazing - HM Door & Hardware 1 x Boom Lift 66 Foot - Month 5 x GLS 9016 Closer 10B Duronatic / Dark Bronze 5 x Rubber Sweep 36" Duronatic / Dark Bronze 2 x Caulking 1 x Brake Metal 2 x Sundries Labor
1	**Nebraska Construction Tax / No Sales Tax** Nebraska State Const Tax / No Sales Tax

Click here to view and accept the quote online.

Click here to securely pay your deposit.

By confirming, you accept the above mentioned description of work and agree to the price, terms and conditions listed.

If a reschedule is requested under 24 hours to installation date, a $150 Reschedule Fee will be added to final invoice.

This quotation is valid for 30 days from the date of issue.
Balance is due on delivery or pickup. A 50% deposit is due at the time of acceptance and must be paid before any work can commence. 50% ($48,537.74)

Subtotal: 97,075.47

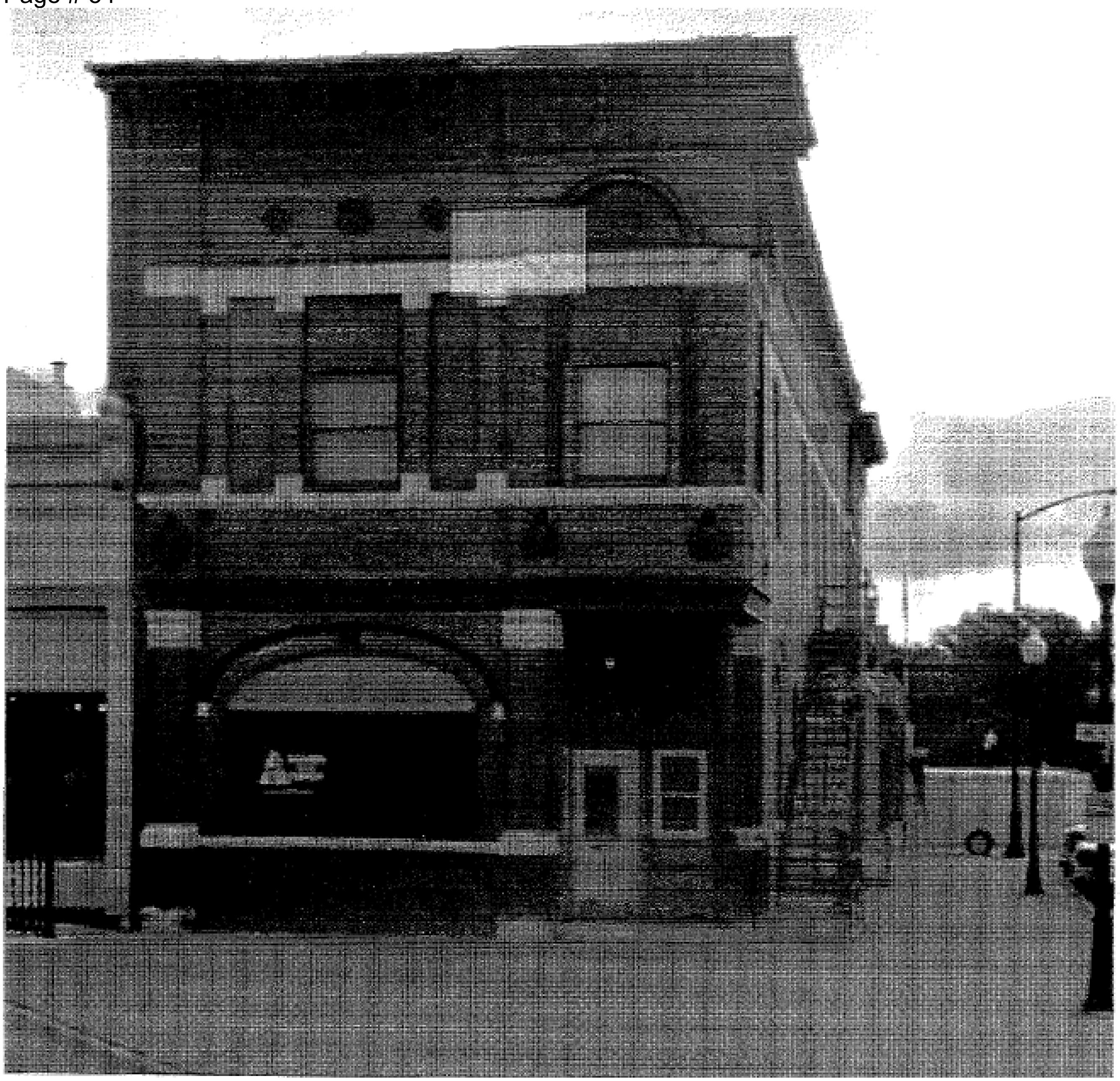
Total: $97,075.47

Terms and Conditions:

1. This quote is valid for 30 days from the date of the order. Our prices include measurements, fabrication, delivery and installation of products specified on the opposite side of this quote unless otherwise stated.
2. Price does not include evening or weekend working hours. Normal working hours are 7:30 am to 4:00 pm Monday through Friday.
3. The quoted price is subject to change if there are any changes to the size or configuration after the final field measurement, or options not listed in the quote.
4. All the products shall be furnished in accordance with the respective industry tolerances of color variation, thickness, size (+/-1/8"), texture and performance standards.
5. Lincoln Glass, Inc. (hereafter Lincoln Glass) will not be responsible for any discrepancies in customer provided measurements.
6. If existing obstructions are needed to be removed or customer's structure needs to be modified or corrected for installation, Lincoln Glass reserves the right to require customer to modify the work area. If this action results in an installation time increase and/or reschedule, there may be extra charges.
7. In case Lincoln Glass is required to provide labor to install "customer provided" products, Lincoln Glass is not responsible for any damages to customer's products or any other materials involved in, surrounding, or in the area of the work being performed.
8. Any items not specifically listed and priced in quote are excluded; any changes from the quote to hardware or materials listed may cause a change in pricing for which a new quote may be submitted.
9. Lead times given are based on information received by suppliers and manufacturers and are subject to change at any time and without notice, therefore Lincoln Glass shall not be held responsible for delays caused by suppliers and manufacturers.
10. One trip for field measurements and one trip for installation per project is included in the quoted price. Field measurements will be taken after we are notified that the areas of our scope are ready for measurement. Additional trips required due to openings not being ready and/or unacceptable installation conditions will result in $150.00 per trip charge.
11. Following is excluded: Final protection and cleaning, glass or mirror breakage by others, testing, engineering, permits, bonds, demolition, temporary enclosures, repairs or modification of existing opening or frames, core drilling for floor closures, any electrical work, unless noted in the scope of work on the quote.
12. Removal of existing materials may damage materials and/or surfaces during the removal of the said materials or **may expose tile/structure issues.** Lincoln Glass does not assume any responsibility for damages due to or during removal of existing materials. **Additional trips required due to these issues will result in $150.00 per trip charge.**
13. Payment terms: 100% prepayment is required for walk-in or call-in projects. A nonrefundable 50% deposit is required at the time of order for storefront and shower door projects, with the balance due upon project completion. Lincoln Glass may require a credit/debit card to be placed on file for charging at project completion. Established customers are eligible for Net 30 payment terms, which must be approved by Lincoln Glass, in its sole discretion.
14. All glass and/or mirror products must be inspected at the time of **pick up/delivery or installation.** Lincoln Glass is not responsible for glass and/or mirror products once it leaves the store premises or has been accepted after delivery/installation.
15. It is the customer's responsibility to load products. Lincoln Glass or its agents cannot load your vehicle. During loading, Lincoln Glass or its agents will not be held liable for any damages to vehicle, personal items in the vehicle, or any bodily injuries that may occur during loading and transportation.
16. Customer agrees to pay a $35.00 fee for each returned check.
17. Lincoln Glass is not responsible for any existing structural issues that may interfere with the installation and/or lead to unsightly reveals. Any or all structural modifications that may arise before, during, or after the glass installation are explicitly the customer's responsibility.
18. If any dimensions are changed after Lincoln Glass measurement is completed and the changes in dimensions lead to inability of installation, there will be additional charges.
19. Once the delivery/installation appointment for your project is confirmed, this time will be reserved just for you. If you are unable to keep this appointment we will need a notification at least one business day in advance. Otherwise, a $150.00 Reschedule Fee will be added to your final invoice and there may be further delays due to our scheduling load.
20. Upon your acceptance of this quote, Lincoln Glass has the option, but not the obligation, to perform a title search on the property where the work is to be performed. If Lincoln Glass deems the results of the title search unsatisfactory for any reason (significant deed of trust or existence of construction liens or other encumbrances), then Lincoln Glass may require you to pay the proposal in full before any material is procured or labor is provided. Lincoln Glass has 14 days after your acceptance of the proposal to perform the title search and exercise its right to require 100% prepayment. After you receive Lincoln Glass' notice, you have 14 days to make payment in full and, if no payment is received, you agree that this proposal is null and void and that Lincoln Glass has no obligation to complete the scope of work.
21. Lincoln Glass warrants that its installation services with respect to products purchased from Lincoln Glass shall be performed in a workmanlike manner and in accordance with the manufacturer's installation instructions as of the date the installation is complete. To secure warranty service, you must (1) make a warranty claim in writing to Lincoln Glass within one (1) year from the date of installation; and (2) provide Lincoln Glass with access to the area for reinstallation of the products within a reasonable period of time. Lincoln Glass's only obligation under this warranty is to reinstall the products at its cost. THIS LIMITED INSTALLATION WARRANTY CONTAINS THE ENTIRE AND COMPLETE TERMS OF LINCOLN GLASS'S LIMITED INSTALLATION WARRANTY AND THE LIMITED INSTALLATION WARRANTY SUPERSEDES AND EXCLUDES ALL PRIOR ORAL OR WRITTEN REPRESENTATIONS OR WARRANTIES. LINCOLN GLASS EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Lincoln Glass's limited installation warranty does not apply to any products not manufactured by Lincoln Glass, although such products may be covered by a separate warranty of the product manufacturer.
22. Limitation of Damages. THE TOTAL LIABILITY OF LINCOLN GLASS FOR ALL CLAIMS OF ANY KIND ARISING FROM OR RELATED TO THE FORMATION, PERFORMANCE OR BREACH OF THIS CONTRACT, OR ANY PRODUCTS OR SERVICES, SHALL NOT EXCEED THE CONTRACT PRICE. LINCOLN GLASS SHALL NOT BE LIABLE FOR ANY SPECIAL, CONSEQUENTIAL, INCIDENTAL, INDIRECT, OR PUNITIVE DAMAGES.

ACCEPTANCE OF ORDER: I accept the above mentioned description of work for the above price and subject to the above terms and conditions.

Customer Acceptance: ______________________________ Acceptance Date:__________

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Chicago Lumber Commercial Services
P. 800-642-8210

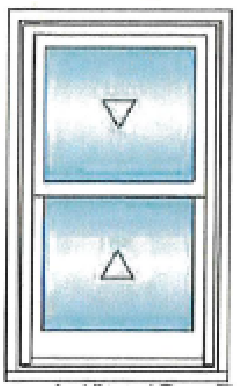
403 N 5th Street - David City NE
No Transoms
Quote Number: NGLBQ2V

LINE ITEM QUOTES

The following is a schedule of the windows and doors for this project. For additional unit details, please see Line Item Quotes. Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1 Qty: 2	Mark Unit: Type A	Net Price: Ext. Net Price:	USD	1,387.13 2,774.26

MARVIN



As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
Ultimate Double Hung G2
- Glass Add For All Sash/Panels
  - Top Sash
    - Bronze Clad Sash Exterior
    - Primed Pine Sash Interior
      - IG - 1 Lite
      - Tempered Low E2 w/Argon
      - Black Stainless Steel Perimeter Bar
      - Ogee Interior Glazing Profile
  - Bottom Sash
    - Bronze Clad Sash Exterior
    - Primed Pine Sash Interior
      - IG - 1 Lite
      - Tempered Low E2 w/Argon
      - Black Stainless Steel Perimeter Bar
      - Ogee Interior Glazing Profile
  - White Interior Weather Strip Package
  - Black Exterior Weather Strip Package
  - Matte Black Sash Lock
  - Matte Black Top Sash Strike Plate Assembly Color
- No Screen

Line #2 Qty: 1	Mark Unit: Type B	Net Price: Ext. Net Price:	USD	2,870.44 2,870.44

MARVIN

As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
2W1H - Rectangle Assembly
Ultimate Direct Glaze Rectangle
- IG - 1 Lite
- Low E2 w/Argon
- Black Stainless Steel Perimeter Bar
- Putty Exterior Glazing Profile

Ultimate Direct Glaze Rectangle
- IG - 1 Lite
- Low E2 w/Argon
- Black Stainless Steel Perimeter Bar
- Putty Exterior Glazing Profile

Standard Mull Charge

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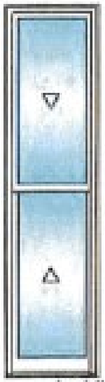
403 N 5th Street - David City NE
No Transoms
Quote Number: NGLBQ2V

Line #3 Qty: 2	Mark Unit: Type C	Net Price: Ext. Net Price:	USD	1,977.36 3,954.72

MARVIN

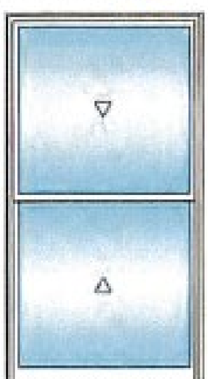


As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
Ultimate Double Hung G2
Top Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 Frost w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
Bottom Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
White Interior Weather Strip Package
Black Exterior Weather Strip Package
Matte Black Non-Tilt Sash Lock
Matte Black Top Sash Strike Plate Assembly Color
No Screen

Line #4 Qty: 2	Mark Unit: Type D	Net Price: Ext. Net Price:	USD	2,684.88 5,369.76

MARVIN



As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
Ultimate Double Hung G2
Top Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 Frost w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
Bottom Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
White Interior Weather Strip Package
Black Exterior Weather Strip Package
Matte Black Non-Tilt Sash Lock
Matte Black Top Sash Strike Plate Assembly Color
No Screen

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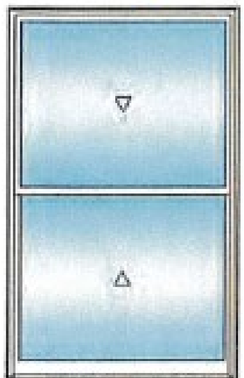
403 N 5th Street - David City NE
No Transoms
Quote Number: **NGLBQ2V**

Line #5 Qty: 2	Mark Unit: Type E	Net Price: Ext. Net Price:	USD	3,456.41 6,912.82

MARVIN



As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
Ultimate Double Hung G2
Top Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 Frost w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
Bottom Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
White Interior Weather Strip Package
Black Exterior Weather Strip Package
Matte Black Non-Tilt Sash Lock
Matte Black Top Sash Strike Plate Assembly Color
No Screen

Line #6 Qty: 5	Mark Unit: Type F	Net Price: Ext. Net Price:	USD	2,256.75 11,283.75

MARVIN

As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
Ultimate Double Hung G2
Top Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 Frost w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
Bottom Sash
Bronze Clad Sash Exterior
Primed Pine Sash Interior
IG - 1 Lite
Low E2 w/Argon
Black Stainless Steel Perimeter Bar
Ogee Interior Glazing Profile
White Interior Weather Strip Package
Black Exterior Weather Strip Package
Matte Black Non-Tilt Sash Lock
Matte Black Top Sash Strike Plate Assembly Color
No Screen

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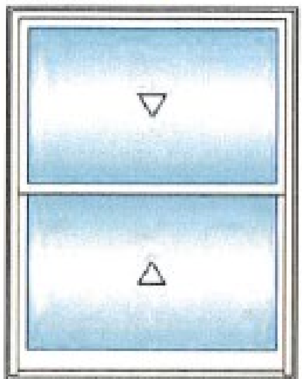
403 N 5th Street - David City NE
No Transoms
Quote Number: NGLBQ2V

Line #7 Qty: 3	Mark Unit: Type G	Net Price: Ext. Net Price:	USD	1,272.22 3,816.66

MARVIN

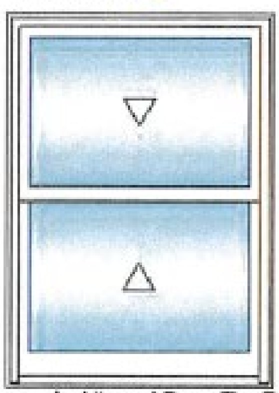


As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
Ultimate Double Hung G2
- Top Sash
  - Bronze Clad Sash Exterior
  - Primed Pine Sash Interior
    - IG - 1 Lite
    - Low E2 w/Argon
    - Black Stainless Steel Perimeter Bar
    - Ogee Interior Glazing Profile
- Bottom Sash
  - Bronze Clad Sash Exterior
  - Primed Pine Sash Interior
    - IG - 1 Lite
    - Low E2 w/Argon
    - Black Stainless Steel Perimeter Bar
    - Ogee Interior Glazing Profile
- White Interior Weather Strip Package
- Black Exterior Weather Strip Package
- Matte Black Sash Lock
- Matte Black Top Sash Strike Plate Assembly Color
- No Screen

Line #8 Qty: 2	Mark Unit: Type H	Net Price: Ext. Net Price:	USD	1,050.54 2,101.08

MARVIN



As Viewed From The Exterior

Bronze Clad Exterior
Primed Pine Interior
Ultimate Double Hung G2
- Top Sash
  - Bronze Clad Sash Exterior
  - Primed Pine Sash Interior
    - IG - 1 Lite
    - Low E2 w/Argon
    - Black Stainless Steel Perimeter Bar
    - Ogee Interior Glazing Profile
- Bottom Sash
  - Bronze Clad Sash Exterior
  - Primed Pine Sash Interior
    - IG - 1 Lite
    - Low E2 w/Argon
    - Black Stainless Steel Perimeter Bar
    - Ogee Interior Glazing Profile
- White Interior Weather Strip Package
- Black Exterior Weather Strip Package
- Matte Black Sash Lock
- Matte Black Top Sash Strike Plate Assembly Color
- No Screen

Chicago Lumber Commercial Services
P. 800-642-8210

403 N 5th Street - David City NE
No Transoms
Quote Number: NGLBQ2V

Line #9 Qty: 35	Mark Unit: Head & Side Casing	Net Price: Ext. Net Price:	USD	29.34 1,026.90

Marvin Parts
18601080 A110 2" FRAME EXPANDER-150"-BRONZE

Line #10 Qty: 6	Mark Unit: Subsill	Net Price: Ext. Net Price:	USD	88.84 533.04

Marvin Parts
18565399 A217 SIMULATED THICK SILL-200"-BRONZE

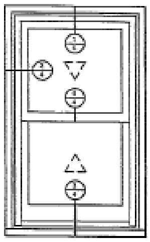
Line #11 Qty: 4	Mark Unit: Head Transition at Panels	Net Price: Ext. Net Price:	USD	36.68 146.72

Marvin Parts
18601230 A120 90 DEG. FRAME EXPANDER-150"-BRONZE

Line #12 Qty: 1	Mark Unit: Installation	Net Price: Ext. Net Price:	USD	29,500.00 29,500.00

Labor Removal and Installation of Windows and Doors.

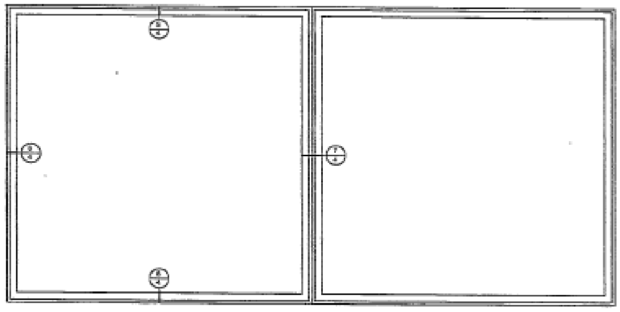
Project Subtotal Net Price: USD	40,790.15
Non-Taxable Labor: USD	29,500.00
7.500% Sales Tax: USD	3,059.26
Project Total Net Price: USD	73,349.41



TYPE A
SCALE: 3/4" = 1'-0"

SPECIFICATIONS

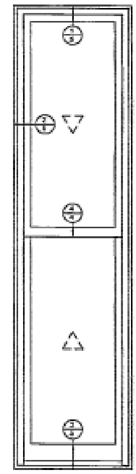
Qty: 2
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon, Tempered
Hardware: Standard Color
Screen: None
Jamb Depth: Standard
Exterior Casing: See Details



TYPE B
SCALE: 3/4" = 1'-0"

SPECIFICATIONS

Qty: 1
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon
Jamb Depth: Standard
Exterior Casing: See Details



TYPE C
SCALE: 3/4" = 1'-0"

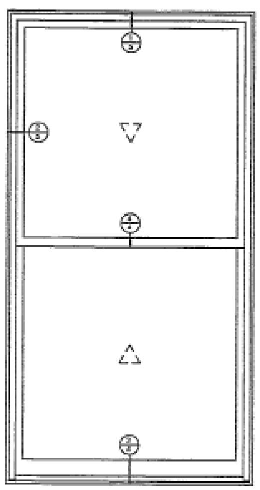
SPECIFICATIONS

Qty: 2
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon
: Transom Glass: Frosted Glass
Hardware: Standard Color
Screen: None
Jamb Depth: Standard
Exterior Casing: See Details

MARVIN

PROJ/JOB: 403 N 5th Street - David City NE / No Transoms
DIST/DEALER: CHICAGO LUMBER OF OMAHA
DRAWN: PAT DUESMAN
QUOTE#: NGLB02V

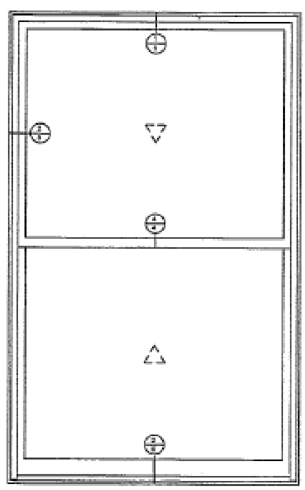
SHEET 1 OF 5



TYPE D
SCALE: 3/4" = 1'-0"

SPECIFICATIONS

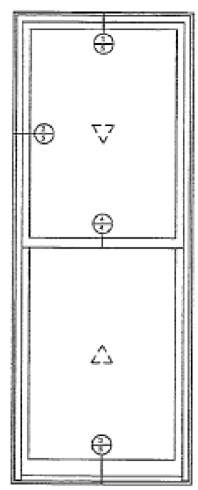
Qty: 2
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon
: Transom Glass: Frosted Glass
Hardware: Standard Color
Screen: None
Jamb Depth: Standard
Exterior Casing: See Details



TYPE E
SCALE: 3/4" = 1'-0"

SPECIFICATIONS

Qty: 2
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon
: Transom Glass: Frosted Glass
Hardware: Standard Color
Screen: None
Jamb Depth: Standard
Exterior Casing: See Details



TYPE F
SCALE: 3/4" = 1'-0"

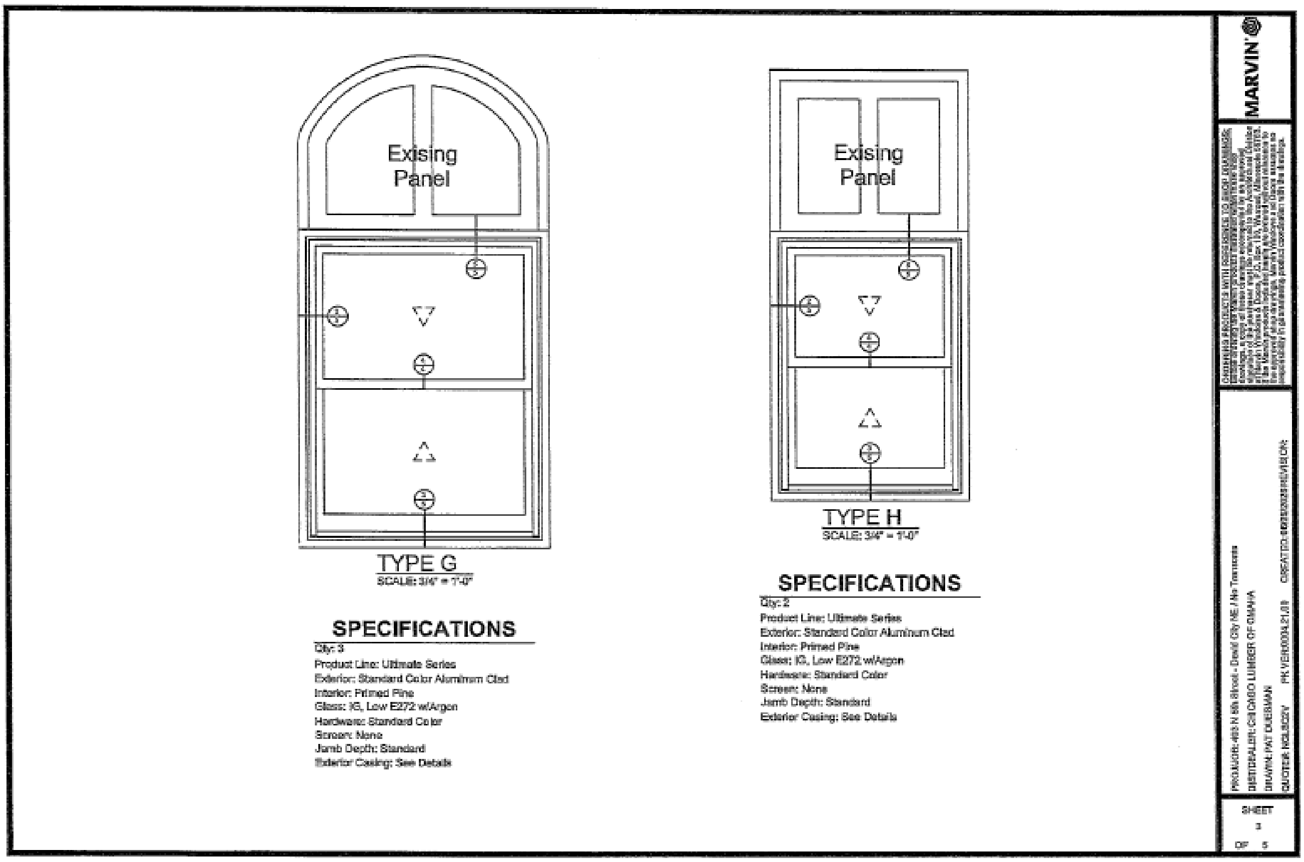
SPECIFICATIONS

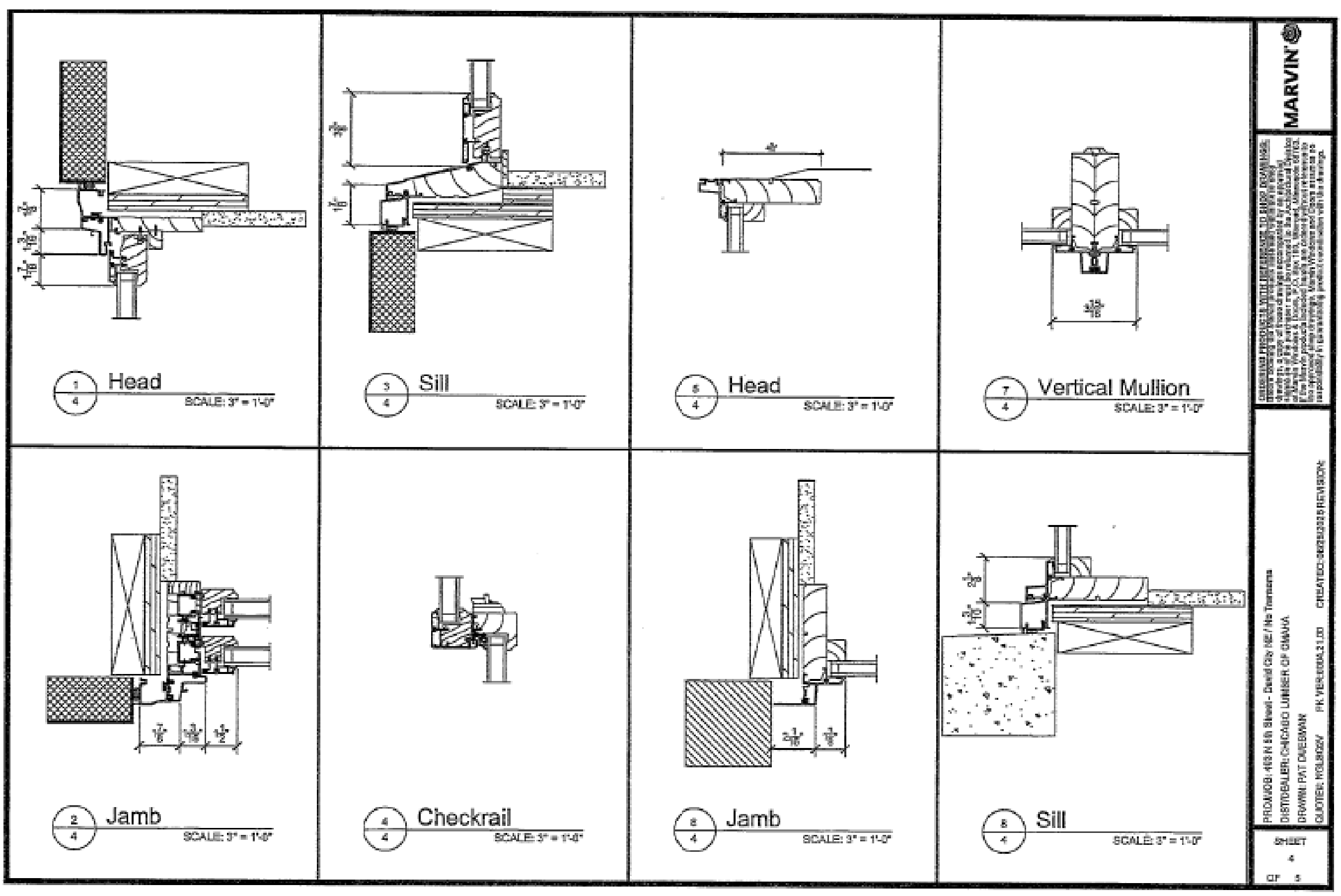
Qty: 5
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon
: Transom Glass: Frosted Glass
Hardware: Standard Color
Screen: None
Jamb Depth: Standard
Exterior Casing: See Details

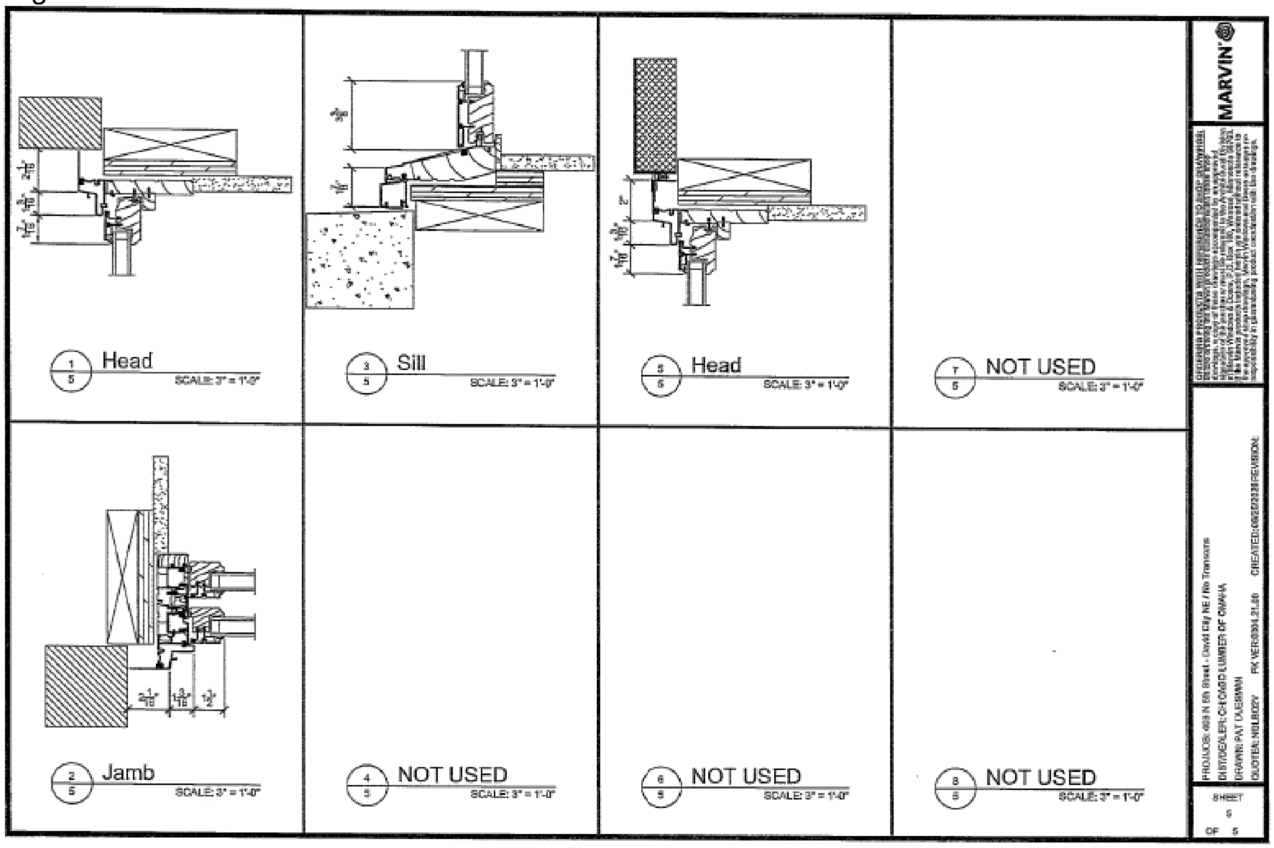
MARVIN

PROJ/JOB: 403 N 5th Street - David City NE / No Transoms
DIST/DEALER: CHICAGO LUMBER OF OMAHA
DRAWN: PAT DUESMAN
QUOTE#: NGLB02V

SHEET 2 OF 5


MARVIN
Exising Panel
Exising Panel
TYPE G
SCALE: 3/4" = 1'-0"
TYPE H
SCALE: 3/4" = 1'-0"
SPECIFICATIONS
Qty: 3
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon
Hardware: Standard Color
Screen: None
Jamb Depth: Standard
Exterior Casing: See Details
SPECIFICATIONS
Qty: 2
Product Line: Ultimate Series
Exterior: Standard Color Aluminum Clad
Interior: Primed Pine
Glass: IG, Low E272 w/Argon
Hardware: Standard Color
Screen: None
Jamb Depth: Standard
Exterior Casing: See Details
DISTRIBUTOR: CHICAGO LUMBER OF OMAHA
DRAWN: PAT DUEBMAN
SHEET 3 OF 5


MARVIN
Head
SCALE: 3" = 1'-0"
Sill
SCALE: 3" = 1'-0"
Head
SCALE: 3" = 1'-0"
Vertical Mullion
SCALE: 3" = 1'-0"
Jamb
SCALE: 3" = 1'-0"
Checkrail
SCALE: 3" = 1'-0"
Jamb
SCALE: 3" = 1'-0"
Sill
SCALE: 3" = 1'-0"
DISTRIBUTOR: CHICAGO LUMBER OF OMAHA
DRAWN: PAT DUEBMAN
SHEET 4 OF 5



Council considered the annual approval of the certification of the City Street Superintendent. Council Member Keith Marvin made a motion to approve the Certification of City Street Superintendent and Resolution No. 10-2026 signing of the Year-End Certification of City Street Form 2026. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

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Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2026) may result in the suspension of Highway Allocation funds until the documents are filed.

MUNICIPAL
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
TO
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS
2026

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads Classifications and Standards, the City ☒ Village ☐ of David City, Nebraska
(Check one box) *(Print name of municipality)*
hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**

______________________________ 8-12-26
Signature of Mayor ☒ Village Board Chairperson ☐ (Required) *(Date)*

______________________________ ______________
Signature of City Street Superintendent (Optional) *(Date)*

Return the completed original signing resolution and annual certification of program compliance by October 31, 2026 to:

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759
Lincoln NE 68509
or email to ndot.blshelp@nebraska.gov

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2026) may result in the suspension of Highway Allocation funds until the documents are filed.

RESOLUTION

SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2026

Resolution No. 10-2026

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor [x] Village Board Chairperson [ ] of David City, Nebraska
(Check one box) (Print name of municipality)
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this 12th day of August (Month), 2026 at David City, Nebraska.

City Council/Village Board Members

Keith Marvin : Yea	Jeremy Abel : Yea
Kevin Woita : Yea	Jim Angell : Yea
Rick Holland : Yea	Bruce Meysenburg : Absent

City Council/Village Board Member Keith Marvin
Moved the adoption of said resolution
Member Kevin Woita Seconded the Motion
Roll Call: 5 Yes 0 No 0 Abstained 1 Absent
Resolution adopted, signed, and billed as adopted.

Attest:

Lori McMatchett
(Signature of Clerk)

Council discussed options for Engine No. 2 at the David City Power Plant, including leaving the engine offline, repairing it, or replacing it. The estimated repair cost is approximately $300,000. Engine No. 2 dates to 1949, and replacement parts are becoming increasingly difficult to obtain. John Smaus, Power Plant Supervisor, presented a preliminary replacement option of approximately $2 million per engine for a new 2,100 kW dual-fuel unit capable of operating on diesel and natural gas. Replacing Engines No. 2 and No. 3 could add approximately 2,000 kW of generating capacity. New units would also include updated breakers, voltage regulators, controls, and connection to the 13.8 kV system.

Council discussed the City's current NPPD capacity payments, potential additional revenue from increased general capacity, financing or bonding options, and the possibility of grant funding. Council also discussed the value of maintaining local generation capacity during regional power emergencies and periods of high energy costs.

Council expressed concern about investing approximately $300,000 in repairing the aging Engine No. 2 and indicated a preference for further evaluating replacement. Additional information is needed regarding NPPD participation or capacity payments, financing, potential grants, installation requirements, and removal of existing engines.

No formal action was taken. John Smaus, Power Plant Supervisor, will obtain additional information and arrange for a presentation at a future Council meeting outlining replacement options, costs, funding opportunities, projected revenues/payback, and installation considerations.

Council discussed replacement of a broken transit laser level used by the Water and Wastewater Departments. Staff reported that the existing unit, which is personally owned by an employee, had been taken to Lincoln to determine whether it could be repaired.

Council discussed concerns regarding the use of personally owned tools for City work and clarified that the proposed replacement, estimated at approximately $2,000, would be purchased and owned by the City. The employee was directed to discuss the matter concerning his personally owned equipment with the City Administrator Alan Zavodny.

Council Member Kevin Woita made a motion to purchase for the Water and Wastewater Departments a transit laser level from Transit Works. Council Member Jim Angell seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

TRANSIT WORKS
6000 S 58th St Suite A, Lincoln, NE 68516, Phone: 402.421.6100
10540 Hickman Rd, Suite E1, Des Moines, IA 50325, Phone: 515.270.1156
Email: transitworks@windstream.net

Name: John
Company: David City Water Department
Address: 1220 E Street
David City, NE 68632

Email: dcwatersup@davidcityne.gov

Ofc: 402-367-3132
Cell:
Subject: **LL500 Laser**

Date	8/10/2026
Availability	
Terms	
Shipped Via	
Quoted By	Dylan Campbell

We are pleased to offer the following quotation for your consideration:

Item	Qty	Stock #	Description	Unit	Price	Ext Price
1	1	LL500	LL500 w/HL700 Akaline	Ea	$ 1,890.00	$ 1,890.00
			Other Options:			
2	1	60-FGHD20	Tripod, Fiberglass Heavy Duty Flat head w/Quick Clamp	Ea	$ 159.00	
3	1	92041	Rod, CR-16' 10ths	Ea	$ 149.00	
4	1	92042	Rod, CR-16' 8ths	Ea	$ 149.00	
			Total			**$ 1,890.00**

Sub-Total	**$ 1,890.00**
Sales Tax	-
Total	

Thank you for this opportunity to provide a quotation. If you have any questions, please let us know.

Prepared By: Dylan Campbell **Date:** 8/10/2026

Accepted By: ______________________ **Date:** ____________

Council received an update on ongoing union negotiations by City Administrator Alan Zavodny. Several meetings have been held, with discussions focusing primarily on holiday scheduling, on-call provisions, and employee compensation.

Holiday scheduling discussions include the possibility of providing Christmas Eve as a holiday while employees work a full day on New Year's Eve, with additional consideration needed for how holidays fall within the calendar. Council also discussed the applicability of these provisions to union and non-union employees.

Negotiations regarding on-call language and compensation remain ongoing. Salary discussions include consideration of a revised salary schedule intended to recognize experience, improve employee retention, and provide greater flexibility in scheduling employee evaluations. If an agreement cannot be reached on a revised schedule, the existing salary schedule may remain in place. The parties are also continuing discussion regarding the 2025 step increase.

Union representatives will discuss the proposals further with their memberships, and negotiations will continue with the goal of reaching an agreement before the September 30 deadline. No formal action was taken.

Council discussed delaying employee evaluations until the current union negotiations are concluded.

Council Member Jeremy Abel made a motion to adjourn at 8:29 p.m. Council Member Jim Angell seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Absent, Kevin Woita: Yea. Yea: 5, Nay: 0, Absent: 1.

CERTIFICATION OF MINUTES
August 12, 2026

I, Lori Matchett, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of August 12, 2026; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

____
Lori Matchett, City Clerk

ORDINANCE NO. 1534

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING EXECUTION OF THAT CERTAIN AMENDMENT NO. 01 TO LOAN AGREEMENT WITH NEBRASKA DEPARTMENT OF WATER, ENERGY, AND ENVIRONMENT (DWEE PROJECT NO. C318068); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AUTHORIZING PUBLICATION IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of David City, Nebraska, a municipal corporation and city of the second class (the "**City**") executed that certain Loan Agreement (SRF Project No. C318068) on July 18, 2024 (the "**Loan Agreement**"), with the State of Nebraska, acting by and through the Nebraska Department of Water, Energy, and Environment, a consolidation of the Nebraska Department of Environment and Energy and the Nebraska Department of Natural Resources pursuant to Section 81-1571(1) of the Nebraska Revised Statutes (collectively, the "**Lender**"); and

WHEREAS, under the Loan Agreement, the Lender provided the City with a loan in the original principal amount of Nineteen Million, Six Hundred Sixty-Five Thousand and 00/100 Dollars ($19,665,000.00) (the "**Loan**") from the State Revolving Fund Program pursuant to Nebraska Revised Statutes Section 81-15,153; and

WHEREAS, the City is using the Loan in connection with the rehabilitation and upgrade of the City's wastewater treatment facility, including updating, expanding, and slip-lining wastewater lines (collectively, the "**Project**"); and

WHEREAS, the City desires to execute that certain Amendment No. 01 to Loan Agreement with Lender to, among other things, increase the Loan by One Million Four Hundred Thousand and 00/100 Dollars ($1,400,000.00), a copy of which is attached hereto and incorporated herein as **Exhibit A** (the "**Amendment**"); and

WHEREAS, the City finds it in the best interest of the City, its residents, and the Project to execute the Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

1. **Amendment**. The City hereby authorizes the Mayor to execute the Amendment in substantially the same form as **Exhibit A**.

2. **Further Authorization**. The City hereby authorizes the Mayor and City Clerk to execute such further documents and to take such further actions as necessary to effectuate the purposes herein.

3. **Conflicting Ordinances**. The City hereby repeals any other ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith to the extent of the conflict thereof.

4. **Effective Date.** This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 26th DAY OF AUGUST, 2026.

Jessica Miller, Mayor

ATTEST:

Lori Matchett, City Clerk

APPROVED AS TO FORM:

David C. Levy, Esq., City Attorney

Exhibit A

Form of Amendment

[SEE ATTACHED]

ORDINANCE NO. 1538

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE DAVID CITY MUNICIPAL CODE TO IMPOSE A MINIMUM STAFFING REQUIREMENT FOR THE DAVID CITY POLICE DEPARTMENT; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 8, 2023, the City of David City, Nebraska, a municipal corporation and city of the second class ("**City**") passed Ordinance No. 1428, thereby creating the David City Police Department (the "**Department**"); and

WHEREAS, Section 17-107(3)(a) of the Nebraska Revised Statutes allow City's "[M]ayor, by and with the consent of the [C]ity [C]ouncil, shall appoint such a number of regular police officers as may be necessary"; and

WHEREAS, Section 1-509 of City's Municipal Code (the "**Code**") provides that the Department "shall consist of a police chief, assistant chief, sergeant, three full-time sworn enforcement officers, and five part-time law enforcement officers"; and

WHEREAS, City desires to and finds it in the best interest of City and its residents to amend the Code to implement a minimum staffing requirement for the Department.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

(1) Amendment to Section 1-509. The City hereby amends Section 1-509 by repealing it in its entirety and replacing it with the following:

SECTION 1-509: POLICE DEPARTMENT

A. The City of David City Police Department shall at all times consist of no less than a full-time Chief of Police, six (6) full-time, sworn law enforcement officers, and four (4) part-time, sworn law enforcement officers. The Chief of Police shall promptly notify the Mayor if the Police Department is below the minimum staffing requirements of this section or if the Police Chief becomes aware of circumstances that may give rise to the same.

B. The David City Police Department is responsible for any non-emergency and emergency calls for service within the city limits and for issuing citations or making arrests for violations of all city ordinances or Nebraska state laws. The police chief shall have immediate control over all the David City police officers. The police chief oversees the law enforcement budget and all equipment needed for the Police Department. The police chief is in charge of all necessary reporting to local, state, and federal entities and offices in relation to the David City Police Department's activities or crime within the City.

C. The City may enter into a contract with the County Board of Butler County for police and law enforcement services to be provided by the Butler County Sheriff's Department. Whenever any such contract has been entered into, the sheriff or his deputies shall, in addition to their other powers and duties, have all the powers and duties of the city police chief within and for the city. One copy of such contract shall be on file at the office of the city clerk, available for public inspection during office hours. (Neb. Rev. Stat. §§ 17-208, 17-2132, 19-3801) (Am. Ord. No. 1477, 6/12/24).

(2) No Other Amendment. Except as expressly provided herein, this Ordinance shall not modify or amend any provision of the Code.

(3) Conflicting Ordinances. City hereby repeals all ordinances passed and approved prior to the passage, approval, and publication of this Ordinance to the extent of the conflict therewith.

(4) Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

Passed and approved this 26th day of August, 2026.

____
Jessica Miller, Mayor

ATTEST

____
Lori Matchett, City Clerk

APPROVED AS TO FORM:

____
David C. Levy, Esq., City Attorney

ORDINANCE NO. 1539

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE DAVID CITY MUNICIPAL CODE TO INCLUDE AND REGULATE THE USE OF ELECTRIC SCOOTERS AND ELECTRIC MOTORCYCLES; PROVIDING AN EFFECTIVE DATE; AND AUTHORIZING PUBLICATION OF THE SAME IN PAMPHLET FORM.

WHEREAS, Nebraska Revised Statutes Section 17-505 authorizes the City of David City, Nebraska, a municipal corporation and city of the second class (the "**City**") to adopt and amend the City's Municipal Code (the "**Code**"); and

WHEREAS, Sections 4-401 through 4-406 of the Code regulate the use of mopeds (Section 4-401 of the Code so defines) within the City; and

WHEREAS, Section 60-678(2) of the Nebraska Revised Statutes allows the City to "permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle . . . electric bicycles, [and] other powered vehicle[s] . . . on all or any portion of any area under [the City's] ownership or control"; and

WHEREAS, the City desires to amend the Code to regulate the use of electric scooters, electric motorcycles, and mopeds; and

WHEREAS, the City finds it in the best interest of the City and the City's residents' health, safety and welfare to amend the Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, the City hereby amends the Code as follows:

1. The City hereby repeals Article 4, Chapter 4 of the Code in its entirety and replaces it with the following:

SECTION 4-401: DEFINITIONS

A. "Moped" shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, that produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than 30 miles per hour on level ground.

B. "Electric Scooter" shall mean a battery-powered device with handlebars for propulsion and braking by human power, with a battery-powered motor containing a voltage capacity between 250 and 3,000 watts.

C. "Electric Motorcycle" shall mean a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 150 cubic centimeters, which produces no more than five brake horsepower and is capable of propelling the device at a maximum design speed of no more than 70 miles per hour on level ground.

D. For purposes of this Article 4, Chapter 4 of the Code, the "Downtown Area" shall mean that certain portion of the corporate limits of the City of David City, Nebraska, between 9th and 1st Street, to the east and west, and A Street and G Street, to the south and north, as generally depicted below.

E. "Electric Motor-Driven Cycles" shall include Mopeds and Electric Motorcycles.

F. "Operator" shall mean all persons using an Electric Motor-Driven Cycle or Electric Scooter.

SECTION 4-402: ELECTRIC MOTOR-DRIVEN CYCLES; OPERATOR'S LICENSE

No person shall operate an Electric Motor-Driven Cycle upon a highway unless such person has a valid operator's license. (Nebraska Revised Statutes Section 60-6,310). Electric Motor-Driven Cycles and their owners and operators shall be subject to the Motor Vehicle Operator's License Act and shall be exempt from the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Motor Vehicle Safety Responsibility Act. (Nebraska Revised Statutes Sections 60-122, 60-6,309, 60-614.02-.04)

SECTION 4-403: ELECTRIC MOTOR-DRIVEN CYCLES; TRAFFIC REGULATIONS APPLICABLE

A. Any Operator of a Moped or Electric Motorcycle on a roadway shall have all the rights and shall be subject to all the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road as Section 60-6,314 of the Nebraska Revised Statutes so provides.

B. Regulations applicable to Electric Motor-Driven Cycles shall apply to the use of Electric Motor-Driven Cycles upon any highway or upon any path the Department of Roads or a local authority designates specifically for the use of Electric Motor-Driven Cycles. (Nebraska Revised Statutes Section 60-6,311)

SECTION 4-404: ELECTRIC MOTOR-DRIVEN CYCLES AND ELECTRIC SCOOTERS; OPERATION; EQUIPMENT

A. Any Operator who operates an Electric Motor-Driven Cycle shall ride upon a permanent and regular seat attached to the same. A person operating an Electric Motor-Driven Cycle or Electric Scooter shall only transport one person unless the manufacturer's design naturally allows the ability to carry more than one person.

B. An Operator shall only operate an Electric Motor-Driven Cycle or Electric Scooter while facing forward.

C. No Operator shall operate an Electric Motor-Driven Cycle or Electric Scooter while carrying any package, bundle, or other article that prevents him or her from keeping both hands on the handlebars.

D. Only the Operator shall operate an Electric Motor-Driven Cycle or Electric Scooter at one time. If the manufacturer's design of the Electric Motor-Driven Cycle or Electric Scooter allows for an additional passenger, such passenger shall not ride he Electric Motor-Driven Cycle or Electric Scooter in a manner that obstructs the Operator's view or control of the same.

E. Any Electric Motor-Driven Cycle or Electric Scooter that carries a passenger shall be equipped with footrests for such passenger.

F. No Operator shall operate any Electric Motor-Driven Cycle with handlebars more than 15 inches above the mounting point of the handlebars. (Nebraska Revised Statutes Section 60-6,312)

SECTION 4-405: ELECTRIC MOTOR-DRIVEN CYCLES; USE OF TRAFFIC LANES

A. An Electric Motor-Driven Cycle may use the traffic lane of any highway with an authorized speed limit of 45 miles per hour or less. No Operator shall use a motor vehicle so as to deprive any Electric Motor-Driven Vehicle of the full use of such lane.

B. No Operator shall operate an Electric Motor-Driven Cycle between lanes of traffic or between adjacent lines or rows of vehicles.

C. No more than two (2) Operators of any Electric Motor-Driven Cycles shall occupy a single lane while abreast or any roadway with an authorized speed limit of less than 45 miles per hour.

D. Any Operator who operates an Electric Motorcycle on a roadway with an authorized speed limit 45 miles per hour or more shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

E. No Operator operating an Electric Motor-Driven Cycle or Electric Scooter shall attach himself, herself, or the Electric Motor-Driven Cycle or Electric Scooter to any other vehicle on a roadway.

F. No Operator shall operate an Electric Motor-Driven Cycle on sidewalks, crosswalks, or pedestrian walkways.

G. Notwithstanding the maximum speed limits in excess of 25 miles per hour that Section 60-6,186 of the Nebraska Revised Statutes establishes, no Operator shall operate any Moped at a speed in excess of 30 miles per hour. (Nebraska Revised Statutes Section 60-6,313)

SECTION 4-406: ELECTRIC MOTOR-DRIVEN CYCLES AND ELECTRIC SCOOTERS; HELMET REQUIRED

Any Operator operating or riding an Electric Motor-Driven Cycle shall wear a helmet on any highway to the extent Section 60-6,279 of the Nebraska Revised Statutes so requires. Any Operator of an Electric Scooter shall wear a helmet at all times. (Nebraska Revised Statutes Section 60-6,279) (Am. Ord. No. 1482, 6/12/24)

SECTION 4-407 ELECTRIC SCOOTERS; PROHIBITION IN DOWNTOWN AREA; PENALTY FOR VIOLATIONS

A. The City prohibits the use of Electric Scooters on all streets, roads, highways, or other avenues of travel that share space with motor vehicles. The City further prohibits the use of Electric Scooters on all sidewalks, crosswalks, and other pedestrian walkways within the Downtown Area, except for such sidewalks and pedestrian walkways immediately abutting residential property. Operators may only transport Electric Scooters in such prohibited areas while walking next to the same.

B. Any Operator of an Electric Scooter, or such Operator’s parent or legal guardian if the Operator is under the age of eighteen, that violates any provision of the David City Municipal Code shall receive a citation and a fine of $150. The fine shall double for each subsequent violation. On the fourth offense, the David City Police Department may seize the Operator’s Electric Scooter and impose a fine of $450. Each subsequent offense thereafter shall carry a fine of $500. (Nebraska Revised Statutes Section 17-505).

4. The City hereby repeals all other ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith to the extent of the conflict therewith.

5. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 26th day of August, 2026.

Jessica Miller, Mayor

ATTEST

Lori Matchett, City Clerk

APPROVED AS TO FORM:

David C. Levy, Esq., City Attorney

EXTRACT OF MINUTES
CITY OF DAVID CITY, NEBRASKA
(General Obligation Various Purpose Bonds, Series 2026B)

A meeting of the Mayor and Council of the City of David City, in the State of Nebraska was convened in open and public session at ______ P.M. on ____________, 2026 at ______________________. Present were: Mayor __________________; Councilmembers: ____ _______________________________. Absent were: ___________________________________.

Notice of the meeting was given in advance thereof by publication, the City's designated method for giving notice, a copy of the proof of publication being attached to these Minutes. Notice of this meeting was given in advance to the Mayor and all members of the City Council and a copy of their Acknowledgment of Receipt of Notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. The Mayor publicly stated to all in attendance at the beginning of the meeting that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Councilmember _______________ offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 10-2026

A RESOLUTION AUTHORIZING THE DIRECTION FOR CALL REGARDING CERTAIN OBLIGATIONS OF THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

Section 1. That the following notes (collectively, the "Refunded Obligations"), in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the Refunded Obligations will cease:

A. Bond Anticipation Notes, Series 2023B, dated July 12, 2023, in the total principal amount of $3,575,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

Principal Amount	Maturity Date	Interest Rate	CUSIP
$3,575,000	December 15, 2027	4.050%	238554 EM7

B. Bond Anticipation Notes, Series 2024, dated June 10, 2024, in the total principal amount of $2,370,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

Principal	Maturity Date	Interest Rate	CUSIP
$2,370,000	December 15, 2028	4.050%	238554 EQ8

Section 2. The Refunded Obligations are to be paid at the office of paying agent and registrar for such obligations (the "Paying Agent and Registrar").

Section 3. The Mayor or City Treasurer of the City (each, an "Authorized Officer") are each individually hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Obligations on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to June 30, 2027, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Obligations to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Obligations in accordance with the ordinances authorizing the issuance of the Refunded Obligations, and to take all other actions deemed necessary in connection with the redemption of the Refunded Obligations.

PASSED AND APPROVED this 26th day of August, 2026.

ATTEST:

By ______________________________
Mayor

____
City Clerk
(S E A L)

Thereupon, Council Member ___________________ introduced Ordinance No. ______ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2026B, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS ($6,400,000) FOR THE PURPOSE OF PAYING OFF INTERIM FINANCING FOR THE COSTS OF WATER AND SANITARY SEWER IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member ________________ seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: _________________________________ ____ __________________ The following voted NAY: __________________________. The motion to suspend the rules was adopted by three-fourths of the City Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member ___________________ moved for final passage of the ordinance, which motion was seconded by Council Member _______________. The Mayor then stated the question was "Shall Ordinance No. _____ be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: ____ ____. The following voted NAY: ________. The passage and adoption of said ordinance having been concurred in by three-fourths of all members of the City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. _________

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2026B, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS ($6,400,000) FOR THE PURPOSE OF PAYING OFF INTERIM FINANCING FOR THE COSTS OF WATER AND SANITARY SEWER IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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

(a) pursuant to ordinances previously passed and approved by the Mayor and City Council, Water Extension District No. 2023-1, Sanitary Sewer Extension District No. 2023-1 and Sanitary Sewer Extension District No. 2024-1, in the City have been created and the prescribed improvements therein have been or will soon be completed and accepted by the City (the “Improvements”);

(b) the City has previously issued, to provide interim financing for payment of the Improvements, its (i) Bond Anticipation Notes, Series 2023B, dated July 12, 2023, and (ii) Bond Anticipation Notes, Series 2024, dated June 10, 2024 (collectively, the “Notes”);

(c) the Notes are referred to herein as the "Refunded Obligations";

(d) the cost of the Improvements, as reported by the City's Engineer, is not less than $6,400,000;

(e) the Refunded Obligations constitute a contractual obligation of the City and the Refunded Obligations will mature or be called for redemption on a redemption date as determined pursuant to a resolution approved on this date authorizing the call of the Refunded Obligations (the "Redemption Date"), and proceeds of the bonds authorized hereunder together with other funds of the City will be used to refund and redeem such Refunded Obligations on the Redemption Date;

(f) all conditions, acts and things required to exist or to be done precedent to the issuance of General Obligation Various Purpose Bonds, Series 2026B, of the City, in the principal amount of not to exceed $6,400,000 pursuant to Sections 10-142, 18-1801 and 18-1802, R.R.S. Neb. 2012, to pay the costs of the improvements described herein (including payment of the Refunded Obligations and related costs) hereof do exist and have been done as provided by law.

Section 2. To provide for the issuance of bonds as described in Section 1 hereof, there shall be and there are hereby ordered issued bonds of the City, to be known as General Obligation Various Purpose Bonds, Series 2026B (the "Bonds"), of the aggregate principal amount of not to exceed Six Million Four Hundred Thousand Dollars ($6,400,000), provided, that the Bonds shall mature and bear interest at such rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or City Treasurer (each, an "Authorized Officer") on behalf of the City, which Designation may also determine or modify the principal amount, interest rate or maturity date of the Bonds, mandatory redemption provisions (if any) and pricing terms as set forth in Section 8 hereof, all within the following limitations:

(a) the aggregate principal amount of the Bonds shall not exceed the amount stated in this Section 2 above, provided, however, in the event the Bonds are sold with a net original issue discount such aggregate principal amount may be increased in an amount necessary to compensate for any such net original issue discount;

(b) the longest maturity of the Bonds may not be later than December 15, 2046;

(c) the true interest cost of the Bonds shall not exceed 5.75%;

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

Each of the Authorized Officers are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations shall constitute the action of the Mayor and Council without further action of the Mayor and Council.

The Bonds shall be issued in fully registered form in the denomination of $5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds shall be payable semiannually on June 15 and December 15 of each year commencing June 15, 2027 (or such other date or dates as provided in the Designation, each of said dates an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (or such other date as provided in the Designation, the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. The initial numbering and principal amounts for each of the Bonds shall be designated by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or early redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any unpaid interest accrued thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Unless as otherwise provided in the Designation, the BOKF, National Association, Lincoln, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in David City, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. In addition to any mandatory sinking fund redemption as may be determined in the Designation, the Bonds shall be subject to redemption at the option of the City prior to the stated maturities thereof, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as provided in the Designation) at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion, but Bonds shall be redeemed only in amounts of $5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City in the case of optional redemptions and without further direction in the case of mandatory redemptions, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by number, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 6 shall apply generally to mandatory redemptions. Any such mandatory redemptions shall be in amounts and on terms set forth in the Designation, at the principal amount redeemed plus accrued interest to the date set for redemption. The Paying Agent and Registrar shall select the term bonds to be redeemed in any maturity using any random method of selection deemed appropriate, subject to the provisions of Section 8 of this Ordinance.

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA

GENERAL OBLIGATION VARIOUS PURPOSE BOND
OF THE CITY OF DAVID CITY, NEBRASKA
SERIES 2026B

No.

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	________, 20___	_____________, 2026	

Registered Owner:

Principal Amount: Dollars

KNOW ALL PERSONS BY THESE PRESENTS: That the City of David City, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the maturity date specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent interest payment date for which interest has been paid or provided for, whichever is later, at the rate per annum specified above, payable semiannually on _____________ and ___________ of each year commencing ____________, 20___ (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof together with any unpaid interest accrued thereon due at maturity or upon earlier redemption is payable upon presentation and surrender of this bond at the office of BOKF, National Association, Lincoln, Nebraska, the Paying Agent and Registrar, in Lincoln, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this Bond, as shown on the books of record maintained by the Paying Agent and Registrar, as of the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's address as shown on such books and records (the "Record Date"). Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

All bonds of this issue are subject to redemption prior to maturity on _________________, ____, or at any time thereafter at par plus accrued interest on the principal amount redeemed to the date set for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed, not less than thirty days prior to the date set for redemption, in the manner specified in the ordinance authorizing the issuance of said bonds. Individual bonds may be redeemed in part but only in the amount of $5,000 or any integral multiple thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of $____________, of even date and like tenor herewith, except as to denomination, which were issued by the City for the purpose of paying off interim financing for the costs of water and sanitary sewer improvements within the city, refunding the City's Bond Anticipation Notes, Series 2023B, dated July 12, 2023 and Bond Anticipation Notes, Series 2024, dated June 10, 2024 and paying costs of issuance. The issuance of this bond and the other bonds of this issue has been lawfully authorized by an ordinance duly passed, approved and published by the Mayor and Council of the City in strict compliance with Sections 10-142, 18-1801 and 18-1802, Reissue Revised Statutes of Nebraska, 2012, as amended.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to fully pay the principal and interest of said bonds as the same become due.

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

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

This bond shall not be valid for any purpose until the Certificate of Authentication hereon shall have been signed by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of David City, Nebraska, have caused this bond to be executed on behalf of the City with the signatures of its Mayor and City Clerk, both of which signatures may be facsimile signatures, and by having affixed hereto or imprinted hereon the City's seal, all as of the date of issue shown above.

THE CITY OF DAVID CITY, NEBRASKA

(SEAL)

By: ___(Sample - Do not sign)____________
Mayor

ATTEST:

___(Sample - Do not sign)___________
City Clerk

CERTIFICATE OF AUTHENTICATION
AND REGISTRATION

This bond is one of the series designated therein and has been registered to the owner named in said bond and the name of such owner has been recorded in the books of record maintained by the undersigned as Paying Agent and Registrar for said issue of bonds.

___(Sample - Do not sign)________________
BOKF, National Association, Lincoln, Nebraska, Paying Agent and Registrar for the City of David City, Nebraska

(FORM OF ASSIGNMENT)

For value received, ____hereby sells, assigns and transfers unto ____, (Social Security or Taxpayer I.D. No. _______________________) the within Bond and hereby irrevocably constitutes and appoints ____
_______________________, attorney, to transfer the same on the books of registration in the office of the within-mentioned Paying Agent and Registrar with full power of substitution in the premises.

Dated: ______________________________
____
____
Registered Owner(s)

Signature Guaranteed
By ___________________________________
____
Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name(s) as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of a purchase price as determined in the Designation with an underwriter's discount of not to exceed 2.00%. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Any of the Authorized Officers of the City are hereby authorized to approve, execute, and deliver the Designation for and on behalf of the City. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds at closing.

Section 9. The City Clerk is hereby directed to make and certify a transcript of the proceedings of the City precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds.

Section 10. For the prompt payment of the Bonds, both principal and interest as the same fall due, the City agrees that it shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the City for the purpose of paying and sufficient to pay the interest and principal of the Bonds when and as such principal and interest become due. The City reserves the right to satisfy its payment obligations with respect to the Bonds from any available source of funds.

Section 11. The net proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof, and to pay issuance costs. Any accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on said Bonds on the first Interest Payment Date. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. The officers of the City (or any one or more of them) are hereby authorized to take all actions deemed necessary in connection with the issuance of the Bonds and the calling of the Refunded Obligations on the Redemption Date. The Council hereby authorizes the Bonds to be sold with a rating and a provision for bond insurance or such other credit enhancement product as determined by an Authorized Officer in the Designation. The premium for such bond insurance or credit enhancement product may be payable from the proceeds of the Bonds along with other expenses of issuing the Bonds.

Section 12. The holders of the Bonds of this issue shall be subrogated to all rights of the holders of any claims which are paid from the proceeds of said Bonds.

Section 13. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said Bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified -taxexempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt obligations aggregating in principal amount more than $10,000,000 during calendar year 2026, taking into consideration statutory exceptions for refunding issues. The City further covenants and warrants that it has not designated and will not designate bonds or other obligations as so qualified in an amount in excess of $10,000,000 in calendar year 2026. The Mayor and/or City Treasurer are hereby authorized to make any and all elections or allocations deemed necessary by them in connection with the tax-exempt status of interest on the Bonds or other tax related qualification thereof.

Section 14. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and cancelled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will insure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice thereof or made irrevocable provisions for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of the Paying Agent and Registrar or such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 15. Each of the Authorized Officers is authorized to prepare, approve and deem final on behalf of the City a preliminary official statement, as applicable, for use by the Underwriter in connection with the offering and sale of the Bonds, and to approve a final official statement, as applicable, in accordance with any applicable governing laws, rules or regulations.

Section 16. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2026, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Bonds, under the titles (i) "Direct Debt", (ii) "Overlapping Debt", and (iii) "Taxable Valuation History" (collectively, the "Annual Financial Information");

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

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

(1) principal and interest payment delinquencies;

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

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

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

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by

leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);

(13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation, any of which reflect financial difficulties.

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

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 17. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Mayor and the City Council hereby authorize and direct all of the officers, employees and agents of the City to carry out, or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any one of them, shall consider necessary, advisable, desirable, or appropriate in connection with this ordinance, and the issuance, sale and delivery of the Bonds, including, without limitation and whenever appropriate, the execution and delivery thereof and of all other related documents (including the Bond Purchase Agreement), instruments, certifications and opinions; and delegates, authorizes and directs the Mayor and the City Treasurer (or either one of them) the right, power and authority to exercise his or her own independent judgment and discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by the Mayor or City Treasurer or by any such other officer, officers, agent or agents of the City of any such documents, instruments, certifications and opinions, or the doing by him or her of any act in connection with any of the matters which are the subject of this ordinance, shall constitute conclusive evidence of both the City's and his or her approval of all changes, modifications, amendments, revisions and alterations made therein, and shall conclusively establish his or her authority with respect thereto from the City and the authorization, approval and ratification by the City of the documents, instruments and certifications so executed and the action so taken.

Section 18. In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

PASSED AND APPROVED this _____ day of ______________________, 2026.

____
Mayor

____
City Clerk

(SEAL)

EXHIBIT “A”
POLICY AND PROCEDURES

[SEE ATTACHED]

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

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

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

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

(b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

(i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;

(ii) Form 8038 series filed with the Internal Revenue Service;

(iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;

(iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;

(v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and

(vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.

(c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and

(d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

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

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

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

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

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

I, the undersigned the City Clerk of the City of David City, Nebraska, hereby certify that the -foregoing is a true and correct copy of the proceedings had and done by the Mayor and City Council on ____________, 2026; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, its location announced at the beginning of the meeting posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

____
City Clerk

[SEAL]

CERTIFICATE AS TO PUBLICATION IN PAMPHLET FORM

The undersigned City Clerk of the City of David City, Nebraska hereby certifies that the attached is a true and correct copy of Ordinance No. ____ as passed by the Mayor and Council on _______________, 2026, and as published in pamphlet form on _______________________, 2026.

____
City Clerk

(SEAL)

NOTICE OF PUBLICATION
OF ORDINANCE NO. _____
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at ___ p.m. on ______________________, 2026, there was passed and adopted Ordinance No. _____ entitled:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2026B, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS ($6,400,000) FOR THE PURPOSE OF PAYING OFF INTERIM FINANCING FOR THE COSTS OF WATER AND SANITARY SEWER IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form on _____________________, 2026. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of David City, Nebraska.

____
City Clerk

[SEAL]

Publish one time ____________________, 2026

ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING

The undersigned Mayor and Members of the City Council of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a meeting of the City Council of the City of David City, Nebraska, and the agenda for such meeting held at ___________o'clock P.M., on, _______________, 2026, at __________________________________.

Mayor ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

I hereby certify that ____ was/were absent from the meeting but that, to my personal knowledge, he/she/they received advance notice of the meeting.

____
City Clerk

7795961.3

EXTRACT OF MINUTES
CITY OF DAVID CITY, NEBRASKA
(General Obligation Various Purpose Bonds, Series 2026B)

A meeting of the Mayor and Council of the City of David City, in the State of Nebraska was convened in open and public session at ______ P.M. on ____________, 2026 at ______________________. Present were: Mayor __________________; Councilmembers: ____ _______________________________. Absent were: ___________________________________.

Notice of the meeting was given in advance thereof by publication, the City's designated method for giving notice, a copy of the proof of publication being attached to these Minutes. Notice of this meeting was given in advance to the Mayor and all members of the City Council and a copy of their Acknowledgment of Receipt of Notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. The Mayor publicly stated to all in attendance at the beginning of the meeting that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Councilmember _______________ offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 10-2026

A RESOLUTION AUTHORIZING THE DIRECTION FOR CALL REGARDING CERTAIN OBLIGATIONS OF THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

Section 1. That the following notes (collectively, the "Refunded Obligations"), in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the Refunded Obligations will cease:

A. Bond Anticipation Notes, Series 2023B, dated July 12, 2023, in the total principal amount of $3,575,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

Principal Amount	**Maturity Date**	**Interest Rate**	**CUSIP**
$3,575,000	December 15, 2027	4.050%	238554 EM7

B. Bond Anticipation Notes, Series 2024, dated June 10, 2024, in the total principal amount of $2,370,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

Principal	**Maturity Date**	**Interest Rate**	**CUSIP**
$2,370,000	December 15, 2028	4.050%	238554 EQ8

Section 2. The Refunded Obligations are to be paid at the office of paying agent and registrar for such obligations (the "Paying Agent and Registrar").

Section 3. The Mayor or City Treasurer of the City (each, an "Authorized Officer") are each individually hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Obligations on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to June 30, 2027, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Obligations to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Obligations in accordance with the ordinances authorizing the issuance of the Refunded Obligations, and to take all other actions deemed necessary in connection with the redemption of the Refunded Obligations.

PASSED AND APPROVED this 26th day of August, 2026.

ATTEST: By ______________________________

Mayor

____

City Clerk

(S E A L)

Thereupon, Council Member __________________ introduced Ordinance No. ______ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2026B, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS ($6,400,000) FOR THE PURPOSE OF PAYING OFF INTERIM FINANCING FOR THE COSTS OF WATER AND SANITARY SEWER IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

____

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

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

____. The following voted NAY: ________. The passage and adoption of said ordinance having been concurred in by three-fourths of all members of the City Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the City Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 1540

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2026B, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS ($6,400,000) FOR THE PURPOSE OF PAYING OFF INTERIM FINANCING FOR THE COSTS OF WATER AND SANITARY SEWER IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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

(a) pursuant to ordinances previously passed and approved by the Mayor and City Council, Water Extension District No. 2023-1, Sanitary Sewer Extension District No. 2023-1 and Sanitary Sewer Extension District No. 2024-1, in the City have been created and the prescribed improvements therein have been or will soon be completed and accepted by the City (the "Improvements");

(b) the City has previously issued, to provide interim financing for payment of the Improvements, its (i) Bond Anticipation Notes, Series 2023B, dated July 12, 2023, and (ii) Bond Anticipation Notes, Series 2024, dated June 10, 2024 (collectively, the "Notes");

(c) the Notes are referred to herein as the "Refunded Obligations";

(d) the cost of the Improvements, as reported by the City's Engineer, is not less than $6,400,000;

(e) the Refunded Obligations constitute a contractual obligation of the City and the Refunded Obligations will mature or be called for redemption on a redemption date as determined pursuant to a resolution approved on this date authorizing the call of the Refunded Obligations (the "Redemption Date"), and proceeds of the bonds authorized hereunder together with other funds of the City will be used to refund and redeem such Refunded Obligations on the Redemption Date;

(f) all conditions, acts and things required to exist or to be done precedent to the issuance of General Obligation Various Purpose Bonds, Series 2026B, of the City, in the principal amount of not to exceed $6,400,000 pursuant to Sections 10-142, 18-1801 and 18-1802, R.R.S. Neb. 2012, to pay the costs of the improvements described herein (including payment of the Refunded Obligations and related costs) hereof do exist and have been done as provided by law.

Section 2. To provide for the issuance of bonds as described in Section 1 hereof, there shall be and there are hereby ordered issued bonds of the City, to be known as General Obligation Various Purpose Bonds, Series 2026B (the "Bonds"), of the aggregate principal amount of not to exceed Six Million Four Hundred Thousand Dollars ($6,400,000), provided, that the Bonds shall mature and bear interest at such rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or City Treasurer (each, an "Authorized Officer") on behalf of the City, which Designation may also determine or modify the principal amount, interest rate or maturity date of the Bonds, mandatory redemption provisions (if any) and pricing terms as set forth in Section 8 hereof, all within the following limitations:

(a) the aggregate principal amount of the Bonds shall not exceed the amount stated in this Section 2 above, provided, however, in the event the Bonds are sold with a net original issue discount such aggregate principal amount may be increased in an amount necessary to compensate for any such net original issue discount;

(b) the longest maturity of the Bonds may not be later than December 15, 2046;

(c) the true interest cost of the Bonds shall not exceed 5.75%;

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

Each of the Authorized Officers are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations shall constitute the action of the Mayor and Council without further action of the Mayor and Council.

The Bonds shall be issued in fully registered form in the denomination of $5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds shall be payable semiannually on June 15 and December 15 of each year commencing June 15, 2027 (or such other date or dates as provided in the Designation, each of said dates an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (or such other date as provided in the Designation, the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. The initial numbering and principal amounts for each of the Bonds shall be designated by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or early redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any unpaid interest accrued thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Unless as otherwise provided in the Designation, the BOKF, National Association, Lincoln, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in David City, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. In addition to any mandatory sinking fund redemption as may be determined in the Designation, the Bonds shall be subject to redemption at the option of the City prior to the stated maturities thereof, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as provided in the Designation) at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion, but Bonds shall be redeemed only in amounts of $5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City in the case of optional redemptions and without further direction in the case of mandatory redemptions, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by number, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 6 shall apply generally to mandatory redemptions. Any such mandatory redemptions shall be in amounts and on terms set forth in the Designation, at the principal amount redeemed plus accrued interest to the date set for redemption. The Paying Agent and Registrar shall select the term bonds to be redeemed in any maturity using any random method of selection deemed appropriate, subject to the provisions of Section 8 of this Ordinance.

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA

GENERAL OBLIGATION VARIOUS PURPOSE BOND
OF THE CITY OF DAVID CITY, NEBRASKA
SERIES 2026B

No.

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
	________, 20___	_____________, 2026	

Registered Owner:

Principal Amount: Dollars

KNOW ALL PERSONS BY THESE PRESENTS: That the City of David City, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the maturity date specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent interest payment date for which interest has been paid or provided for, whichever is later, at the rate per annum specified above, payable semiannually on _____________ and ___________ of each year commencing ____________, 20___ (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof together with any unpaid interest accrued thereon due at maturity or upon earlier redemption is payable upon presentation and surrender of this bond at the office of BOKF, National Association, Lincoln, Nebraska, the Paying Agent and Registrar, in Lincoln, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this Bond, as shown on the books of record maintained by the Paying Agent and Registrar, as of the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's address as shown on such books and records (the "Record Date"). Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

All bonds of this issue are subject to redemption prior to maturity on _________________, ____, or at any time thereafter at par plus accrued interest on the principal amount redeemed to the date set for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed, not less than thirty days prior to the date set for redemption, in the manner specified in the ordinance authorizing the issuance of said bonds. Individual bonds may be redeemed in part but only in the amount of $5,000 or any integral multiple thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of $____________, of even date and like tenor herewith, except as to denomination, which were issued by the City for the purpose of paying off interim financing for the costs of water and sanitary sewer improvements within the city, refunding the City's Bond Anticipation Notes, Series 2023B, dated July 12, 2023 and Bond Anticipation Notes, Series 2024, dated June 10, 2024 and paying costs of issuance. The issuance of this bond and the other bonds of this issue has been lawfully authorized by an ordinance duly passed, approved and published by the Mayor and Council of the City in strict compliance with Sections 10-142, 18-1801 and 18-1802, Reissue Revised Statutes of Nebraska, 2012, as amended.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to fully pay the principal and interest of said bonds as the same become due.

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

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

This bond shall not be valid for any purpose until the Certificate of Authentication hereon shall have been signed by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of David City, Nebraska, have caused this bond to be executed on behalf of the City with the signatures of its Mayor and City Clerk, both of which signatures may be facsimile signatures, and by having affixed hereto or imprinted hereon the City's seal, all as of the date of issue shown above.

THE CITY OF DAVID CITY, NEBRASKA

(SEAL)

By: (Sample - Do not sign)
Mayor

ATTEST:

(Sample - Do not sign)
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This bond is one of the series designated therein and has been registered to the owner named in said bond and the name of such owner has been recorded in the books of record maintained by the undersigned as Paying Agent and Registrar for said issue of bonds.

(Sample - Do not sign)
BOKF, National Association, Lincoln, Nebraska, Paying Agent and Registrar for the City of David City, Nebraska

(FORM OF ASSIGNMENT)

For value received, ____hereby sells, assigns and transfers unto ____, (Social Security or Taxpayer I.D. No. ______________________) the within Bond and hereby irrevocably constitutes and appoints ____

______________________, attorney, to transfer the same on the books of registration in the office of the within-mentioned Paying Agent and Registrar with full power of substitution in the premises.

Dated: _____________________________

____

____

Registered Owner(s)

Signature Guaranteed

By __________________________________

____

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name(s) as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of a purchase price as determined in the Designation with an underwriter's discount of not to exceed 2.00%. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Any of the Authorized Officers of the City are hereby authorized to approve, execute, and deliver the Designation for and on behalf of the City. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds at closing.

Section 9. The City Clerk is hereby directed to make and certify a transcript of the proceedings of the City precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds.

Section 10. For the prompt payment of the Bonds, both principal and interest as the same fall due, the City agrees that it shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the City for the purpose of paying and sufficient to pay the interest and principal of the Bonds when and as such principal and interest become due. The City reserves the right to satisfy its payment obligations with respect to the Bonds from any available source of funds.

Section 11. The net proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof, and to pay issuance costs. Any accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on said Bonds on the first Interest Payment Date. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. The officers of the City (or any one or more of them) are hereby authorized to take all actions deemed necessary in connection with the issuance of the Bonds and the calling of the Refunded Obligations on the Redemption Date. The Council hereby authorizes the Bonds to be sold with a rating and a provision for bond insurance or such other credit enhancement product as determined by an Authorized Officer in the Designation. The premium for such bond insurance or credit enhancement product may be payable from the proceeds of the Bonds along with other expenses of issuing the Bonds.

Section 12. The holders of the Bonds of this issue shall be subrogated to all rights of the holders of any claims which are paid from the proceeds of said Bonds.

Section 13. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said Bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified -taxexempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt obligations aggregating in principal amount more than $10,000,000 during calendar year 2026, taking into consideration statutory exceptions for refunding issues. The City further covenants and warrants that it has not designated and will not designate bonds or other obligations as so qualified in an amount in excess of $10,000,000 in calendar year 2026. The Mayor and/or City Treasurer are hereby authorized to make any and all elections or allocations deemed necessary by them in connection with the tax-exempt status of interest on the Bonds or other tax related qualification thereof.

Section 14. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and cancelled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will insure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice thereof or made irrevocable provisions for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of the Paying Agent and Registrar or such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 15. Each of the Authorized Officers is authorized to prepare, approve and deem final on behalf of the City a preliminary official statement, as applicable, for use by the Underwriter in connection with the offering and sale of the Bonds, and to approve a final official statement, as applicable, in accordance with any applicable governing laws, rules or regulations.

Section 16. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2026, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Bonds, under the titles (i) "Direct Debt", (ii) “Overlapping Debt”, and (iii) “Taxable Valuation History” (collectively, the “Annual Financial Information”);

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

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

(1) principal and interest payment delinquencies;

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

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

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

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by

leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);

(13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation, any of which reflect financial difficulties.

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

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 17. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Mayor and the City Council hereby authorize and direct all of the officers, employees and agents of the City to carry out, or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any one of them, shall consider necessary, advisable, desirable, or appropriate in connection with this ordinance, and the issuance, sale and delivery of the Bonds, including, without limitation and whenever appropriate, the execution and delivery thereof and of all other related documents (including the Bond Purchase Agreement), instruments, certifications and opinions; and delegates, authorizes and directs the Mayor and the City Treasurer (or either one of them) the right, power and authority to exercise his or her own independent judgment and discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by the Mayor or City Treasurer or by any such other officer, officers, agent or agents of the City of any such documents, instruments, certifications and opinions, or the doing by him or her of any act in connection with any of the matters which are the subject of this ordinance, shall constitute conclusive evidence of both the City's and his or her approval of all changes, modifications, amendments, revisions and alterations made therein, and shall conclusively establish his or her authority with respect thereto from the City and the authorization, approval and ratification by the City of the documents, instruments and certifications so executed and the action so taken.

Section 18. In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

PASSED AND APPROVED this 26th day of August, 2026.

____
Mayor

____
City Clerk

(SEAL)

EXHIBIT "A"
POLICY AND PROCEDURES

[SEE ATTACHED]

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

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

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

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

(b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

    (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;

    (ii) Form 8038 series filed with the Internal Revenue Service;

    (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;

    (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;

    (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and

    (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.

(c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and

(d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

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

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

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

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

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

I, the undersigned the City Clerk of the City of David City, Nebraska, hereby certify that the - foregoing is a true and correct copy of the proceedings had and done by the Mayor and City Council on ____________, 2026; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, its location announced at the beginning of the meeting posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

____
City Clerk

[SEAL]

CERTIFICATE AS TO PUBLICATION
IN PAMPHLET FORM

The undersigned City Clerk of the City of David City, Nebraska hereby certifies that the attached is a true and correct copy of Ordinance No. ____ as passed by the Mayor and Council on ______________, 2026, and as published in pamphlet form on ______________________, 2026.

____
City Clerk

(SEAL)

NOTICE OF PUBLICATION
OF ORDINANCE NO. 1540
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at 7 p.m. on August 26, 2026, there was passed and adopted Ordinance No. 1540 entitled:

ORDINANCE NO. 1540

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2026B, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED THOUSAND DOLLARS ($6,400,000) FOR THE PURPOSE OF PAYING OFF INTERIM FINANCING FOR THE COSTS OF WATER AND SANITARY SEWER IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form on _____________________, 2026. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of David City, Nebraska.

____
City Clerk

[SEAL]

Publish one time ____________________, 2026

ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING

The undersigned Mayor and Members of the City Council of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a meeting of the City Council of the City of David City, Nebraska, and the agenda for such meeting held at ___________o'clock P.M., on, _______________, 2026, at __________________________________.

Mayor ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

Councilmember ______________________________

I hereby certify that ____ was/were absent from the meeting but that, to my personal knowledge, he/she/they received advance notice of the meeting.

____
City Clerk

7795961.3

EXTRACT OF MINUTES
CITY OF DAVID CITY, NEBRASKA
(Electric Utility Revenue Refunding Bonds, Series 2026)

A meeting of the Mayor and Council of the City of David City, in the State of Nebraska was convened in open and public session at 7:00 P.M. on August 26, 2026 at City Hall, 490 E Street, David City, NE 68632. Present were: Mayor __________________; Councilmembers: ____ _________________________. Absent were: ______________________________________.

Notice of the meeting was given in advance thereof by publication, the City's designated method for giving notice, a copy of the proof of publication being attached to these Minutes. Notice of this meeting was given in advance to the Mayor and all members of the City Council and a copy of their Acknowledgment of Receipt of Notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. The Mayor publicly stated to all in attendance at the beginning of the meeting that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Councilmember _______________ offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 11-2026

A RESOLUTION AUTHORIZING THE DIRECTION FOR CALL REGARDING CERTAIN OBLIGATIONS OF THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

Section 1. That the following bonds (collectively, the "Refunded Obligations"), in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the Refunded Obligations will cease:

Electric Utility Revenue Bonds, Series 2023, dated September 15, 2023, in the total principal amount of $995,000, numbered as shown on the books and records of the Paying Agent and

Registrar and maturing in the principal amount(s) as follows:

Principal Amount	**Maturity Date**	**Interest Rate**	**CUSIP**
$365,000	December 15, 2029	4.400%	238556 CF9
$630,000	December 15, 2034	4.550%	238556 CG7

Section 2. The Refunded Obligations are to be paid at the office of paying agent and registrar for such obligations (the "Paying Agent and Registrar").

Section 3. The Mayor or City Treasurer of the City (each, an "Authorized Officer") are each individually hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Obligations on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to June 30, 2027, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Obligations to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Obligations in accordance with the ordinances authorizing the issuance of the Refunded Obligations, and to take all other actions deemed necessary in connection with the redemption of the Refunded Obligations.

PASSED AND APPROVED this 26th day of Augus, 2026.

ATTEST: By ________________________

Mayor

____

City Clerk

(S E A L)

Council Member _______________________________ introduced Ordinance No. 1541 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member _____________ seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: ____________________________________ ____. The following voted NAY: ___________. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member ________________ moved for final passage of the ordinance, which motion was seconded by Council Member _______________. The Mayor then stated the question was "Shall Ordinance No. ____ be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: _______________ ____. The following voted NAY: ___________. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 1541

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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

(a) that the City owns and operates an electric light and power plant and distribution system (hereinafter, the "Electric Utility"), which Electric Utility is hereby determined to be a revenue producing utility for which revenue bonds may be issued pursuant to Sections 18-1803 to 18-1805, Reissue Revised Statutes of Nebraska, 2012, as amended;

(b) that the City presently has outstanding its Electric Utility Revenue Bonds, Series 2023, dated September 15, 2023 (the "Refunded Bonds"), a portion of which are to be refunded with proceeds of the bonds herein authorized; and

(c) that the City has the authority to pledge, to the extent required to secure the bonds herein contemplated, the revenues of the City's Electric Utility; that it is necessary to issue Electric Utility Revenue Refunding Bonds, Series 2026, in the amount of not to exceed One Million Fifty Thousand Dollars ($1,050,000), which bonds will be payable from and shall be a lien upon the revenue and earnings of the Electric Utility of the City; and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Electric Utility Revenue Refunding Bonds, Series 2026, contemplated herein do exist and have been done and performed in regular and due form as required by law.

Section 2. Unless the context shall clearly indicate otherwise, the following terms shall have the following meanings when used in this ordinance:

a) "Bonds" shall mean not to exceed $1,050,000 principal amount of Electric Utility Revenue Refunding Bonds, Series 2026, authorized pursuant to Section 3 of this ordinance at any time outstanding;

b) "Additional Bonds" shall mean any bond including refunding bonds, authorized and issued pursuant to the provisions of Section 16 of this ordinance at any time outstanding, which are payable on a parity with the Bonds and equally and ratably secured therewith;

c) "average annual debt service requirements" shall mean that sum determined by adding all of the principal and interest which become due when computed to the absolute maturity of the Bonds and any Additional Bonds and dividing such total by the number of years that the longest bond of any issue has to run to maturity;

d) the “Electric Utility” shall mean the electric light and power plant and distribution system of the City as now existing and all additions (including any additional utility systems which might hereafter be lawfully included in the Electric Utility of the City), extensions and improvements hereafter made; and

e) “permitted investments” shall mean, to the extent that the same are authorized investments for funds of the Issuer under Nebraska Law:

(1) Cash (insured at all times by the FDIC or otherwise collateralized as required by applicable law);

(2) Obligations of, or obligations guaranteed as to principal and interest by, the United States Government or any agency or instrumentality thereof, when such obligations are backed by the full faith and credit of the U.S. including: (a) U.S. treasury obligations, (b) all direct or fully guaranteed obligations, (c) Farmers Home Administration, (d) General Services Administration, (e) Guaranteed Title XI financing, (f) Government National Mortgage Association (GNMA), or (g) State and Local Government Series (any security used for defeasance must provide for the timely payment of principal and interest and cannot be callable or prepayable prior to maturity or earlier redemption of the defeased debt);

(3) U.S. dollar denominated deposit accounts, federal funds and bankers' acceptances with domestic commercial banks which have a rating on their short term certificates of deposit on the date of purchase of "P-1" by Moody's and "A-1" or "A-1+" by S&P and maturing not more than 360 calendar days after the date of purchase (ratings on holding companies are not considered as the rating of the bank);

(4) Commercial paper which is rated at the time of purchase in the single highest classification, "P-1" by Moody's and "A-1+" by S&P and which matures not more than 270 calendar days after the date of purchase;

(5) Money market funds rated "AAAm" or "AAAm-G" or better by S&P;

(6) Municipal Obligations rated "Aaa/AAA" or general obligations of States with a rating of "A2/A" or higher by both Moody's and S&P; or

(7) To the extent permitted by law, in Bonds or Additional Bonds (which Bonds so purchased shall be held for the credit of the various accounts and not cancelled), and in bond anticipation notes of the City and in paving, sewer and water warrants of the City which are to be funded by the issuance of bonds of the City.

f) “revenues” shall mean all the rates, rentals, fees, charges, earnings and other monies from any source whatever derived by the City through its ownership and operation of its Electric Utility.

Section 3. For the purposes as set out in Section 1 hereof, there shall be and there hereby are ordered issued Electric Utility Revenue Refunding Bonds, Series 2026 (the “Bonds”), of the aggregate principal amount of not to exceed One Million Fifty Thousand Dollars ($1,050,000), with said Bonds to mature and become due on such dates and in such years and in such amounts and bear interest at the rates per annum as shall be determined in a written designation (the “Designation”) signed by the Mayor or City Treasurer (each, an “Authorized Officer”) on behalf of the City and which may be agreed to by D.A. Davidson & Co. (the “Underwriter”), which Designation may also determine or modify the mandatory redemption provisions (if any), and pricing terms as set forth in Section 23 below, all within the following

limitations:

(a) the aggregate principal amount of the Bonds shall not exceed $1,050,000;

(b) the all-in true interest cost of the Bonds shall not exceed 5.75%;

(c) The longest maturity of the Bonds shall not be later than December 15, 2046;

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

Such determinations, when made and agreed to by the Underwriter, shall constitute the action of the City without further action of the Board.

The Bonds shall be in the denomination of $5,000 or any integral multiple thereof and shall be numbered from 1 upward in the order of their issuance. No Bonds shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be payable semiannually on June 15 and December 15 of each year, starting June 15, 2027 (or such other date as determined in the Designation). The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the interest payment date (or such other date as determined in the Designation, the “Record Date”), subject to the provisions of Section 4 hereof. Payment of interest due on the Bonds prior to maturity shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each Bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 4 hereof. Payment of principal due at maturity, or at any date fixed for redemption prior to maturity, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the City nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of such bond at maturity or any interest installment is not paid when due, the delinquent bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01, R.R.S. Neb. 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 4. Unless as otherwise determined in the Designation, the BOKF, National Association, in Lincoln, Nebraska, is hereby designated as Paying Agent and Registrar for the Bonds. The City reserves the right to appoint a successor paying agent and registrar. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the office of the Paying Agent and Registrar in Lincoln, Nebraska or the office of any duly-appointed successor, as applicable. The names

and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the City will register such transfer and will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond or Bonds shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following interest payment date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption. In the event that payments of interest due on the Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. The Bonds shall be subject to optional redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as provided in the Designation) at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the bonds to be redeemed from such optional redemption in its sole discretion but bonds shall be redeemed only in the amount of $5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address, provided, however, that no such direction shall be required in the case of mandatory redemption. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and Council designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 5 shall apply generally to mandatory redemptions.

Section 6. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such

payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 7. The Bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Mayor and City Clerk, said bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond and such Treasurer shall cause said bonds to be registered in the office of the Auditor of Public Accounts. The Paying Agent and Registrar shall register each Bond in the name of its initial registered owner as designated by the initial purchaser. Each Bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF BUTLER
CITY OF DAVID CITY

ELECTRIC UTILITY REVENUE REFUNDING BOND, SERIES 2026

Interest Rate	Maturity Date	Date of Original Issue	CUSIP No.
%			

Registered Owner: _________________________

Principal Amount: _________________________

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

The City, however, reserves the right and option of paying bonds of this issue prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof at par plus accrued interest on the principal amount redeemed to the date fixed for redemption.

Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds (the “Ordinance”). Individual bonds may be redeemed in part but only in the amount of $5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of $_______________, of like tenor herewith except as to denomination, date of maturity and rate of interest

issued by said City for the purpose of refunding the City's outstanding Electric Utility Revenue Bonds, Series 2023, in pursuance of the provisions of Sections 10-142 and 18-1803 to 18-1805, R.R.S. Neb. 2012. This bond and the others of said issue have been duly authorized by the Ordinance duly passed and adopted by the Mayor and Council of said City.

The revenue and earnings derived and to be derived from the operation of the electric light and power plant and distribution system owned and operated by the City, and all extensions and additions thereto and all improvements thereof hereafter made (hereinafter, the "Electric Utility") are pledged and hypothecated, all of which bonds of said issue are equally and ratably secured by said pledge and are of equal priority as to lien upon the revenues and earnings of said Electric Utility owned and operated by the City and are not general obligations of the City , subject only to the payment of reasonable expenses of operating and maintaining said Electric Utility. The City agrees to maintain and collect rates and charges for electric service which shall be reasonable and adequate to produce revenues and earnings sufficient at all times to pay the interest and principal of all of said bonds as such interest and principal become due and to maintain and operate said Electric Utility efficiently. The Ordinance constitutes a contract between the City and the holders of said bonds and reserves the right to the City to issue bonds equal in lien to the bonds of this series of bonds or junior lien bonds or notes under certain conditions. The bonds of this issue are not general obligations of the City and are payable solely from the revenues of said Electric Utility as so pledged.

Under the Ordinance, the City has agreed to establish and maintain a special fund known as the Electric Utility Fund into which it will pay all of the gross revenues collected and received from the operation of its said Electric Utility and will use the monies in said fund only for the operation and maintenance of said Electric Utility and for the payment of the interest and principal of the bonds of this series and Additional Bonds authorized in accordance with the terms of said Ordinance and for such other purposes as are permitted by said Ordinance and will apply the monies in said fund to the payment of said bonds as the principal and interest thereof become due.

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

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

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B)

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and the series of which this bond is a part in order to make the same legal and binding obligations of said City according to the terms thereof, do exist, have happened and have been performed in due time, form and manner as required by law, and that before the issuance of this bond provision has been duly made for the collection and segregation of the revenue of the City's electric light and power plant and distribution system and for the application of the same as hereinbefore provided.

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

CITY OF DAVID CITY, NEBRASKA

By ________(sample do not sign)________
Mayor

ATTEST:

_____(sample do not sign)________
City Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

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

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

By ______(sample do not sign)________

(FORM OF ASSIGNMENT)

For value received ______________________ hereby sells, assigns and transfers unto __________________________________ the within bond and hereby irrevocably constitutes and appoints _______________________________ Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: ___________________________

SIGNATURE GUARANTEED

____
Registered Owner

By _________________________

____
Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. For the payment of the Bonds, the City hereby pledges and hypothecates the entire revenue and earnings of the Electric Utility subject only to the payment of reasonable expenses of operating and maintaining said Electric Utility.

Section 10. The City will maintain and collect rates and charges for all electric service furnished from its Electric Utility adequate to produce revenue and earnings sufficient at all times:

(a) to provide for the payment of interest on and principal of the Bonds and any Additional Bonds as such interest and principal become due;

(b) to pay all reasonable costs of operation and maintenance of the Electric Utility, including adequate insurance as provided by this ordinance and to pay for the necessary and reasonable repairs, replacements and extensions of said Electric Utility;

(c) to establish and maintain an Electric Utility Bond Reserve Account and Improvement and Extension Account as hereinafter set forth.

Section 11. The entire revenue and earnings derived from the operation of the Electric Utility of said City shall be set aside as collected and deposited in a separate fund and designated as the "Electric Utility Fund", the creation of which is hereby confirmed. The monies in the Electric Utility Fund shall be deposited in a separate bank account properly identified as such in a bank or banks designated by the Mayor and shall be secured as provided by law for public deposits. The City shall set up and maintain as long as the Bonds or any Additional Bonds are outstanding the following accounts for the administration of said fund:

I. OPERATION AND MAINTENANCE ACCOUNT: The establishment within the Electric Utility Fund of a separate account designated as the "Operation and Maintenance Account" is hereby confirmed. The City shall set aside in this account each month an amount sufficient for the operation and maintenance of its Electric Utility and the expenses of maintenance and operation of said Electric Utility shall be paid out of this account.

II. ELECTRIC UTILITY REVENUE BOND ACCOUNT: The establishment within the Electric Utility Fund of a separate account designated as the "Electric Utility Revenue Bond Account" is hereby confirmed. The City shall transfer to the Electric Utility Revenue Bond Account such amounts as follows:

(1) Commencing on the first (1^{st}) day of the month following the month in which the Bonds are issued (the "Initial Deposit Date"), and continuing on the corresponding day of each month thereafter an amount which, when combined with additional equal monthly amounts to be deposited pursuant to this subparagraph prior to the next falling Interest Payment Date, will be sufficient to provide funds to pay the installment of interest due with respect to the Bonds on such Interest Payment Date; and

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

Such transfers to the Electric Utility Revenue Bond Account shall be made in such amounts and at such times that there will be sufficient sums in such account to make the required payments of principal and interest with respect to the Bonds. Upon the issuance of any Additional Bonds pursuant to this ordinance, appropriate additional monthly payments to the Electric Utility Revenue Bond Account shall be provided in an amount sufficient to pay the principal and interest on such Additional Bonds. The monies in the Electric Utility Revenue Bond Account shall be used only for the payment of principal and interest on the Bonds and any Additional Bonds issued pursuant to this ordinance.

III. ELECTRIC UTILITY BOND RESERVE ACCOUNT: Within the Electric Utility Bond Reserve Account, there has been and shall be established separate sub-accounts for the Bonds and each series of Additional Bonds, as shall be deemed appropriate by the Mayor and Council in connection with each such issue. For the Bonds there is hereby ordered established the 2026 Bond Reserve Sub-account into which there shall be deposited from the proceeds of the Bonds or other fund of the City the sum of $0.00 (or such other amount as set forth in the Designation, the "2026 Required Balance") which shall be maintained as the required balance so long as any of the Bonds remain outstanding. Monies credited to the 2026 Bond Reserve Sub-account may be withdrawn, as needed, to provide funds to pay when due the principal of and interest on the Bonds, if the Electric Utility Revenue Bond Account contains insufficient funds for such purpose, and the City Treasurer is hereby authorized and directed to make such withdrawal if and when needed. The 2026 Bond Reserve Sub-account has been established with respect to and shall be maintained for the security of the Bonds only. In the event of any withdrawal from the 2026 Bond Reserve Sub-account but subject to allocation among other sub-accounts in the Electric Utility Bond Reserve Account as described below, there shall be credited to the 2026 Bond Reserve Sub-account in the month following such withdrawal all monies in the Electric Utility Fund remaining after making the payments required to be made in such month to the Operation and Maintenance Account and the Electric Utility Revenue Bond Account and each month thereafter all such remaining monies shall be credited to the 2026 Bond Reserve Sub-account until such sub-account has been restored to the 2026 Required Balance. In issuing any series of Additional Bonds a separate sub-account in the Electric Utility Bond Reserve Account may be established for such series of Additional Bonds but is not required under the terms of this Ordinance. In no event shall the required balance for any such additional sub-account established for any series of Additional Bonds within the Electric Utility Bond Reserve Account (which shall be set at the discretion of the City and may be $0), exceed an amount equal to 1.20 times the average annual debt service requirements for the issue of additional bonds for which such reserve sub-account is established. The balance in any such additional sub-account may be funded from monies on hand or from periodic deposits from revenues in the Electric Utility Fund or from the proceeds of such Additional Bonds. Each sub-account in the Electric Utility Bond Reserve Account and available monies from the Electric Utility Fund required to be credited to each such sub-account at any time shall be allocated on a pro rata basis between sub-accounts then requiring credits in accordance with the respective unpaid principal amounts then outstanding for each such issue for which there is a sub-account requiring credits. Each sub-account in the Electric Utility Bond Reserve Account shall constitute a separate fund held in trust by the City Treasurer for the separate benefit of the issue of bonds for which it is established. Anything in this Subsection 11(III) to the contrary notwithstanding, the amount required to be maintained in the Electric Utility Bond Reserve Account or any sub-account therein shall not at any time exceed the maximum amount permitted to be invested without yield under Section 148 of the Internal Revenue Code of 1986, as amended, or any successor provision or related statutory limitation and applicable regulations of the United States Treasury Department.

IV. IMPROVEMENT AND EXTENSION ACCOUNT: The Designation may contain provisions for a monthly credit to such Account of an amount in addition to that required (if any) under the terms of this ordinance. Monies in this Account (if any) may be used for maintenance, improvement, replacement, enlargement or extension of the Electric Utility, including payments of principal and interest on general

obligation bonds of the City issued to improve, extend or enlarge any part of the Electric Utility, and at any time monies are spent from the Account so as to reduce such account to an amount less than the required fund balance (if any) plus additional amounts required to be deposited into this Account by any ordinance authorizing Additional Bonds (if any), there shall, as soon as money is available after providing for the foregoing accounts, be deposited monthly into this Account a sum sufficient to return the balance of this Account to the then required balance.

V. SURPLUS ACCOUNT: After provisions have been made for each of the foregoing accounts, all remaining funds shall be transferred into the Surplus Account to be used as follows:

1) To fill any deficiency in the foregoing accounts.

2) To pay on an accelerated basis the required fund balance of the Electric Utility Bond Reserve Account or the Improvement and Extension Account.

3) To be used for any lawful purpose connected with the Electric Utility including paying principal and interest on general obligation bonds or junior lien revenue bonds or notes of the City authorized to pay the cost of constructing improvements to the Electric Utility.

4) Retiring the Bonds and Additional Bonds prior to their maturity under their option provisions or by purchase on the open market.

5) To be transferred to the general fund of the City for any lawful municipal purpose.

Monies on deposit in the Electric Utility Fund, which have not as yet been credited to an account therein in accordance with this section, and monies credited to the Operation and Maintenance Account, the Electric Utility Revenue Bond Account, the Improvement and Extension Account and the Surplus Account may, to the extent practicable and reasonable, be invested in permitted investments, maturing in the case of unallocated monies invested from the Electric Utility Fund not later than the first business day of the month next following such investment and maturing in the case of monies invested from the Operation and Maintenance Account, the Electric Utility Revenue Bond Account and the Improvement and Extension Account at such times and in such amounts as shall be required to provide monies to make the payments reasonably anticipated to be made from said accounts. Monies credited to the Electric Utility Bond Reserve Account shall be invested in permitted investments of the types described in clauses (1) or (2) of the definition thereof, maturing or redeemable at stated fixed prices at the option of the holder, by not more than five (5) years from the date of such investment. All interest and income derived from monies to the credit of the Electric Utility Fund, the Operation and Maintenance Account, and the Surplus Account shall, when realized and collected, be credited to the said Fund or to the respective Account from which such investments were made. All monies and income from investments made from monies credited to the Electric Utility Bond Reserve Account, the Improvement and Extension Account and the Electric Utility Revenue Bond Account shall, when realized and collected, be credited to the respective Account from which such investments were made, unless there shall then be credited thereto the respective full amounts required by paragraphs II, III and IV of this section, in which event such interest and income shall be credited to the Surplus Account. All investments held for the credit of any Fund or Account may be sold when required to make payments to be made from such Fund or Account.

It is understood that the revenues of the Electric Utility are to be credited to the various accounts hereinabove established in the order in which said Accounts have been listed, and if within any period the

revenues are insufficient to credit the required amounts in any of the said Accounts, the deficiencies shall be made up the following period or periods after payments into all Accounts enjoying a prior claim on the revenues have been made in full.

Section 12. The City is hereby authorized and directed to keep proper records, books and accounts (separate from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the said Electric Utility and all of the funds and accounts established hereby. Within nine (9) months after the close of each fiscal year a certified public accountant's report on the financial condition and results of operation shall be furnished upon request to the underwriter of the Bonds. The expense of such reports shall be considered an operating expense. Any holder or holders of twenty-five percent (25%) in aggregate principal amount of the bonds at the time then outstanding shall have the right at all reasonable times to inspect the Electric Utility and all records, accounts and data of the City relating thereto.

Section 13. The City Treasurer and the City Clerk shall be bonded, in addition to their official bond, by an insurance company or bonding company licensed to do business in Nebraska, in amounts sufficient to cover at all times all the revenues and earnings of the Electric Utility placed in their hands. Any other person employed by the City in the collection or handling of monies derived from the operation of said property shall also be bonded in an amount sufficient to cover all monies which may at any time be placed in such person's hands. The amount of such bonds shall be fixed by the Council and the cost thereof shall be paid from the earnings of said Electric Utility and they shall secure the faithful accounting of all monies.

Section 14. The City will carry adequate insurance on the Electric Utility in such amounts as are normally carried by private companies engaged in similar operations, including, without limiting the generality of the foregoing, fire and windstorm insurance, public liability insurance or workers compensation insurance and any insurance covering such risks as shall be recommended by a consulting engineer. The cost of all such insurance shall be regarded and paid as an operation and maintenance expense.

All such insurance policies shall be in such form and amount as shall be approved or recommended by a consulting engineer. All insurance proceeds, except proceeds from public liability insurance, shall be deposited into the Improvement and Extension Account and shall be used in making good the loss or damage in respect of which they were paid either by repairing the property damaged or replacing the property destroyed, and expenditures from said monies shall be made only upon a certificate issued by a consulting engineer and filed with the City Clerk stating that the proceeds, together with any other monies available for such purposes, are sufficient for the repair or replacement of any such properties; and when the City shall have been furnished with a certificate of a consulting engineer stating that the property damaged or destroyed has been fully repaired or replaced and such repairs or replacements have been fully paid for, the residue, if any, of such insurance proceeds shall be transferred from the Improvement and Extension Account to the Electric Utility Revenue Bond Account to make up any deficiency in said account, if any such deficiency exists, and if no such deficiency exists said residue shall be transferred to the Electric Utility Fund and credited to the accounts provided for in Section 11 in the same manner as other revenues of the Electric Utility.

If the proceeds of any insurance shall be insufficient to repair or replace the property damaged or destroyed, the City may use and shall pay out for such purpose, to the extent of such deficiency, any money remaining in the Improvement and Extension Account and the Surplus Account. If in the opinion of a consulting engineer the proceeds of any insurance, together with any amount then available for that purpose in the Improvement and Extension Account and Surplus Account shall be insufficient to fully complete and pay for such repairs or replacements and if the City shall fail to supply such deficiency from other sources

within a period of six months after receipt by the City of such insurance monies, or if in the opinion of a consulting engineer it is to the best interest of the City not to repair or replace all or any part of the damaged properties and that failure to repair or replace the damaged properties shall not affect the sufficiency of the income and revenue from the remaining properties to properly maintain and operate the same and provide funds for the Electric Utility Revenue Bond Account, Electric Utility Bond Reserve Account and Improvement and Extension Account, as herein provided for, then such insurance monies to the extent not applied to repair or replace the damaged properties shall be deposited in the Electric Utility Bond Reserve Account as described in Section 11 hereof and used for the purposes for which said account has been created, so as to fill said account to its required balance, or if said account is filled to is required balance, then to the Improvement and Extension Account to fill this account to its required balance and any amount which may be in excess of the amount required in the Improvement and Extension Account shall be credited to the Surplus Account.

If the holders of sixty percent (60%) or more in principal amount of the Bonds and any Additional Bonds at the time outstanding hereunder shall at any time direct the City in writing to do so, then any insurance monies theretofore credited to the Improvement and Extension Account and then in the hands of the City may be used for extensions and betterments of said Electric Utility properties or applied to the pro rata payment of the principal of and accrued interest on all such bonds then outstanding hereunder.

The proceeds of any and all policies for public liability or workers compensation insurance shall be paid to the respective claimants or to the City Treasurer to be held and used in paying the claims on account of which they were received.

Section 15. The City will maintain the Electric Utility in good condition and operate the same in an efficient manner and at a reasonable cost. The City agrees with the holders from time to time of the Bonds that the City will continue to own, free from all liens and encumbrances, and will adequately maintain and efficiently operate said Electric Utility; provided, however, the City may sell for cash property which is recommended to be sold by the manager or superintendent of utilities, or an independent Consulting Engineer, and which is determined as a matter of record by the Council to have become obsolete, non-productive or otherwise unusable to the advantage of the City.

Section 16. Nothing in this ordinance shall be construed in such a manner as to prevent the issuance by the City of Additional Bonds payable from the revenues of the Electric Utility of the City on a parity with the lien of the Bonds equally and ratably secured therewith and entitled to the security and benefits of this ordinance; provided, however, that before any such Additional Bonds are actually issued, the revenues of the Electric Utility, for the fiscal year next preceding the date of the authorization of such Additional Bonds, after deducting therefrom all costs of operation and maintenance of the Electric Utility for such fiscal year and before deduction of depreciation or interest as based on a certified public accountants report shall have been equal to 1.25 times the average annual bond requirements of the Bonds and any Additional Bonds proposed to be issued or such revenues would have met such test by applying the provisions of the second paragraph of this Section 16. If no audit report is available for the fiscal year next preceding the year in which such proposed Additional Bonds are issued, the report from the next proceeding year may be used in determining compliance with this section, provided that the City Treasurer shall certify that no substantial or material changes in circumstance have occurred which would reduce the amount of revenues of the Electric Utility so as to make the issuance of such Additional Bonds in conflict with this ordinance. For this purpose the average annual bond requirements shall be determined by adding all of the principal and interest which will become due when computed to the absolute maturity of the Bonds and Additional Bonds, if any, then outstanding and dividing such total by the number of years remaining that the longest bond of any such issue of bonds has to run to maturity.

In the event any change in the rates, rentals and charges for the use and service of the Electric

Utility has been made during the preceding fiscal year or during the interval between the end of such fiscal year and the issuance of such Additional Bonds, or in the event the City shall covenant in the ordinance or resolution authorizing the issuance of such Additional Bonds to impose, effective upon the issuance of such Additional Bonds, higher rates, rentals and charges for such use and service, compliance with the provisions of this Section 16 of this ordinance may be evidenced by a certificate of an independent Consulting Engineer or firm of engineers or Certified Public Accountant or independent Certified Public Accountants to be filed with the City Clerk prior to the issuance of any such Additional Bonds. Such certificate shall state fully the facts upon which such certificate is based and, if it is a certificate of the Consulting Engineer or firm of Consulting Engineers, shall have attached thereto the certified financial statement for the fiscal year next preceding the date of authorization of such Additional Bonds used by the Engineer or firm of Engineers in arriving at the conclusion stated in said certificate. The Consulting Engineer or independent Certified Public Accountant of the City shall, in determining the earnings for such fiscal year adjust the collections to reflect the result as if such changed rates, rentals and charges, or such higher rates, rentals and charges had been in existence for such entire preceding fiscal year period, and the amount of such net collections and adjusted earnings as aforesaid shall be conclusive evidence and the only evidence required to show compliance with the provisions and the requirements of Section 16 of this ordinance.

If the City shall find it desirable, the City shall also have the right when issuing additional bonds to combine with its Electric Utility any water or sewer gas distribution system, water system, sanitary sewer system or any solid waste disposal system (including transfer stations) or any other utility or revenue producing facility of the City (which shall thereafter be known as the "Combined Utilities System") authorized to be combined under Sections 18-1803 through 18-1805 R.R.S. Nebraska 2012, and to cause all of the revenues of all such combined utility systems to be paid into the Electric Utility Fund, and to provide that all of the Bonds all as then outstanding, and any proposed issue of Additional Bonds shall be payable from the revenues of such Combined Utilities System and shall stand on a parity and in equality as to security and payment, provided, however, no utility shall be combined with the current Electric Utility and such other combined utilities as contemplated in this paragraph unless the City is current with all the payments required to be made into the accounts created in Section 11 and the net revenues of such Electric Utility system shall satisfy at least one of the requirements for additional bonds provided in this Section 16. For purposes of meeting such requirements, the definition of revenues of the Electric Utility shall include the additional utility or utilities and take into consideration the ordinary expenses of operating and maintaining the additional utility or utilities and for such purposes any engineer furnishing projections may take into consideration the factors described in the second or third paragraphs of this Section 16.

If, prior to the payment of the bonds herein authorized, it shall be found desirable to refund any Additional Bonds then outstanding, under the provisions of any law then available, said bonds or any part thereof may be refunded without the consent of the holders thereof and the refunding obligations so issued shall enjoy complete equality of lien with the portion of the bonds which is not refunded, if any there be, and the refunding obligations shall continue to enjoy whatever priority of lien over subsequent issues may have been enjoyed by the bonds refunded, provided, however, the total of the interest and principal payment obligation in any succeeding year shall not be greater, after such refunding, than it would have been in each such succeeding year without such refunding without the consent of the holders of the unrefunded portion of said bonds. Refunding bonds shall also be permitted to be issued in accordance with the first three paragraphs of this Section 16 and for purposes of calculating average annual bond requirements, the City shall not be required to include principal or interest due on any bonds to be refunded, from and after the time that such refunded bonds shall no longer be outstanding under the terms of their authorizing ordinance.

Section 17. Nothing herein contained shall prevent the City from issuing bonds, revenue notes or other forms of indebtedness, the payment of the principal and interest of which is a charge upon all or a portion of the revenues of the Electric Utility, junior or inferior to the Bonds and to the payments to be

made into the Operation and Maintenance Account, Electric Utility Revenue Bond Account, the Electric Utility Bond Reserve Account and the Improvement and Extension Account, and the City shall have the right to pay interest thereon and the principal thereof, as long as no deficiency exists in the payments into such Accounts, from funds available for improvements and enlargements to the Electric Utility of the City or from other funds which are available for such debt service.

Section 18. The City will not hereafter grant any franchise or right to any person, firm or corporation to own or operate an electric, water or sewer plant or system in competition with those owned by the City.

Section 19. While any of the Bonds are outstanding, the City will render bills to all customers for electric service and, subject to applicable statutes and rules, if bills are not paid within sixty days after due, the City will use all remedies lawfully available to collect such amounts due and owing.

Section 20. Except for amendments which are required for the correction of language to cure any ambiguity or defective or inconsistent provisions, omission or mistake or manifest error contained herein, no changes, additions or alterations of any kind shall be made by the City in the provisions of this Ordinance in any manner; provided, however, that from time to time the holders of sixty percent (60%) in principal amount of the Bonds and of Additional Bonds outstanding authorized hereunder (not including any of said bonds credited to any of the accounts set out in Section 11 of this Ordinance or any other of said bonds owned or controlled directly or indirectly by the City) by an instrument or instruments in writing signed by such holders and filed with the City Clerk shall have power to assent to and authorize any modification of the rights and obligations of the City and of the holders of the Bonds and of Additional Bonds and the provisions of this Ordinance that shall be proposed by the City, and any action authorized to be taken with the assent and authority given as aforesaid of the holders of sixty percent (60%) in principal amount of said bonds shall be binding upon all holders of said Bonds and Additional Bonds at the time outstanding hereunder and upon the City as fully as though such action were specifically and expressly authorized by the terms of this Ordinance; provided, always, that no such modification shall be made which will (a) extend the time of payment of the principal of or interest on any of said bonds or reduce the principal amount thereof or the rate of interest thereon; or (b) give to any of said bonds secured by this Ordinance any preference over any other of said bond or bonds; or (c) authorize the creation of any lien prior to the pledge of the revenues afforded by this Ordinance for the Bonds and any Additional Bonds. Any modification of the provisions of this Ordinance made as aforesaid shall be set forth in a supplemental ordinance to be adopted by the Mayor and City Council of said City.

Section 21. So long as any of the Bonds or any Additional Bonds of equal lien are outstanding, each of the obligations, duties, limitations and restraints imposed upon the City by this Ordinance shall be deemed to be a covenant between the City and every holder of said bonds, and this Ordinance and every provision and covenant thereof shall constitute a contract of the City with every holder from time to time of said bonds. Any holder of a Bond or Additional Bond or Bonds may by mandamus or other appropriate action or proceeding at law or in equity in any court of competent jurisdiction enforce and compel performance of this Ordinance and every provision and covenant thereof including, without limiting the generality of the foregoing, the enforcement of the performance of all duties required by the City by this Ordinance and the applicable laws of the State of Nebraska, including in such duties the making and collecting of sufficient rates, rentals, fees or charges for the use and service of the Electric Utility, the segregation of the revenues of said system and the application thereof to the respective Fund and Accounts referred to and described in Section 11 of this Ordinance.

Section 22. The City's obligations under this Ordinance and the liens, pledges, dedications, covenants and agreements of the City herein made or provided for shall be fully discharged and satisfied as to any Bonds or Additional Bonds issued hereunder, and said bonds shall no longer be deemed outstanding

hereunder, if such bonds shall have been purchased and cancelled by the City or, as to any of said bonds not theretofore purchased and cancelled by the City, when payment of the principal of and any applicable redemption premium, if any, on such bonds plus interest thereon, to the respective dates of maturities or redemption (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided for by depositing in escrow with any state or national bank having trust powers, or trust company, in trust solely for such payment (i) sufficient monies to make such payment or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal at such time or times as will insure the availability of sufficient monies to make such payment, and such bonds shall cease to draw interest from the date of their redemption or maturity and, except for the purposes of such payment, shall no longer be entitled to the benefits of this Ordinance except for payment from such deposit and shall no longer be considered as outstanding; provided that, with respect to any such bonds called or to be called for redemption, the City shall have duly given notice of redemption, or made irrevocable provision for giving such notice. Any such monies so deposited with the aforesaid bank or trust company as provided in this section may be invested and reinvested in Government Obligations at the direction of the City, and all interest and income from all such Government Obligations in the hands of the aforesaid bank or trust company which is not required to pay principal or interest on such bonds for which deposit has been made shall be paid to the City as and when realized and collected.

Section 23. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as the initial purchaser thereof, upon receipt of the purchase price as determined in the Designation, which may include an underwriter's discount of not to exceed 2.50%, and the City Treasurer is authorized to deliver the bonds to said purchaser upon receipt of the purchase price plus accrued interest to date of payment. Said Bonds are sold to the purchaser subject to the opinion of independent bond counsel that said Bonds are lawfully issued; that said Bonds constitute a valid obligation of the City; and that under existing laws and regulations, the interest on said Bonds is exempt from both Nebraska state and federal income taxes. The Authorized Officers are hereby authorized to approve, execute and deliver a Bond Purchase Agreement on behalf of the City.

Section 24. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2026, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Bonds, under the titles (i) "Direct Debt", (ii) "Overlapping Debt", and (iii) "Taxable Valuation History" (collectively, the "Annual Financial Information");

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

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

(1) principal and interest payment delinquencies;

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

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

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

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);

(13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation, any of which reflect financial difficulties.

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

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 25. The officers of the City are hereby authorized to execute and deliver any and all certificates and documents and to take any and all actions determined appropriate in connection with the issuance and sale of the Bonds, without limitation, to review and approve a preliminary official statement related to the Bonds and approval of a final official statement on behalf of the City, and said final official statement, if and as applicable, shall be delivered in accordance with the requirements of the Rule.

Section 26. The City hereby covenants to the purchasers and holders of the Bonds that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended, (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. Unless otherwise provided in the Designation, the City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably anticipate issuing tax-exempt bonds or other tax-exempt obligations aggregating in principal amount more than $10,000,000 during the calendar year in which the Bonds are issued, taking into consideration statutory exceptions relating to refunding issues.

Section 27. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 28. This ordinance shall be published in pamphlet form and take effect as provided by law.

Section 29. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of

this Ordinance.

Section 30. All ordinances, resolutions or orders or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

PASSED AND APPROVED this 26th day of August, 2026.

____

Mayor

ATTEST:

____

City Clerk

(S E A L)

Exhibit "A"

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

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

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

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

(b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

(i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;

(ii) Form 8038 series filed with the Internal Revenue Service;

(iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;

(iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;

(v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and

(vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.

(c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and

(d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

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

Obligation.

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

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

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

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

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

I, the undersigned City Clerk for the City of David City, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on ___________, 2026; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; kept continually current, was available for public inspection at the office of that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

____
City Clerk

[SEAL]

NOTICE OF PUBLICATION

OF ORDINANCE NO. 1541

IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at 7 o'clock p.m. on August 26, 2026, there was passed and adopted Ordinance No. 1541 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

____
City Clerk

[SEAL]

Publish One Time: _________, 2026

7796695.3

EXTRACT OF MINUTES
CITY OF DAVID CITY, NEBRASKA
(Electric Utility Revenue Refunding Bonds, Series 2026)

A meeting of the Mayor and Council of the City of David City, in the State of Nebraska was convened in open and public session at 7:00 P.M. on August 26, 2026 at City Hall, 490 E Street, David City, NE 68632. Present were: Mayor __________________; Councilmembers: ____ _________________________. Absent were: ______________________________________.

Notice of the meeting was given in advance thereof by publication, the City's designated method for giving notice, a copy of the proof of publication being attached to these Minutes. Notice of this meeting was given in advance to the Mayor and all members of the City Council and a copy of their Acknowledgment of Receipt of Notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. The Mayor publicly stated to all in attendance at the beginning of the meeting that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Councilmember _______________ offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 11-2026

A RESOLUTION AUTHORIZING THE DIRECTION FOR CALL REGARDING CERTAIN OBLIGATIONS OF THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

Section 1. That the following bonds (collectively, the "Refunded Obligations"), in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the Refunded Obligations will cease:

Electric Utility Revenue Bonds, Series 2023, dated September 15, 2023, in the total principal amount of $995,000, numbered as shown on the books and records of the Paying Agent and

Registrar and maturing in the principal amount(s) as follows:

Principal Amount	**Maturity Date**	**Interest Rate**	**CUSIP**
$365,000	December 15, 2029	4.400%	238556 CF9
$630,000	December 15, 2034	4.550%	238556 CG7

Section 2. The Refunded Obligations are to be paid at the office of paying agent and registrar for such obligations (the "Paying Agent and Registrar").

Section 3. The Mayor or City Treasurer of the City (each, an "Authorized Officer") are each individually hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Obligations on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to June 30, 2027, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Obligations to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Obligations in accordance with the ordinances authorizing the issuance of the Refunded Obligations, and to take all other actions deemed necessary in connection with the redemption of the Refunded Obligations.

PASSED AND APPROVED this 26th day of Augus, 2026.

ATTEST: By ________________________

Mayor

____

City Clerk

(S E A L)

Council Member ________________________________ introduced Ordinance No. 1541 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member _____________ seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: _____________________________________ ____. The following voted NAY: ___________. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member ________________ moved for final passage of the ordinance, which motion was seconded by Council Member _______________. The Mayor then stated the question was "Shall Ordinance No. ____ be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: _______________ ____. The following voted NAY: ___________. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 1541

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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

(a) that the City owns and operates an electric light and power plant and distribution system (hereinafter, the "Electric Utility"), which Electric Utility is hereby determined to be a revenue producing utility for which revenue bonds may be issued pursuant to Sections 18-1803 to 18-1805, Reissue Revised Statutes of Nebraska, 2012, as amended;

(b) that the City presently has outstanding its Electric Utility Revenue Bonds, Series 2023, dated September 15, 2023 (the "Refunded Bonds"), a portion of which are to be refunded with proceeds of the bonds herein authorized; and

(c) that the City has the authority to pledge, to the extent required to secure the bonds herein contemplated, the revenues of the City's Electric Utility; that it is necessary to issue Electric Utility Revenue Refunding Bonds, Series 2026, in the amount of not to exceed One Million Fifty Thousand Dollars ($1,050,000), which bonds will be payable from and shall be a lien upon the revenue and earnings of the Electric Utility of the City; and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Electric Utility Revenue Refunding Bonds, Series 2026, contemplated herein do exist and have been done and performed in regular and due form as required by law.

Section 2. Unless the context shall clearly indicate otherwise, the following terms shall have the following meanings when used in this ordinance:

a) "Bonds" shall mean not to exceed $1,050,000 principal amount of Electric Utility Revenue Refunding Bonds, Series 2026, authorized pursuant to Section 3 of this ordinance at any time outstanding;

b) "Additional Bonds" shall mean any bond including refunding bonds, authorized and issued pursuant to the provisions of Section 16 of this ordinance at any time outstanding, which are payable on a parity with the Bonds and equally and ratably secured therewith;

c) "average annual debt service requirements" shall mean that sum determined by adding all of the principal and interest which become due when computed to the absolute maturity of the Bonds and any Additional Bonds and dividing such total by the number of years that the longest bond of any issue has to run to maturity;

d) the "Electric Utility" shall mean the electric light and power plant and distribution system of the City as now existing and all additions (including any additional utility systems which might hereafter be lawfully included in the Electric Utility of the City), extensions and improvements hereafter made; and

e) "permitted investments" shall mean, to the extent that the same are authorized investments for funds of the Issuer under Nebraska Law:

(1) Cash (insured at all times by the FDIC or otherwise collateralized as required by applicable law);

(2) Obligations of, or obligations guaranteed as to principal and interest by, the United States Government or any agency or instrumentality thereof, when such obligations are backed by the full faith and credit of the U.S. including: (a) U.S. treasury obligations, (b) all direct or fully guaranteed obligations, (c) Farmers Home Administration, (d) General Services Administration, (e) Guaranteed Title XI financing, (f) Government National Mortgage Association (GNMA), or (g) State and Local Government Series (any security used for defeasance must provide for the timely payment of principal and interest and cannot be callable or prepayable prior to maturity or earlier redemption of the defeased debt);

(3) U.S. dollar denominated deposit accounts, federal funds and bankers' acceptances with domestic commercial banks which have a rating on their short term certificates of deposit on the date of purchase of "P-1" by Moody's and "A-1" or "A-1+" by S&P and maturing not more than 360 calendar days after the date of purchase (ratings on holding companies are not considered as the rating of the bank);

(4) Commercial paper which is rated at the time of purchase in the single highest classification, "P-1" by Moody's and "A-1+" by S&P and which matures not more than 270 calendar days after the date of purchase;

(5) Money market funds rated "AAAm" or "AAAm-G" or better by S&P;

(6) Municipal Obligations rated "Aaa/AAA" or general obligations of States with a rating of "A2/A" or higher by both Moody's and S&P; or

(7) To the extent permitted by law, in Bonds or Additional Bonds (which Bonds so purchased shall be held for the credit of the various accounts and not cancelled), and in bond anticipation notes of the City and in paving, sewer and water warrants of the City which are to be funded by the issuance of bonds of the City.

f) "revenues" shall mean all the rates, rentals, fees, charges, earnings and other monies from any source whatever derived by the City through its ownership and operation of its Electric Utility.

Section 3. For the purposes as set out in Section 1 hereof, there shall be and there hereby are ordered issued Electric Utility Revenue Refunding Bonds, Series 2026 (the "Bonds"), of the aggregate principal amount of not to exceed One Million Fifty Thousand Dollars ($1,050,000), with said Bonds to mature and become due on such dates and in such years and in such amounts and bear interest at the rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or City Treasurer (each, an "Authorized Officer") on behalf of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), which Designation may also determine or modify the mandatory redemption provisions (if any), and pricing terms as set forth in Section 23 below, all within the following

limitations:

(a) the aggregate principal amount of the Bonds shall not exceed $1,050,000;

(b) the all-in true interest cost of the Bonds shall not exceed 5.75%;

(c) The longest maturity of the Bonds shall not be later than December 15, 2046;

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

Such determinations, when made and agreed to by the Underwriter, shall constitute the action of the City without further action of the Board.

The Bonds shall be in the denomination of $5,000 or any integral multiple thereof and shall be numbered from 1 upward in the order of their issuance. No Bonds shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be payable semiannually on June 15 and December 15 of each year, starting June 15, 2027 (or such other date as determined in the Designation). The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the interest payment date (or such other date as determined in the Designation, the “Record Date”), subject to the provisions of Section 4 hereof. Payment of interest due on the Bonds prior to maturity shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each Bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 4 hereof. Payment of principal due at maturity, or at any date fixed for redemption prior to maturity, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the City nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of such bond at maturity or any interest installment is not paid when due, the delinquent bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01, R.R.S. Neb. 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 4. Unless as otherwise determined in the Designation, the BOKF, National Association, in Lincoln, Nebraska, is hereby designated as Paying Agent and Registrar for the Bonds. The City reserves the right to appoint a successor paying agent and registrar. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the office of the Paying Agent and Registrar in Lincoln, Nebraska or the office of any duly-appointed successor, as applicable. The names

and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the City will register such transfer and will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond or Bonds shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following interest payment date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption. In the event that payments of interest due on the Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. The Bonds shall be subject to optional redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as provided in the Designation) at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the bonds to be redeemed from such optional redemption in its sole discretion but bonds shall be redeemed only in the amount of $5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address, provided, however, that no such direction shall be required in the case of mandatory redemption. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and Council designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 5 shall apply generally to mandatory redemptions.

Section 6. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such

payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 7. The Bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Mayor and City Clerk, said bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond and such Treasurer shall cause said bonds to be registered in the office of the Auditor of Public Accounts. The Paying Agent and Registrar shall register each Bond in the name of its initial registered owner as designated by the initial purchaser. Each Bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF BUTLER
CITY OF DAVID CITY

ELECTRIC UTILITY REVENUE REFUNDING BOND, SERIES 2026

Interest Rate	Maturity Date	Date of Original Issue	CUSIP No.
%			

Registered Owner: _________________________

Principal Amount: _________________________

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

The City, however, reserves the right and option of paying bonds of this issue prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof at par plus accrued interest on the principal amount redeemed to the date fixed for redemption.

Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds (the “Ordinance”). Individual bonds may be redeemed in part but only in the amount of $5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of $_______________, of like tenor herewith except as to denomination, date of maturity and rate of interest

issued by said City for the purpose of refunding the City's outstanding Electric Utility Revenue Bonds, Series 2023, in pursuance of the provisions of Sections 10-142 and 18-1803 to 18-1805, R.R.S. Neb. 2012. This bond and the others of said issue have been duly authorized by the Ordinance duly passed and adopted by the Mayor and Council of said City.

The revenue and earnings derived and to be derived from the operation of the electric light and power plant and distribution system owned and operated by the City, and all extensions and additions thereto and all improvements thereof hereafter made (hereinafter, the "Electric Utility") are pledged and hypothecated, all of which bonds of said issue are equally and ratably secured by said pledge and are of equal priority as to lien upon the revenues and earnings of said Electric Utility owned and operated by the City and are not general obligations of the City , subject only to the payment of reasonable expenses of operating and maintaining said Electric Utility. The City agrees to maintain and collect rates and charges for electric service which shall be reasonable and adequate to produce revenues and earnings sufficient at all times to pay the interest and principal of all of said bonds as such interest and principal become due and to maintain and operate said Electric Utility efficiently. The Ordinance constitutes a contract between the City and the holders of said bonds and reserves the right to the City to issue bonds equal in lien to the bonds of this series of bonds or junior lien bonds or notes under certain conditions. The bonds of this issue are not general obligations of the City and are payable solely from the revenues of said Electric Utility as so pledged.

Under the Ordinance, the City has agreed to establish and maintain a special fund known as the Electric Utility Fund into which it will pay all of the gross revenues collected and received from the operation of its said Electric Utility and will use the monies in said fund only for the operation and maintenance of said Electric Utility and for the payment of the interest and principal of the bonds of this series and Additional Bonds authorized in accordance with the terms of said Ordinance and for such other purposes as are permitted by said Ordinance and will apply the monies in said fund to the payment of said bonds as the principal and interest thereof become due.

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

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

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B)

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and the series of which this bond is a part in order to make the same legal and binding obligations of said City according to the terms thereof, do exist, have happened and have been performed in due time, form and manner as required by law, and that before the issuance of this bond provision has been duly made for the collection and segregation of the revenue of the City's electric light and power plant and distribution system and for the application of the same as hereinbefore provided.

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

CITY OF DAVID CITY, NEBRASKA

By (sample do not sign)
Mayor

ATTEST:

(sample do not sign)
City Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

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

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

By (sample do not sign)

(FORM OF ASSIGNMENT)

For value received ______________________ hereby sells, assigns and transfers unto __________________________________ the within bond and hereby irrevocably constitutes and appoints _______________________________ Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: ____________________________

SIGNATURE GUARANTEED

____
Registered Owner

By __________________________

____
Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. For the payment of the Bonds, the City hereby pledges and hypothecates the entire revenue and earnings of the Electric Utility subject only to the payment of reasonable expenses of operating and maintaining said Electric Utility.

Section 10. The City will maintain and collect rates and charges for all electric service furnished from its Electric Utility adequate to produce revenue and earnings sufficient at all times:

(a) to provide for the payment of interest on and principal of the Bonds and any Additional Bonds as such interest and principal become due;

(b) to pay all reasonable costs of operation and maintenance of the Electric Utility, including adequate insurance as provided by this ordinance and to pay for the necessary and reasonable repairs, replacements and extensions of said Electric Utility;

(c) to establish and maintain an Electric Utility Bond Reserve Account and Improvement and Extension Account as hereinafter set forth.

Section 11. The entire revenue and earnings derived from the operation of the Electric Utility of said City shall be set aside as collected and deposited in a separate fund and designated as the "Electric Utility Fund", the creation of which is hereby confirmed. The monies in the Electric Utility Fund shall be deposited in a separate bank account properly identified as such in a bank or banks designated by the Mayor and shall be secured as provided by law for public deposits. The City shall set up and maintain as long as the Bonds or any Additional Bonds are outstanding the following accounts for the administration of said fund:

I. OPERATION AND MAINTENANCE ACCOUNT: The establishment within the Electric Utility Fund of a separate account designated as the "Operation and Maintenance Account" is hereby confirmed. The City shall set aside in this account each month an amount sufficient for the operation and maintenance of its Electric Utility and the expenses of maintenance and operation of said Electric Utility shall be paid out of this account.

II. ELECTRIC UTILITY REVENUE BOND ACCOUNT: The establishment within the Electric Utility Fund of a separate account designated as the "Electric Utility Revenue Bond Account" is hereby confirmed. The City shall transfer to the Electric Utility Revenue Bond Account such amounts as follows:

(1) Commencing on the first (1st) day of the month following the month in which the Bonds are issued (the "Initial Deposit Date"), and continuing on the corresponding day of each month thereafter an amount which, when combined with additional equal monthly amounts to be deposited pursuant to this subparagraph prior to the next falling Interest Payment Date, will be sufficient to provide funds to pay the installment of interest due with respect to the Bonds on such Interest Payment Date; and

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

Such transfers to the Electric Utility Revenue Bond Account shall be made in such amounts and at such times that there will be sufficient sums in such account to make the required payments of principal and interest with respect to the Bonds. Upon the issuance of any Additional Bonds pursuant to this ordinance, appropriate additional monthly payments to the Electric Utility Revenue Bond Account shall be provided in an amount sufficient to pay the principal and interest on such Additional Bonds. The monies in the Electric Utility Revenue Bond Account shall be used only for the payment of principal and interest on the Bonds and any Additional Bonds issued pursuant to this ordinance.

III. ELECTRIC UTILITY BOND RESERVE ACCOUNT: Within the Electric Utility Bond Reserve Account, there has been and shall be established separate sub-accounts for the Bonds and each series of Additional Bonds, as shall be deemed appropriate by the Mayor and Council in connection with each such issue. For the Bonds there is hereby ordered established the 2026 Bond Reserve Sub-account into which there shall be deposited from the proceeds of the Bonds or other fund of the City the sum of $0.00 (or such other amount as set forth in the Designation, the "2026 Required Balance") which shall be maintained as the required balance so long as any of the Bonds remain outstanding. Monies credited to the 2026 Bond Reserve Sub-account may be withdrawn, as needed, to provide funds to pay when due the principal of and interest on the Bonds, if the Electric Utility Revenue Bond Account contains insufficient funds for such purpose, and the City Treasurer is hereby authorized and directed to make such withdrawal if and when needed. The 2026 Bond Reserve Sub-account has been established with respect to and shall be maintained for the security of the Bonds only. In the event of any withdrawal from the 2026 Bond Reserve Sub-account but subject to allocation among other sub-accounts in the Electric Utility Bond Reserve Account as described below, there shall be credited to the 2026 Bond Reserve Sub-account in the month following such withdrawal all monies in the Electric Utility Fund remaining after making the payments required to be made in such month to the Operation and Maintenance Account and the Electric Utility Revenue Bond Account and each month thereafter all such remaining monies shall be credited to the 2026 Bond Reserve Sub-account until such sub-account has been restored to the 2026 Required Balance. In issuing any series of Additional Bonds a separate sub-account in the Electric Utility Bond Reserve Account may be established for such series of Additional Bonds but is not required under the terms of this Ordinance. In no event shall the required balance for any such additional sub-account established for any series of Additional Bonds within the Electric Utility Bond Reserve Account (which shall be set at the discretion of the City and may be $0), exceed an amount equal to 1.20 times the average annual debt service requirements for the issue of additional bonds for which such reserve sub-account is established. The balance in any such additional sub-account may be funded from monies on hand or from periodic deposits from revenues in the Electric Utility Fund or from the proceeds of such Additional Bonds. Each sub-account in the Electric Utility Bond Reserve Account and available monies from the Electric Utility Fund required to be credited to each such sub-account at any time shall be allocated on a pro rata basis between sub-accounts then requiring credits in accordance with the respective unpaid principal amounts then outstanding for each such issue for which there is a sub-account requiring credits. Each sub-account in the Electric Utility Bond Reserve Account shall constitute a separate fund held in trust by the City Treasurer for the separate benefit of the issue of bonds for which it is established. Anything in this Subsection 11(III) to the contrary notwithstanding, the amount required to be maintained in the Electric Utility Bond Reserve Account or any sub-account therein shall not at any time exceed the maximum amount permitted to be invested without yield under Section 148 of the Internal Revenue Code of 1986, as amended, or any successor provision or related statutory limitation and applicable regulations of the United States Treasury Department.

IV. IMPROVEMENT AND EXTENSION ACCOUNT: The Designation may contain provisions for a monthly credit to such Account of an amount in addition to that required (if any) under the terms of this ordinance. Monies in this Account (if any) may be used for maintenance, improvement, replacement, enlargement or extension of the Electric Utility, including payments of principal and interest on general

obligation bonds of the City issued to improve, extend or enlarge any part of the Electric Utility, and at any time monies are spent from the Account so as to reduce such account to an amount less than the required fund balance (if any) plus additional amounts required to be deposited into this Account by any ordinance authorizing Additional Bonds (if any), there shall, as soon as money is available after providing for the foregoing accounts, be deposited monthly into this Account a sum sufficient to return the balance of this Account to the then required balance.

V. SURPLUS ACCOUNT: After provisions have been made for each of the foregoing accounts, all remaining funds shall be transferred into the Surplus Account to be used as follows:

1) To fill any deficiency in the foregoing accounts.

2) To pay on an accelerated basis the required fund balance of the Electric Utility Bond Reserve Account or the Improvement and Extension Account.

3) To be used for any lawful purpose connected with the Electric Utility including paying principal and interest on general obligation bonds or junior lien revenue bonds or notes of the City authorized to pay the cost of constructing improvements to the Electric Utility.

4) Retiring the Bonds and Additional Bonds prior to their maturity under their option provisions or by purchase on the open market.

5) To be transferred to the general fund of the City for any lawful municipal purpose.

Monies on deposit in the Electric Utility Fund, which have not as yet been credited to an account therein in accordance with this section, and monies credited to the Operation and Maintenance Account, the Electric Utility Revenue Bond Account, the Improvement and Extension Account and the Surplus Account may, to the extent practicable and reasonable, be invested in permitted investments, maturing in the case of unallocated monies invested from the Electric Utility Fund not later than the first business day of the month next following such investment and maturing in the case of monies invested from the Operation and Maintenance Account, the Electric Utility Revenue Bond Account and the Improvement and Extension Account at such times and in such amounts as shall be required to provide monies to make the payments reasonably anticipated to be made from said accounts. Monies credited to the Electric Utility Bond Reserve Account shall be invested in permitted investments of the types described in clauses (1) or (2) of the definition thereof, maturing or redeemable at stated fixed prices at the option of the holder, by not more than five (5) years from the date of such investment. All interest and income derived from monies to the credit of the Electric Utility Fund, the Operation and Maintenance Account, and the Surplus Account shall, when realized and collected, be credited to the said Fund or to the respective Account from which such investments were made. All monies and income from investments made from monies credited to the Electric Utility Bond Reserve Account, the Improvement and Extension Account and the Electric Utility Revenue Bond Account shall, when realized and collected, be credited to the respective Account from which such investments were made, unless there shall then be credited thereto the respective full amounts required by paragraphs II, III and IV of this section, in which event such interest and income shall be credited to the Surplus Account. All investments held for the credit of any Fund or Account may be sold when required to make payments to be made from such Fund or Account.

It is understood that the revenues of the Electric Utility are to be credited to the various accounts hereinabove established in the order in which said Accounts have been listed, and if within any period the

revenues are insufficient to credit the required amounts in any of the said Accounts, the deficiencies shall be made up the following period or periods after payments into all Accounts enjoying a prior claim on the revenues have been made in full.

Section 12. The City is hereby authorized and directed to keep proper records, books and accounts (separate from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the said Electric Utility and all of the funds and accounts established hereby. Within nine (9) months after the close of each fiscal year a certified public accountant's report on the financial condition and results of operation shall be furnished upon request to the underwriter of the Bonds. The expense of such reports shall be considered an operating expense. Any holder or holders of twenty-five percent (25%) in aggregate principal amount of the bonds at the time then outstanding shall have the right at all reasonable times to inspect the Electric Utility and all records, accounts and data of the City relating thereto.

Section 13. The City Treasurer and the City Clerk shall be bonded, in addition to their official bond, by an insurance company or bonding company licensed to do business in Nebraska, in amounts sufficient to cover at all times all the revenues and earnings of the Electric Utility placed in their hands. Any other person employed by the City in the collection or handling of monies derived from the operation of said property shall also be bonded in an amount sufficient to cover all monies which may at any time be placed in such person's hands. The amount of such bonds shall be fixed by the Council and the cost thereof shall be paid from the earnings of said Electric Utility and they shall secure the faithful accounting of all monies.

Section 14. The City will carry adequate insurance on the Electric Utility in such amounts as are normally carried by private companies engaged in similar operations, including, without limiting the generality of the foregoing, fire and windstorm insurance, public liability insurance or workers compensation insurance and any insurance covering such risks as shall be recommended by a consulting engineer. The cost of all such insurance shall be regarded and paid as an operation and maintenance expense.

All such insurance policies shall be in such form and amount as shall be approved or recommended by a consulting engineer. All insurance proceeds, except proceeds from public liability insurance, shall be deposited into the Improvement and Extension Account and shall be used in making good the loss or damage in respect of which they were paid either by repairing the property damaged or replacing the property destroyed, and expenditures from said monies shall be made only upon a certificate issued by a consulting engineer and filed with the City Clerk stating that the proceeds, together with any other monies available for such purposes, are sufficient for the repair or replacement of any such properties; and when the City shall have been furnished with a certificate of a consulting engineer stating that the property damaged or destroyed has been fully repaired or replaced and such repairs or replacements have been fully paid for, the residue, if any, of such insurance proceeds shall be transferred from the Improvement and Extension Account to the Electric Utility Revenue Bond Account to make up any deficiency in said account, if any such deficiency exists, and if no such deficiency exists said residue shall be transferred to the Electric Utility Fund and credited to the accounts provided for in Section 11 in the same manner as other revenues of the Electric Utility.

If the proceeds of any insurance shall be insufficient to repair or replace the property damaged or destroyed, the City may use and shall pay out for such purpose, to the extent of such deficiency, any money remaining in the Improvement and Extension Account and the Surplus Account. If in the opinion of a consulting engineer the proceeds of any insurance, together with any amount then available for that purpose in the Improvement and Extension Account and Surplus Account shall be insufficient to fully complete and pay for such repairs or replacements and if the City shall fail to supply such deficiency from other sources

within a period of six months after receipt by the City of such insurance monies, or if in the opinion of a consulting engineer it is to the best interest of the City not to repair or replace all or any part of the damaged properties and that failure to repair or replace the damaged properties shall not affect the sufficiency of the income and revenue from the remaining properties to properly maintain and operate the same and provide funds for the Electric Utility Revenue Bond Account, Electric Utility Bond Reserve Account and Improvement and Extension Account, as herein provided for, then such insurance monies to the extent not applied to repair or replace the damaged properties shall be deposited in the Electric Utility Bond Reserve Account as described in Section 11 hereof and used for the purposes for which said account has been created, so as to fill said account to its required balance, or if said account is filled to is required balance, then to the Improvement and Extension Account to fill this account to its required balance and any amount which may be in excess of the amount required in the Improvement and Extension Account shall be credited to the Surplus Account.

If the holders of sixty percent (60%) or more in principal amount of the Bonds and any Additional Bonds at the time outstanding hereunder shall at any time direct the City in writing to do so, then any insurance monies theretofore credited to the Improvement and Extension Account and then in the hands of the City may be used for extensions and betterments of said Electric Utility properties or applied to the pro rata payment of the principal of and accrued interest on all such bonds then outstanding hereunder.

The proceeds of any and all policies for public liability or workers compensation insurance shall be paid to the respective claimants or to the City Treasurer to be held and used in paying the claims on account of which they were received.

Section 15. The City will maintain the Electric Utility in good condition and operate the same in an efficient manner and at a reasonable cost. The City agrees with the holders from time to time of the Bonds that the City will continue to own, free from all liens and encumbrances, and will adequately maintain and efficiently operate said Electric Utility; provided, however, the City may sell for cash property which is recommended to be sold by the manager or superintendent of utilities, or an independent Consulting Engineer, and which is determined as a matter of record by the Council to have become obsolete, non-productive or otherwise unusable to the advantage of the City.

Section 16. Nothing in this ordinance shall be construed in such a manner as to prevent the issuance by the City of Additional Bonds payable from the revenues of the Electric Utility of the City on a parity with the lien of the Bonds equally and ratably secured therewith and entitled to the security and benefits of this ordinance; provided, however, that before any such Additional Bonds are actually issued, the revenues of the Electric Utility, for the fiscal year next preceding the date of the authorization of such Additional Bonds, after deducting therefrom all costs of operation and maintenance of the Electric Utility for such fiscal year and before deduction of depreciation or interest as based on a certified public accountants report shall have been equal to 1.25 times the average annual bond requirements of the Bonds and any Additional Bonds proposed to be issued or such revenues would have met such test by applying the provisions of the second paragraph of this Section 16. If no audit report is available for the fiscal year next preceding the year in which such proposed Additional Bonds are issued, the report from the next proceeding year may be used in determining compliance with this section, provided that the City Treasurer shall certify that no substantial or material changes in circumstance have occurred which would reduce the amount of revenues of the Electric Utility so as to make the issuance of such Additional Bonds in conflict with this ordinance. For this purpose the average annual bond requirements shall be determined by adding all of the principal and interest which will become due when computed to the absolute maturity of the Bonds and Additional Bonds, if any, then outstanding and dividing such total by the number of years remaining that the longest bond of any such issue of bonds has to run to maturity.

In the event any change in the rates, rentals and charges for the use and service of the Electric

Utility has been made during the preceding fiscal year or during the interval between the end of such fiscal year and the issuance of such Additional Bonds, or in the event the City shall covenant in the ordinance or resolution authorizing the issuance of such Additional Bonds to impose, effective upon the issuance of such Additional Bonds, higher rates, rentals and charges for such use and service, compliance with the provisions of this Section 16 of this ordinance may be evidenced by a certificate of an independent Consulting Engineer or firm of engineers or Certified Public Accountant or independent Certified Public Accountants to be filed with the City Clerk prior to the issuance of any such Additional Bonds. Such certificate shall state fully the facts upon which such certificate is based and, if it is a certificate of the Consulting Engineer or firm of Consulting Engineers, shall have attached thereto the certified financial statement for the fiscal year next preceding the date of authorization of such Additional Bonds used by the Engineer or firm of Engineers in arriving at the conclusion stated in said certificate. The Consulting Engineer or independent Certified Public Accountant of the City shall, in determining the earnings for such fiscal year adjust the collections to reflect the result as if such changed rates, rentals and charges, or such higher rates, rentals and charges had been in existence for such entire preceding fiscal year period, and the amount of such net collections and adjusted earnings as aforesaid shall be conclusive evidence and the only evidence required to show compliance with the provisions and the requirements of Section 16 of this ordinance.

If the City shall find it desirable, the City shall also have the right when issuing additional bonds to combine with its Electric Utility any water or sewer gas distribution system, water system, sanitary sewer system or any solid waste disposal system (including transfer stations) or any other utility or revenue producing facility of the City (which shall thereafter be known as the “Combined Utilities System”) authorized to be combined under Sections 18-1803 through 18-1805 R.R.S. Nebraska 2012, and to cause all of the revenues of all such combined utility systems to be paid into the Electric Utility Fund, and to provide that all of the Bonds all as then outstanding, and any proposed issue of Additional Bonds shall be payable from the revenues of such Combined Utilities System and shall stand on a parity and in equality as to security and payment, provided, however, no utility shall be combined with the current Electric Utility and such other combined utilities as contemplated in this paragraph unless the City is current with all the payments required to be made into the accounts created in Section 11 and the net revenues of such Electric Utility system shall satisfy at least one of the requirements for additional bonds provided in this Section 16. For purposes of meeting such requirements, the definition of revenues of the Electric Utility shall include the additional utility or utilities and take into consideration the ordinary expenses of operating and maintaining the additional utility or utilities and for such purposes any engineer furnishing projections may take into consideration the factors described in the second or third paragraphs of this Section 16.

If, prior to the payment of the bonds herein authorized, it shall be found desirable to refund any Additional Bonds then outstanding, under the provisions of any law then available, said bonds or any part thereof may be refunded without the consent of the holders thereof and the refunding obligations so issued shall enjoy complete equality of lien with the portion of the bonds which is not refunded, if any there be, and the refunding obligations shall continue to enjoy whatever priority of lien over subsequent issues may have been enjoyed by the bonds refunded, provided, however, the total of the interest and principal payment obligation in any succeeding year shall not be greater, after such refunding, than it would have been in each such succeeding year without such refunding without the consent of the holders of the unrefunded portion of said bonds. Refunding bonds shall also be permitted to be issued in accordance with the first three paragraphs of this Section 16 and for purposes of calculating average annual bond requirements, the City shall not be required to include principal or interest due on any bonds to be refunded, from and after the time that such refunded bonds shall no longer be outstanding under the terms of their authorizing ordinance.

Section 17. Nothing herein contained shall prevent the City from issuing bonds, revenue notes or other forms of indebtedness, the payment of the principal and interest of which is a charge upon all or a portion of the revenues of the Electric Utility, junior or inferior to the Bonds and to the payments to be

made into the Operation and Maintenance Account, Electric Utility Revenue Bond Account, the Electric Utility Bond Reserve Account and the Improvement and Extension Account, and the City shall have the right to pay interest thereon and the principal thereof, as long as no deficiency exists in the payments into such Accounts, from funds available for improvements and enlargements to the Electric Utility of the City or from other funds which are available for such debt service.

Section 18. The City will not hereafter grant any franchise or right to any person, firm or corporation to own or operate an electric, water or sewer plant or system in competition with those owned by the City.

Section 19. While any of the Bonds are outstanding, the City will render bills to all customers for electric service and, subject to applicable statutes and rules, if bills are not paid within sixty days after due, the City will use all remedies lawfully available to collect such amounts due and owing.

Section 20. Except for amendments which are required for the correction of language to cure any ambiguity or defective or inconsistent provisions, omission or mistake or manifest error contained herein, no changes, additions or alterations of any kind shall be made by the City in the provisions of this Ordinance in any manner; provided, however, that from time to time the holders of sixty percent (60%) in principal amount of the Bonds and of Additional Bonds outstanding authorized hereunder (not including any of said bonds credited to any of the accounts set out in Section 11 of this Ordinance or any other of said bonds owned or controlled directly or indirectly by the City) by an instrument or instruments in writing signed by such holders and filed with the City Clerk shall have power to assent to and authorize any modification of the rights and obligations of the City and of the holders of the Bonds and of Additional Bonds and the provisions of this Ordinance that shall be proposed by the City, and any action authorized to be taken with the assent and authority given as aforesaid of the holders of sixty percent (60%) in principal amount of said bonds shall be binding upon all holders of said Bonds and Additional Bonds at the time outstanding hereunder and upon the City as fully as though such action were specifically and expressly authorized by the terms of this Ordinance; provided, always, that no such modification shall be made which will (a) extend the time of payment of the principal of or interest on any of said bonds or reduce the principal amount thereof or the rate of interest thereon; or (b) give to any of said bonds secured by this Ordinance any preference over any other of said bond or bonds; or (c) authorize the creation of any lien prior to the pledge of the revenues afforded by this Ordinance for the Bonds and any Additional Bonds. Any modification of the provisions of this Ordinance made as aforesaid shall be set forth in a supplemental ordinance to be adopted by the Mayor and City Council of said City.

Section 21. So long as any of the Bonds or any Additional Bonds of equal lien are outstanding, each of the obligations, duties, limitations and restraints imposed upon the City by this Ordinance shall be deemed to be a covenant between the City and every holder of said bonds, and this Ordinance and every provision and covenant thereof shall constitute a contract of the City with every holder from time to time of said bonds. Any holder of a Bond or Additional Bond or Bonds may by mandamus or other appropriate action or proceeding at law or in equity in any court of competent jurisdiction enforce and compel performance of this Ordinance and every provision and covenant thereof including, without limiting the generality of the foregoing, the enforcement of the performance of all duties required by the City by this Ordinance and the applicable laws of the State of Nebraska, including in such duties the making and collecting of sufficient rates, rentals, fees or charges for the use and service of the Electric Utility, the segregation of the revenues of said system and the application thereof to the respective Fund and Accounts referred to and described in Section 11 of this Ordinance.

Section 22. The City's obligations under this Ordinance and the liens, pledges, dedications, covenants and agreements of the City herein made or provided for shall be fully discharged and satisfied as to any Bonds or Additional Bonds issued hereunder, and said bonds shall no longer be deemed outstanding

hereunder, if such bonds shall have been purchased and cancelled by the City or, as to any of said bonds not theretofore purchased and cancelled by the City, when payment of the principal of and any applicable redemption premium, if any, on such bonds plus interest thereon, to the respective dates of maturities or redemption (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided for by depositing in escrow with any state or national bank having trust powers, or trust company, in trust solely for such payment (i) sufficient monies to make such payment or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal at such time or times as will insure the availability of sufficient monies to make such payment, and such bonds shall cease to draw interest from the date of their redemption or maturity and, except for the purposes of such payment, shall no longer be entitled to the benefits of this Ordinance except for payment from such deposit and shall no longer be considered as outstanding; provided that, with respect to any such bonds called or to be called for redemption, the City shall have duly given notice of redemption, or made irrevocable provision for giving such notice. Any such monies so deposited with the aforesaid bank or trust company as provided in this section may be invested and reinvested in Government Obligations at the direction of the City, and all interest and income from all such Government Obligations in the hands of the aforesaid bank or trust company which is not required to pay principal or interest on such bonds for which deposit has been made shall be paid to the City as and when realized and collected.

Section 23. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as the initial purchaser thereof, upon receipt of the purchase price as determined in the Designation, which may include an underwriter's discount of not to exceed 2.50%, and the City Treasurer is authorized to deliver the bonds to said purchaser upon receipt of the purchase price plus accrued interest to date of payment. Said Bonds are sold to the purchaser subject to the opinion of independent bond counsel that said Bonds are lawfully issued; that said Bonds constitute a valid obligation of the City; and that under existing laws and regulations, the interest on said Bonds is exempt from both Nebraska state and federal income taxes. The Authorized Officers are hereby authorized to approve, execute and deliver a Bond Purchase Agreement on behalf of the City.

Section 24. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2026, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Bonds, under the titles (i) "Direct Debt", (ii) "Overlapping Debt", and (iii) "Taxable Valuation History" (collectively, the "Annual Financial Information");

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

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

(1) principal and interest payment delinquencies;

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

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

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

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);

(13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation, any of which reflect financial difficulties.

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

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 25. The officers of the City are hereby authorized to execute and deliver any and all certificates and documents and to take any and all actions determined appropriate in connection with the issuance and sale of the Bonds, without limitation, to review and approve a preliminary official statement related to the Bonds and approval of a final official statement on behalf of the City, and said final official statement, if and as applicable, shall be delivered in accordance with the requirements of the Rule.

Section 26. The City hereby covenants to the purchasers and holders of the Bonds that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended, (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. Unless otherwise provided in the Designation, the City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably anticipate issuing tax-exempt bonds or other tax-exempt obligations aggregating in principal amount more than $10,000,000 during the calendar year in which the Bonds are issued, taking into consideration statutory exceptions relating to refunding issues.

Section 27. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 28. This ordinance shall be published in pamphlet form and take effect as provided by law.

Section 29. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of

this Ordinance.

Section 30. All ordinances, resolutions or orders or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

PASSED AND APPROVED this 26th day of August, 2026.

____
Mayor

ATTEST:

____
City Clerk

(S E A L)

Exhibit "A"

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

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

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

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

(b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

(i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;

(ii) Form 8038 series filed with the Internal Revenue Service;

(iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;

(iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;

(v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and

(vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.

(c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and

(d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

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

Obligation.

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

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

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

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

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

I, the undersigned City Clerk for the City of David City, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on ___________, 2026; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; kept continually current, was available for public inspection at the office of that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

____
City Clerk

[SEAL]

NOTICE OF PUBLICATION

OF ORDINANCE NO. 1541

IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at 7 o'clock p.m. on August 26, 2026, there was passed and adopted Ordinance No. 1541 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

____
City Clerk

[SEAL]

Publish One Time: _________, 2026

7796695.3

EXTRACT OF MINUTES
CITY OF DAVID CITY, NEBRASKA
(Electric Utility Revenue Refunding Bonds, Series 2026)

A meeting of the Mayor and Council of the City of David City, in the State of Nebraska was convened in open and public session at 7:00 P.M. on August 26, 2026 at City Hall, 490 E Street, David City, NE 68632. Present were: Mayor __________________; Councilmembers: ____ _________________________. Absent were: _______________________________________.

Notice of the meeting was given in advance thereof by publication, the City's designated method for giving notice, a copy of the proof of publication being attached to these Minutes. Notice of this meeting was given in advance to the Mayor and all members of the City Council and a copy of their Acknowledgment of Receipt of Notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. The Mayor publicly stated to all in attendance at the beginning of the meeting that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Councilmember ________________ offered the following resolution and moved its passage and adoption:

RESOLUTION NO. 11-2026

A RESOLUTION AUTHORIZING THE DIRECTION FOR CALL REGARDING CERTAIN OBLIGATIONS OF THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

Section 1. That the following bonds (collectively, the "Refunded Obligations"), in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the Refunded Obligations will cease:

Electric Utility Revenue Bonds, Series 2023, dated September 15, 2023, in the total principal amount of $995,000, numbered as shown on the books and records of the Paying Agent and

Registrar and maturing in the principal amount(s) as follows:

Principal Amount	**Maturity Date**	**Interest Rate**	**CUSIP**
$365,000	December 15, 2029	4.400%	238556 CF9
$630,000	December 15, 2034	4.550%	238556 CG7

Section 2. The Refunded Obligations are to be paid at the office of paying agent and registrar for such obligations (the "Paying Agent and Registrar").

Section 3. The Mayor or City Treasurer of the City (each, an "Authorized Officer") are each individually hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Obligations on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to June 30, 2027, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Obligations to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Obligations in accordance with the ordinances authorizing the issuance of the Refunded Obligations, and to take all other actions deemed necessary in connection with the redemption of the Refunded Obligations.

PASSED AND APPROVED this 26th day of Augus, 2026.

ATTEST:

By ________________________
Mayor

____
City Clerk

(S E A L)

Council Member ______________________________ introduced Ordinance No. 1541 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member _____________ seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: ___________________________________ ____. The following voted NAY: ___________. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member ________________ moved for final passage of the ordinance, which motion was seconded by Council Member _______________. The Mayor then stated the question was "Shall Ordinance No. ____ be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: _______________ ____. The following voted NAY: ___________. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 1541

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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

(a) that the City owns and operates an electric light and power plant and distribution system (hereinafter, the "Electric Utility"), which Electric Utility is hereby determined to be a revenue producing utility for which revenue bonds may be issued pursuant to Sections 18-1803 to 18-1805, Reissue Revised Statutes of Nebraska, 2012, as amended;

(b) that the City presently has outstanding its Electric Utility Revenue Bonds, Series 2023, dated September 15, 2023 (the "Refunded Bonds"), a portion of which are to be refunded with proceeds of the bonds herein authorized; and

(c) that the City has the authority to pledge, to the extent required to secure the bonds herein contemplated, the revenues of the City's Electric Utility; that it is necessary to issue Electric Utility Revenue Refunding Bonds, Series 2026, in the amount of not to exceed One Million Fifty Thousand Dollars ($1,050,000), which bonds will be payable from and shall be a lien upon the revenue and earnings of the Electric Utility of the City; and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Electric Utility Revenue Refunding Bonds, Series 2026, contemplated herein do exist and have been done and performed in regular and due form as required by law.

Section 2. Unless the context shall clearly indicate otherwise, the following terms shall have the following meanings when used in this ordinance:

a) "Bonds" shall mean not to exceed $1,050,000 principal amount of Electric Utility Revenue Refunding Bonds, Series 2026, authorized pursuant to Section 3 of this ordinance at any time outstanding;

b) "Additional Bonds" shall mean any bond including refunding bonds, authorized and issued pursuant to the provisions of Section 16 of this ordinance at any time outstanding, which are payable on a parity with the Bonds and equally and ratably secured therewith;

c) "average annual debt service requirements" shall mean that sum determined by adding all of the principal and interest which become due when computed to the absolute maturity of the Bonds and any Additional Bonds and dividing such total by the number of years that the longest bond of any issue has to run to maturity;

d) the "Electric Utility" shall mean the electric light and power plant and distribution system of the City as now existing and all additions (including any additional utility systems which might hereafter be lawfully included in the Electric Utility of the City), extensions and improvements hereafter made; and

e) "permitted investments" shall mean, to the extent that the same are authorized investments for funds of the Issuer under Nebraska Law:

(1) Cash (insured at all times by the FDIC or otherwise collateralized as required by applicable law);

(2) Obligations of, or obligations guaranteed as to principal and interest by, the United States Government or any agency or instrumentality thereof, when such obligations are backed by the full faith and credit of the U.S. including: (a) U.S. treasury obligations, (b) all direct or fully guaranteed obligations, (c) Farmers Home Administration, (d) General Services Administration, (e) Guaranteed Title XI financing, (f) Government National Mortgage Association (GNMA), or (g) State and Local Government Series (any security used for defeasance must provide for the timely payment of principal and interest and cannot be callable or prepayable prior to maturity or earlier redemption of the defeased debt);

(3) U.S. dollar denominated deposit accounts, federal funds and bankers' acceptances with domestic commercial banks which have a rating on their short term certificates of deposit on the date of purchase of "P-1" by Moody's and "A-1" or "A-1+" by S&P and maturing not more than 360 calendar days after the date of purchase (ratings on holding companies are not considered as the rating of the bank);

(4) Commercial paper which is rated at the time of purchase in the single highest classification, "P-1" by Moody's and "A-1+" by S&P and which matures not more than 270 calendar days after the date of purchase;

(5) Money market funds rated "AAAm" or "AAAm-G" or better by S&P;

(6) Municipal Obligations rated "Aaa/AAA" or general obligations of States with a rating of "A2/A" or higher by both Moody's and S&P; or

(7) To the extent permitted by law, in Bonds or Additional Bonds (which Bonds so purchased shall be held for the credit of the various accounts and not cancelled), and in bond anticipation notes of the City and in paving, sewer and water warrants of the City which are to be funded by the issuance of bonds of the City.

f) "revenues" shall mean all the rates, rentals, fees, charges, earnings and other monies from any source whatever derived by the City through its ownership and operation of its Electric Utility.

Section 3. For the purposes as set out in Section 1 hereof, there shall be and there hereby are ordered issued Electric Utility Revenue Refunding Bonds, Series 2026 (the "Bonds"), of the aggregate principal amount of not to exceed One Million Fifty Thousand Dollars ($1,050,000), with said Bonds to mature and become due on such dates and in such years and in such amounts and bear interest at the rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or City Treasurer (each, an "Authorized Officer") on behalf of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), which Designation may also determine or modify the mandatory redemption provisions (if any), and pricing terms as set forth in Section 23 below, all within the following

limitations:

(a) the aggregate principal amount of the Bonds shall not exceed $1,050,000;

(b) the all-in true interest cost of the Bonds shall not exceed 5.75%;

(c) The longest maturity of the Bonds shall not be later than December 15, 2046;

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

Such determinations, when made and agreed to by the Underwriter, shall constitute the action of the City without further action of the Board.

The Bonds shall be in the denomination of $5,000 or any integral multiple thereof and shall be numbered from 1 upward in the order of their issuance. No Bonds shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be payable semiannually on June 15 and December 15 of each year, starting June 15, 2027 (or such other date as determined in the Designation). The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the interest payment date (or such other date as determined in the Designation, the "Record Date"), subject to the provisions of Section 4 hereof. Payment of interest due on the Bonds prior to maturity shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each Bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 4 hereof. Payment of principal due at maturity, or at any date fixed for redemption prior to maturity, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the City nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of such bond at maturity or any interest installment is not paid when due, the delinquent bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01, R.R.S. Neb. 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 4. Unless as otherwise determined in the Designation, the BOKF, National Association, in Lincoln, Nebraska, is hereby designated as Paying Agent and Registrar for the Bonds. The City reserves the right to appoint a successor paying agent and registrar. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the office of the Paying Agent and Registrar in Lincoln, Nebraska or the office of any duly-appointed successor, as applicable. The names

and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the City will register such transfer and will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond or Bonds shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following interest payment date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption. In the event that payments of interest due on the Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. The Bonds shall be subject to optional redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as provided in the Designation) at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the bonds to be redeemed from such optional redemption in its sole discretion but bonds shall be redeemed only in the amount of $5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address, provided, however, that no such direction shall be required in the case of mandatory redemption. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and Council designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 5 shall apply generally to mandatory redemptions.

Section 6. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such

payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 7. The Bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Mayor and City Clerk, said bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond and such Treasurer shall cause said bonds to be registered in the office of the Auditor of Public Accounts. The Paying Agent and Registrar shall register each Bond in the name of its initial registered owner as designated by the initial purchaser. Each Bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF BUTLER
CITY OF DAVID CITY

ELECTRIC UTILITY REVENUE REFUNDING BOND, SERIES 2026

Interest Rate	Maturity Date	Date of Original Issue	CUSIP No.
%			

Registered Owner: _________________________

Principal Amount: _________________________

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

The City, however, reserves the right and option of paying bonds of this issue prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof at par plus accrued interest on the principal amount redeemed to the date fixed for redemption.

Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds (the “Ordinance”). Individual bonds may be redeemed in part but only in the amount of $5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of $_______________, of like tenor herewith except as to denomination, date of maturity and rate of interest

issued by said City for the purpose of refunding the City's outstanding Electric Utility Revenue Bonds, Series 2023, in pursuance of the provisions of Sections 10-142 and 18-1803 to 18-1805, R.R.S. Neb. 2012. This bond and the others of said issue have been duly authorized by the Ordinance duly passed and adopted by the Mayor and Council of said City.

The revenue and earnings derived and to be derived from the operation of the electric light and power plant and distribution system owned and operated by the City, and all extensions and additions thereto and all improvements thereof hereafter made (hereinafter, the "Electric Utility") are pledged and hypothecated, all of which bonds of said issue are equally and ratably secured by said pledge and are of equal priority as to lien upon the revenues and earnings of said Electric Utility owned and operated by the City and are not general obligations of the City , subject only to the payment of reasonable expenses of operating and maintaining said Electric Utility. The City agrees to maintain and collect rates and charges for electric service which shall be reasonable and adequate to produce revenues and earnings sufficient at all times to pay the interest and principal of all of said bonds as such interest and principal become due and to maintain and operate said Electric Utility efficiently. The Ordinance constitutes a contract between the City and the holders of said bonds and reserves the right to the City to issue bonds equal in lien to the bonds of this series of bonds or junior lien bonds or notes under certain conditions. The bonds of this issue are not general obligations of the City and are payable solely from the revenues of said Electric Utility as so pledged.

Under the Ordinance, the City has agreed to establish and maintain a special fund known as the Electric Utility Fund into which it will pay all of the gross revenues collected and received from the operation of its said Electric Utility and will use the monies in said fund only for the operation and maintenance of said Electric Utility and for the payment of the interest and principal of the bonds of this series and Additional Bonds authorized in accordance with the terms of said Ordinance and for such other purposes as are permitted by said Ordinance and will apply the monies in said fund to the payment of said bonds as the principal and interest thereof become due.

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

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

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B)

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond and the series of which this bond is a part in order to make the same legal and binding obligations of said City according to the terms thereof, do exist, have happened and have been performed in due time, form and manner as required by law, and that before the issuance of this bond provision has been duly made for the collection and segregation of the revenue of the City's electric light and power plant and distribution system and for the application of the same as hereinbefore provided.

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

CITY OF DAVID CITY, NEBRASKA

By (sample do not sign)
Mayor

ATTEST:

(sample do not sign)
City Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

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

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

By (sample do not sign)

(FORM OF ASSIGNMENT)

For value received ______________________ hereby sells, assigns and transfers unto __________________________________ the within bond and hereby irrevocably constitutes and appoints _______________________________ Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: ___________________________

SIGNATURE GUARANTEED

____

Registered Owner

By _________________________

____

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. For the payment of the Bonds, the City hereby pledges and hypothecates the entire revenue and earnings of the Electric Utility subject only to the payment of reasonable expenses of operating and maintaining said Electric Utility.

Section 10. The City will maintain and collect rates and charges for all electric service furnished from its Electric Utility adequate to produce revenue and earnings sufficient at all times:

(a) to provide for the payment of interest on and principal of the Bonds and any Additional Bonds as such interest and principal become due;

(b) to pay all reasonable costs of operation and maintenance of the Electric Utility, including adequate insurance as provided by this ordinance and to pay for the necessary and reasonable repairs, replacements and extensions of said Electric Utility;

(c) to establish and maintain an Electric Utility Bond Reserve Account and Improvement and Extension Account as hereinafter set forth.

Section 11. The entire revenue and earnings derived from the operation of the Electric Utility of said City shall be set aside as collected and deposited in a separate fund and designated as the "Electric Utility Fund", the creation of which is hereby confirmed. The monies in the Electric Utility Fund shall be deposited in a separate bank account properly identified as such in a bank or banks designated by the Mayor and shall be secured as provided by law for public deposits. The City shall set up and maintain as long as the Bonds or any Additional Bonds are outstanding the following accounts for the administration of said fund:

I. OPERATION AND MAINTENANCE ACCOUNT: The establishment within the Electric Utility Fund of a separate account designated as the "Operation and Maintenance Account" is hereby confirmed. The City shall set aside in this account each month an amount sufficient for the operation and maintenance of its Electric Utility and the expenses of maintenance and operation of said Electric Utility shall be paid out of this account.

II. ELECTRIC UTILITY REVENUE BOND ACCOUNT: The establishment within the Electric Utility Fund of a separate account designated as the "Electric Utility Revenue Bond Account" is hereby confirmed. The City shall transfer to the Electric Utility Revenue Bond Account such amounts as follows:

(1) Commencing on the first (1st) day of the month following the month in which the Bonds are issued (the "Initial Deposit Date"), and continuing on the corresponding day of each month thereafter an amount which, when combined with additional equal monthly amounts to be deposited pursuant to this subparagraph prior to the next falling Interest Payment Date, will be sufficient to provide funds to pay the installment of interest due with respect to the Bonds on such Interest Payment Date; and

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

Such transfers to the Electric Utility Revenue Bond Account shall be made in such amounts and at such times that there will be sufficient sums in such account to make the required payments of principal and interest with respect to the Bonds. Upon the issuance of any Additional Bonds pursuant to this ordinance, appropriate additional monthly payments to the Electric Utility Revenue Bond Account shall be provided in an amount sufficient to pay the principal and interest on such Additional Bonds. The monies in the Electric Utility Revenue Bond Account shall be used only for the payment of principal and interest on the Bonds and any Additional Bonds issued pursuant to this ordinance.

III. ELECTRIC UTILITY BOND RESERVE ACCOUNT: Within the Electric Utility Bond Reserve Account, there has been and shall be established separate sub-accounts for the Bonds and each series of Additional Bonds, as shall be deemed appropriate by the Mayor and Council in connection with each such issue. For the Bonds there is hereby ordered established the 2026 Bond Reserve Sub-account into which there shall be deposited from the proceeds of the Bonds or other fund of the City the sum of $0.00 (or such other amount as set forth in the Designation, the “2026 Required Balance”) which shall be maintained as the required balance so long as any of the Bonds remain outstanding. Monies credited to the 2026 Bond Reserve Sub-account may be withdrawn, as needed, to provide funds to pay when due the principal of and interest on the Bonds, if the Electric Utility Revenue Bond Account contains insufficient funds for such purpose, and the City Treasurer is hereby authorized and directed to make such withdrawal if and when needed. The 2026 Bond Reserve Sub-account has been established with respect to and shall be maintained for the security of the Bonds only. In the event of any withdrawal from the 2026 Bond Reserve Sub-account but subject to allocation among other sub-accounts in the Electric Utility Bond Reserve Account as described below, there shall be credited to the 2026 Bond Reserve Sub-account in the month following such withdrawal all monies in the Electric Utility Fund remaining after making the payments required to be made in such month to the Operation and Maintenance Account and the Electric Utility Revenue Bond Account and each month thereafter all such remaining monies shall be credited to the 2026 Bond Reserve Sub-account until such sub-account has been restored to the 2026 Required Balance. In issuing any series of Additional Bonds a separate sub-account in the Electric Utility Bond Reserve Account may be established for such series of Additional Bonds but is not required under the terms of this Ordinance. In no event shall the required balance for any such additional sub-account established for any series of Additional Bonds within the Electric Utility Bond Reserve Account (which shall be set at the discretion of the City and may be $0), exceed an amount equal to 1.20 times the average annual debt service requirements for the issue of additional bonds for which such reserve sub-account is established. The balance in any such additional sub-account may be funded from monies on hand or from periodic deposits from revenues in the Electric Utility Fund or from the proceeds of such Additional Bonds. Each sub-account in the Electric Utility Bond Reserve Account and available monies from the Electric Utility Fund required to be credited to each such sub-account at any time shall be allocated on a pro rata basis between sub-accounts then requiring credits in accordance with the respective unpaid principal amounts then outstanding for each such issue for which there is a sub-account requiring credits. Each sub-account in the Electric Utility Bond Reserve Account shall constitute a separate fund held in trust by the City Treasurer for the separate benefit of the issue of bonds for which it is established. Anything in this Subsection 11(III) to the contrary notwithstanding, the amount required to be maintained in the Electric Utility Bond Reserve Account or any sub-account therein shall not at any time exceed the maximum amount permitted to be invested without yield under Section 148 of the Internal Revenue Code of 1986, as amended, or any successor provision or related statutory limitation and applicable regulations of the United States Treasury Department.

IV. IMPROVEMENT AND EXTENSION ACCOUNT: The Designation may contain provisions for a monthly credit to such Account of an amount in addition to that required (if any) under the terms of this ordinance. Monies in this Account (if any) may be used for maintenance, improvement, replacement, enlargement or extension of the Electric Utility, including payments of principal and interest on general

obligation bonds of the City issued to improve, extend or enlarge any part of the Electric Utility, and at any time monies are spent from the Account so as to reduce such account to an amount less than the required fund balance (if any) plus additional amounts required to be deposited into this Account by any ordinance authorizing Additional Bonds (if any), there shall, as soon as money is available after providing for the foregoing accounts, be deposited monthly into this Account a sum sufficient to return the balance of this Account to the then required balance.

V. SURPLUS ACCOUNT: After provisions have been made for each of the foregoing accounts, all remaining funds shall be transferred into the Surplus Account to be used as follows:

1) To fill any deficiency in the foregoing accounts.

2) To pay on an accelerated basis the required fund balance of the Electric Utility Bond Reserve Account or the Improvement and Extension Account.

3) To be used for any lawful purpose connected with the Electric Utility including paying principal and interest on general obligation bonds or junior lien revenue bonds or notes of the City authorized to pay the cost of constructing improvements to the Electric Utility.

4) Retiring the Bonds and Additional Bonds prior to their maturity under their option provisions or by purchase on the open market.

5) To be transferred to the general fund of the City for any lawful municipal purpose.

Monies on deposit in the Electric Utility Fund, which have not as yet been credited to an account therein in accordance with this section, and monies credited to the Operation and Maintenance Account, the Electric Utility Revenue Bond Account, the Improvement and Extension Account and the Surplus Account may, to the extent practicable and reasonable, be invested in permitted investments, maturing in the case of unallocated monies invested from the Electric Utility Fund not later than the first business day of the month next following such investment and maturing in the case of monies invested from the Operation and Maintenance Account, the Electric Utility Revenue Bond Account and the Improvement and Extension Account at such times and in such amounts as shall be required to provide monies to make the payments reasonably anticipated to be made from said accounts. Monies credited to the Electric Utility Bond Reserve Account shall be invested in permitted investments of the types described in clauses (1) or (2) of the definition thereof, maturing or redeemable at stated fixed prices at the option of the holder, by not more than five (5) years from the date of such investment. All interest and income derived from monies to the credit of the Electric Utility Fund, the Operation and Maintenance Account, and the Surplus Account shall, when realized and collected, be credited to the said Fund or to the respective Account from which such investments were made. All monies and income from investments made from monies credited to the Electric Utility Bond Reserve Account, the Improvement and Extension Account and the Electric Utility Revenue Bond Account shall, when realized and collected, be credited to the respective Account from which such investments were made, unless there shall then be credited thereto the respective full amounts required by paragraphs II, III and IV of this section, in which event such interest and income shall be credited to the Surplus Account. All investments held for the credit of any Fund or Account may be sold when required to make payments to be made from such Fund or Account.

It is understood that the revenues of the Electric Utility are to be credited to the various accounts hereinabove established in the order in which said Accounts have been listed, and if within any period the

revenues are insufficient to credit the required amounts in any of the said Accounts, the deficiencies shall be made up the following period or periods after payments into all Accounts enjoying a prior claim on the revenues have been made in full.

Section 12. The City is hereby authorized and directed to keep proper records, books and accounts (separate from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the said Electric Utility and all of the funds and accounts established hereby. Within nine (9) months after the close of each fiscal year a certified public accountant's report on the financial condition and results of operation shall be furnished upon request to the underwriter of the Bonds. The expense of such reports shall be considered an operating expense. Any holder or holders of twenty-five percent (25%) in aggregate principal amount of the bonds at the time then outstanding shall have the right at all reasonable times to inspect the Electric Utility and all records, accounts and data of the City relating thereto.

Section 13. The City Treasurer and the City Clerk shall be bonded, in addition to their official bond, by an insurance company or bonding company licensed to do business in Nebraska, in amounts sufficient to cover at all times all the revenues and earnings of the Electric Utility placed in their hands. Any other person employed by the City in the collection or handling of monies derived from the operation of said property shall also be bonded in an amount sufficient to cover all monies which may at any time be placed in such person's hands. The amount of such bonds shall be fixed by the Council and the cost thereof shall be paid from the earnings of said Electric Utility and they shall secure the faithful accounting of all monies.

Section 14. The City will carry adequate insurance on the Electric Utility in such amounts as are normally carried by private companies engaged in similar operations, including, without limiting the generality of the foregoing, fire and windstorm insurance, public liability insurance or workers compensation insurance and any insurance covering such risks as shall be recommended by a consulting engineer. The cost of all such insurance shall be regarded and paid as an operation and maintenance expense.

All such insurance policies shall be in such form and amount as shall be approved or recommended by a consulting engineer. All insurance proceeds, except proceeds from public liability insurance, shall be deposited into the Improvement and Extension Account and shall be used in making good the loss or damage in respect of which they were paid either by repairing the property damaged or replacing the property destroyed, and expenditures from said monies shall be made only upon a certificate issued by a consulting engineer and filed with the City Clerk stating that the proceeds, together with any other monies available for such purposes, are sufficient for the repair or replacement of any such properties; and when the City shall have been furnished with a certificate of a consulting engineer stating that the property damaged or destroyed has been fully repaired or replaced and such repairs or replacements have been fully paid for, the residue, if any, of such insurance proceeds shall be transferred from the Improvement and Extension Account to the Electric Utility Revenue Bond Account to make up any deficiency in said account, if any such deficiency exists, and if no such deficiency exists said residue shall be transferred to the Electric Utility Fund and credited to the accounts provided for in Section 11 in the same manner as other revenues of the Electric Utility.

If the proceeds of any insurance shall be insufficient to repair or replace the property damaged or destroyed, the City may use and shall pay out for such purpose, to the extent of such deficiency, any money remaining in the Improvement and Extension Account and the Surplus Account. If in the opinion of a consulting engineer the proceeds of any insurance, together with any amount then available for that purpose in the Improvement and Extension Account and Surplus Account shall be insufficient to fully complete and pay for such repairs or replacements and if the City shall fail to supply such deficiency from other sources

within a period of six months after receipt by the City of such insurance monies, or if in the opinion of a consulting engineer it is to the best interest of the City not to repair or replace all or any part of the damaged properties and that failure to repair or replace the damaged properties shall not affect the sufficiency of the income and revenue from the remaining properties to properly maintain and operate the same and provide funds for the Electric Utility Revenue Bond Account, Electric Utility Bond Reserve Account and Improvement and Extension Account, as herein provided for, then such insurance monies to the extent not applied to repair or replace the damaged properties shall be deposited in the Electric Utility Bond Reserve Account as described in Section 11 hereof and used for the purposes for which said account has been created, so as to fill said account to its required balance, or if said account is filled to is required balance, then to the Improvement and Extension Account to fill this account to its required balance and any amount which may be in excess of the amount required in the Improvement and Extension Account shall be credited to the Surplus Account.

If the holders of sixty percent (60%) or more in principal amount of the Bonds and any Additional Bonds at the time outstanding hereunder shall at any time direct the City in writing to do so, then any insurance monies theretofore credited to the Improvement and Extension Account and then in the hands of the City may be used for extensions and betterments of said Electric Utility properties or applied to the pro rata payment of the principal of and accrued interest on all such bonds then outstanding hereunder.

The proceeds of any and all policies for public liability or workers compensation insurance shall be paid to the respective claimants or to the City Treasurer to be held and used in paying the claims on account of which they were received.

Section 15. The City will maintain the Electric Utility in good condition and operate the same in an efficient manner and at a reasonable cost. The City agrees with the holders from time to time of the Bonds that the City will continue to own, free from all liens and encumbrances, and will adequately maintain and efficiently operate said Electric Utility; provided, however, the City may sell for cash property which is recommended to be sold by the manager or superintendent of utilities, or an independent Consulting Engineer, and which is determined as a matter of record by the Council to have become obsolete, non-productive or otherwise unusable to the advantage of the City.

Section 16. Nothing in this ordinance shall be construed in such a manner as to prevent the issuance by the City of Additional Bonds payable from the revenues of the Electric Utility of the City on a parity with the lien of the Bonds equally and ratably secured therewith and entitled to the security and benefits of this ordinance; provided, however, that before any such Additional Bonds are actually issued, the revenues of the Electric Utility, for the fiscal year next preceding the date of the authorization of such Additional Bonds, after deducting therefrom all costs of operation and maintenance of the Electric Utility for such fiscal year and before deduction of depreciation or interest as based on a certified public accountants report shall have been equal to 1.25 times the average annual bond requirements of the Bonds and any Additional Bonds proposed to be issued or such revenues would have met such test by applying the provisions of the second paragraph of this Section 16. If no audit report is available for the fiscal year next preceding the year in which such proposed Additional Bonds are issued, the report from the next proceeding year may be used in determining compliance with this section, provided that the City Treasurer shall certify that no substantial or material changes in circumstance have occurred which would reduce the amount of revenues of the Electric Utility so as to make the issuance of such Additional Bonds in conflict with this ordinance. For this purpose the average annual bond requirements shall be determined by adding all of the principal and interest which will become due when computed to the absolute maturity of the Bonds and Additional Bonds, if any, then outstanding and dividing such total by the number of years remaining that the longest bond of any such issue of bonds has to run to maturity.

In the event any change in the rates, rentals and charges for the use and service of the Electric

Utility has been made during the preceding fiscal year or during the interval between the end of such fiscal year and the issuance of such Additional Bonds, or in the event the City shall covenant in the ordinance or resolution authorizing the issuance of such Additional Bonds to impose, effective upon the issuance of such Additional Bonds, higher rates, rentals and charges for such use and service, compliance with the provisions of this Section 16 of this ordinance may be evidenced by a certificate of an independent Consulting Engineer or firm of engineers or Certified Public Accountant or independent Certified Public Accountants to be filed with the City Clerk prior to the issuance of any such Additional Bonds. Such certificate shall state fully the facts upon which such certificate is based and, if it is a certificate of the Consulting Engineer or firm of Consulting Engineers, shall have attached thereto the certified financial statement for the fiscal year next preceding the date of authorization of such Additional Bonds used by the Engineer or firm of Engineers in arriving at the conclusion stated in said certificate. The Consulting Engineer or independent Certified Public Accountant of the City shall, in determining the earnings for such fiscal year adjust the collections to reflect the result as if such changed rates, rentals and charges, or such higher rates, rentals and charges had been in existence for such entire preceding fiscal year period, and the amount of such net collections and adjusted earnings as aforesaid shall be conclusive evidence and the only evidence required to show compliance with the provisions and the requirements of Section 16 of this ordinance.

If the City shall find it desirable, the City shall also have the right when issuing additional bonds to combine with its Electric Utility any water or sewer gas distribution system, water system, sanitary sewer system or any solid waste disposal system (including transfer stations) or any other utility or revenue producing facility of the City (which shall thereafter be known as the "Combined Utilities System") authorized to be combined under Sections 18-1803 through 18-1805 R.R.S. Nebraska 2012, and to cause all of the revenues of all such combined utility systems to be paid into the Electric Utility Fund, and to provide that all of the Bonds all as then outstanding, and any proposed issue of Additional Bonds shall be payable from the revenues of such Combined Utilities System and shall stand on a parity and in equality as to security and payment, provided, however, no utility shall be combined with the current Electric Utility and such other combined utilities as contemplated in this paragraph unless the City is current with all the payments required to be made into the accounts created in Section 11 and the net revenues of such Electric Utility system shall satisfy at least one of the requirements for additional bonds provided in this Section 16. For purposes of meeting such requirements, the definition of revenues of the Electric Utility shall include the additional utility or utilities and take into consideration the ordinary expenses of operating and maintaining the additional utility or utilities and for such purposes any engineer furnishing projections may take into consideration the factors described in the second or third paragraphs of this Section 16.

If, prior to the payment of the bonds herein authorized, it shall be found desirable to refund any Additional Bonds then outstanding, under the provisions of any law then available, said bonds or any part thereof may be refunded without the consent of the holders thereof and the refunding obligations so issued shall enjoy complete equality of lien with the portion of the bonds which is not refunded, if any there be, and the refunding obligations shall continue to enjoy whatever priority of lien over subsequent issues may have been enjoyed by the bonds refunded, provided, however, the total of the interest and principal payment obligation in any succeeding year shall not be greater, after such refunding, than it would have been in each such succeeding year without such refunding without the consent of the holders of the unrefunded portion of said bonds. Refunding bonds shall also be permitted to be issued in accordance with the first three paragraphs of this Section 16 and for purposes of calculating average annual bond requirements, the City shall not be required to include principal or interest due on any bonds to be refunded, from and after the time that such refunded bonds shall no longer be outstanding under the terms of their authorizing ordinance.

Section 17. Nothing herein contained shall prevent the City from issuing bonds, revenue notes or other forms of indebtedness, the payment of the principal and interest of which is a charge upon all or a portion of the revenues of the Electric Utility, junior or inferior to the Bonds and to the payments to be

made into the Operation and Maintenance Account, Electric Utility Revenue Bond Account, the Electric Utility Bond Reserve Account and the Improvement and Extension Account, and the City shall have the right to pay interest thereon and the principal thereof, as long as no deficiency exists in the payments into such Accounts, from funds available for improvements and enlargements to the Electric Utility of the City or from other funds which are available for such debt service.

Section 18. The City will not hereafter grant any franchise or right to any person, firm or corporation to own or operate an electric, water or sewer plant or system in competition with those owned by the City.

Section 19. While any of the Bonds are outstanding, the City will render bills to all customers for electric service and, subject to applicable statutes and rules, if bills are not paid within sixty days after due, the City will use all remedies lawfully available to collect such amounts due and owing.

Section 20. Except for amendments which are required for the correction of language to cure any ambiguity or defective or inconsistent provisions, omission or mistake or manifest error contained herein, no changes, additions or alterations of any kind shall be made by the City in the provisions of this Ordinance in any manner; provided, however, that from time to time the holders of sixty percent (60%) in principal amount of the Bonds and of Additional Bonds outstanding authorized hereunder (not including any of said bonds credited to any of the accounts set out in Section 11 of this Ordinance or any other of said bonds owned or controlled directly or indirectly by the City) by an instrument or instruments in writing signed by such holders and filed with the City Clerk shall have power to assent to and authorize any modification of the rights and obligations of the City and of the holders of the Bonds and of Additional Bonds and the provisions of this Ordinance that shall be proposed by the City, and any action authorized to be taken with the assent and authority given as aforesaid of the holders of sixty percent (60%) in principal amount of said bonds shall be binding upon all holders of said Bonds and Additional Bonds at the time outstanding hereunder and upon the City as fully as though such action were specifically and expressly authorized by the terms of this Ordinance; provided, always, that no such modification shall be made which will (a) extend the time of payment of the principal of or interest on any of said bonds or reduce the principal amount thereof or the rate of interest thereon; or (b) give to any of said bonds secured by this Ordinance any preference over any other of said bond or bonds; or (c) authorize the creation of any lien prior to the pledge of the revenues afforded by this Ordinance for the Bonds and any Additional Bonds. Any modification of the provisions of this Ordinance made as aforesaid shall be set forth in a supplemental ordinance to be adopted by the Mayor and City Council of said City.

Section 21. So long as any of the Bonds or any Additional Bonds of equal lien are outstanding, each of the obligations, duties, limitations and restraints imposed upon the City by this Ordinance shall be deemed to be a covenant between the City and every holder of said bonds, and this Ordinance and every provision and covenant thereof shall constitute a contract of the City with every holder from time to time of said bonds. Any holder of a Bond or Additional Bond or Bonds may by mandamus or other appropriate action or proceeding at law or in equity in any court of competent jurisdiction enforce and compel performance of this Ordinance and every provision and covenant thereof including, without limiting the generality of the foregoing, the enforcement of the performance of all duties required by the City by this Ordinance and the applicable laws of the State of Nebraska, including in such duties the making and collecting of sufficient rates, rentals, fees or charges for the use and service of the Electric Utility, the segregation of the revenues of said system and the application thereof to the respective Fund and Accounts referred to and described in Section 11 of this Ordinance.

Section 22. The City's obligations under this Ordinance and the liens, pledges, dedications, covenants and agreements of the City herein made or provided for shall be fully discharged and satisfied as to any Bonds or Additional Bonds issued hereunder, and said bonds shall no longer be deemed outstanding

hereunder, if such bonds shall have been purchased and cancelled by the City or, as to any of said bonds not theretofore purchased and cancelled by the City, when payment of the principal of and any applicable redemption premium, if any, on such bonds plus interest thereon, to the respective dates of maturities or redemption (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided for by depositing in escrow with any state or national bank having trust powers, or trust company, in trust solely for such payment (i) sufficient monies to make such payment or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal at such time or times as will insure the availability of sufficient monies to make such payment, and such bonds shall cease to draw interest from the date of their redemption or maturity and, except for the purposes of such payment, shall no longer be entitled to the benefits of this Ordinance except for payment from such deposit and shall no longer be considered as outstanding; provided that, with respect to any such bonds called or to be called for redemption, the City shall have duly given notice of redemption, or made irrevocable provision for giving such notice. Any such monies so deposited with the aforesaid bank or trust company as provided in this section may be invested and reinvested in Government Obligations at the direction of the City, and all interest and income from all such Government Obligations in the hands of the aforesaid bank or trust company which is not required to pay principal or interest on such bonds for which deposit has been made shall be paid to the City as and when realized and collected.

Section 23. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as the initial purchaser thereof, upon receipt of the purchase price as determined in the Designation, which may include an underwriter's discount of not to exceed 2.50%, and the City Treasurer is authorized to deliver the bonds to said purchaser upon receipt of the purchase price plus accrued interest to date of payment. Said Bonds are sold to the purchaser subject to the opinion of independent bond counsel that said Bonds are lawfully issued; that said Bonds constitute a valid obligation of the City; and that under existing laws and regulations, the interest on said Bonds is exempt from both Nebraska state and federal income taxes. The Authorized Officers are hereby authorized to approve, execute and deliver a Bond Purchase Agreement on behalf of the City.

Section 24. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2026, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Bonds, under the titles (i) "Direct Debt", (ii) "Overlapping Debt", and (iii) "Taxable Valuation History" (collectively, the "Annual Financial Information");

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

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

(1) principal and interest payment delinquencies;

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

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

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

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the holders of the Bonds, if material;

(8) bond calls, if material, and tender offers;

(9) defeasances;

(10) release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);

(13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation, any of which reflect financial difficulties.

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

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 25. The officers of the City are hereby authorized to execute and deliver any and all certificates and documents and to take any and all actions determined appropriate in connection with the issuance and sale of the Bonds, without limitation, to review and approve a preliminary official statement related to the Bonds and approval of a final official statement on behalf of the City, and said final official statement, if and as applicable, shall be delivered in accordance with the requirements of the Rule.

Section 26. The City hereby covenants to the purchasers and holders of the Bonds that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended, (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. Unless otherwise provided in the Designation, the City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably anticipate issuing tax-exempt bonds or other tax-exempt obligations aggregating in principal amount more than $10,000,000 during the calendar year in which the Bonds are issued, taking into consideration statutory exceptions relating to refunding issues.

Section 27. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 28. This ordinance shall be published in pamphlet form and take effect as provided by law.

Section 29. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of

this Ordinance.

Section 30. All ordinances, resolutions or orders or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

PASSED AND APPROVED this 26th day of August, 2026.

____
Mayor

ATTEST:

____
City Clerk

(S E A L)

Exhibit "A"

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

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

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

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

(b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

(i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;

(ii) Form 8038 series filed with the Internal Revenue Service;

(iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;

(iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;

(v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and

(vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.

(c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and

(d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

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

Obligation.

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

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

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

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

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

I, the undersigned City Clerk for the City of David City, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on ___________, 2026; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; kept continually current, was available for public inspection at the office of that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

____
City Clerk

[SEAL]

NOTICE OF PUBLICATION

OF ORDINANCE NO. 1541

IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at 7 o'clock p.m. on August 26, 2026, there was passed and adopted Ordinance No. 1541 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC UTILITY REVENUE REFUNDING BONDS, SERIES 2026, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIFTY THOUSAND DOLLARS ($1,050,000) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING ELECTRIC UTILITY REVENUE BONDS, SERIES 2023; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

____

City Clerk

[SEAL]

Publish One Time: _________, 2026

7796695.3

ORDINANCE NO. 1542

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA PROVIDING FOR THE LEVY OF A GENERAL BUSINESS OCCUPATION TAX; PROVIDING FOR THE ADMINISTRATION, IMPOSITION AND COLLECTION OF SUCH OCCUPATION TAX; AND SPECIFYING THE USE OF SUCH OCCUPATION TAX REVENUE.

WHEREAS, the Mayor and City Council of the City of David City, Nebraska (the "City"), previously adopted a plan for the redevelopment of areas designated blighted and substandard and in need of redevelopment, entitled, "Redevelopment Plan for GDC Properties, LLC, Redevelopment Project", as amended (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan set forth a phased mixed-use redevelopment project located in the City (collectively, the "Redevelopment Project"); and

WHEREAS, one phase of the Redevelopment Project contemplates the construction of a new hotel (the "Hotel Project") on a portion of Redevelopment Project site, as described and depicted on Exhibit 1, attached hereto and incorporated herein (the "Hotel Site"); and

WHEREAS, on April 8, 2026, via Resolution No. 4-2026, the Mayor and Council of the City approved an amendment to the Redevelopment Plan, which designated the Hotel Site as an "enhanced employment area", as defined under section 18-2142.02 of the Nebraska Community Redevelopment Law, sections 18-2101 et seq. (the "Act"); and

WHEREAS, pursuant to section 18-2142.02 of the Act, the City may levy a general business occupation tax upon all non-exempt businesses and users of space within an enhanced employment area; and

WHEREAS, the City, the Community Development Agency of the City (the "Agency"), and the Hotel Site developer have entered into, or will enter into, an agreement governing the levy of the general business occupation tax upon all non-exempt businesses and users of space within the Hotel Site to fund certain eligible expenses of the Hotel Project, as provided under the Act (the "Occupation Tax Agreement"); and

WHEREAS, in consideration of the foregoing, the City wishes to levy a general business occupation tax upon all non-exempt businesses and users of space within the Hotel Site via this Ordinance pursuant to the below terms and conditions.

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

Section 1. Enhanced Employment Area. This Ordinance, and the Occupation Tax set forth herein, shall apply to the Hotel Site, as described on Exhibit "A", attached hereto and incorporated herein.

Section 2. Occupation Tax Imposed; Collection of Occupation Tax. Commencing January 1, 2027, and in each calendar month thereafter, there shall be imposed a general business occupation tax upon each and every business or user of space within the Hotel Site to which the City has issued, or will issue prior to the expiration of this Ordinance, a certificate of occupancy (the "Occupation Tax"). The amount of the Occupation Tax shall be as follows:

(a) two percent (2.00%) of the gross room and other sales of all hotels within the Hotel Site.

The foregoing businesses and/or users of space subject to the Occupation Tax are generally referred to herein as a "General Business". Notwithstanding the foregoing, no occupation tax shall be imposed on any transaction which is subject to tax under sections 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602 or 77-4008 of the Nebraska Revised Statutes or which is exempt from tax under section 77-2704.24 of the Nebraska Revised Statutes (each, an "Exempt Transaction").

Such Occupation Tax shall be imposed on the gross receipts resulting in the sale, lease, or rental of any products, rooms, units or services by a General Business within the Hotel Site; provided, however, that such receipts of Exempt Transactions shall be excluded and exempt from such Occupation Tax. Each General Business may itemize the Occupation Tax levied on a bill, receipt, or other invoice to the purchaser, but each General Business shall be ultimately liable for the tax imposed by this Ordinance.

Section 3. Return. Each General Business within the Hotel Site for the calendar month beginning January 1, 2027, and for each and every month thereafter, shall prepare and file, on or before the 25th day of the following month on a form prescribed and furnished by the City Clerk of the City (the "City Clerk"), a return for such month, and at the same time pay to the City the tax herein imposed. An officer or authorized agent of the General Business shall submit a sworn statement with respect to the contents of each return. The City shall consider the return filed on time if mailed in an envelope properly addressed to the City Clerk, postage prepaid and postmarked before midnight of the 25th day of the appropriate month.

Section 4. Tax Cumulative. The levy of the tax under this Ordinance is in addition to all other fees, taxes, excises and licenses levied and imposed under any contract or any other ordinances of the City, in addition to any fee, tax, excise or license imposed by the State of Nebraska or federal government.

Payment of the tax imposed by this Ordinance shall not relieve the person or General Business paying the same from payment of any other tax now or hereafter imposed by contract or ordinance, unless otherwise specified therein. The occupation taxes imposed by this Ordinance shall be cumulative except where otherwise specifically provided.

Section 5. Use of Revenue. The revenues from the Occupation Tax collected by the City shall be remitted by the City Clerk and placed in a special fund established by the Agency pursuant to the Occupation Tax Agreement. The Occupation Tax imposed by this Ordinance shall be used to fund any expenditure that is lawfully authorized to be made under the Act, the Redevelopment Plan, the Occupation Tax Agreement, and this Ordinance in connection with the Hotel Project.

Section 6. Failure to File Return; Delinquency; Assessment by City Clerk.

(a) If any General Business fails to file a return or make payment of the taxes as required by this Ordinance, the City Clerk shall make an estimate, based upon such information as may be reasonably available, of the amount of taxes due for the period or periods for which the General Business is delinquent, and upon the basis of such estimated amount, compute and assess in addition thereto a penalty equal to one percent (1.00%) thereof, together with interest on such delinquent taxes, at the rate of ten percent (10.00%), per month or fraction thereof from the date when due. Any such interest due may be compounded quarterly.

(b) The City Clerk shall give the delinquent General Business written notice of such estimated taxes, penalty, and interest, which notice must be served personally or by certified mail at the last known address of the General Business.

(c) Such estimate shall thereupon become an assessment and such assessment shall be final and due and payable from the General Business to the City Clerk ten (10) days from the date of service of the notice or the date of mailing by certified mail; however, within such ten (10) day period the delinquent General Business may petition the City Clerk for a revision or modification of such assessment and shall, within such ten-day period, furnish the City Clerk the documentation showing the correct amounts of such taxes.

(d) Such petition shall be in writing, and the General Business shall submit any supporting documentation in writing and under oath of the appropriate officer or agent of the General Business.

(e) As appropriate, the City Clerk may then modify such assessment in accordance with the information the General Business provides. Such adjusted assessment shall be made in writing, and notice thereof shall be mailed to the General Business within ten (10) days after receipt of the petition; and all such decisions shall become final upon the expiration of thirty (30) days from the date of service, unless proceedings are commenced within that time for appeal in a court of competent jurisdiction in Butler County, Nebraska.

Section 7. Administration; Miscellaneous Provision.

(a) The administration of this Ordinance is hereby vested in the City Clerk, or his or her designee, who shall prescribe forms in conformity with this Ordinance for the making of returns, for the ascertainment, assessment and collection of the Occupation Tax imposed hereunder, and for the proper administration and enforcement hereof.

(b) All notices required to be given to the General Business under the provisions of this Ordinance shall be in writing. Notices shall be mailed by registered or certified mail, postage prepaid, return receipt requested, to the General Business at its last known address.

(c) It shall be the duty of every General Business to keep and preserve suitable records and other books or accounts as may be necessary to determine the amount of tax for which it is liable hereunder.

(1) The General Business shall keep records of the transactions which the State of Nebraska is authorized to impose a tax allowed by the Nebraska Local Option Revenue Act by which this tax is measured separate and apart from the records of other sales or receipts in order to facilitate the examination of books and records as necessary for the collection of the Occupation Tax.

(2) It shall be the duty of every General Business to keep and preserve during and for a period of three (3) years following the expiration of this Ordinance all such books, invoices and other records, which shall be open for examination at any time by the City Clerk or his or her duly designated persons. If such General Business keeps or maintains its books, invoices, accounts or other records, or any thereof, outside of the state, upon demand of the City Clerk it shall make the same available at a suitable place within the City, to be designated by the City Clerk, for examination, inspection and audit by the City Clerk or his or her duly authorized persons. The General Business shall reimburse the City for the reasonable costs of examination, inspection and audit if the City Clerk determines that the General Business paid ninety-five percent (95%) or less of the tax owing for the period of the examination.

(3) The City Clerk, in his or her discretion, may make, permit or cause to be made the examination, inspection or audit of books, invoices, accounts or other records so kept or maintained by such General Business outside of the state at the place where the same are kept or maintained or at any place outside the state where the same may be made available, provided such General Business shall have entered into a binding agreement with the City to reimburse it for all costs and expenses incurred by it in order to have such examination, inspection or audit made in such place.

(d) The City Clerk or his or her duly-authorized persons may conduct investigations concerning any matters covered by this Ordinance; and may examine any relevant books, papers, records or memoranda of any such General Business.

Section 8. Recovery of Unpaid Tax by Action at Law.

(a) The City Clerk may treat any Occupation Tax, penalties or interest due and unpaid therefrom as a debt due to the City.

(b) In case of failure to pay the Occupation Tax, or any portion thereof, or any penalty or interest thereon when due, the City may recover at law the amount of such taxes, penalties and interest in any court of Butler County, Nebraska, or of the county wherein the General Business has its principal place of business having jurisdiction of the amounts sought to be collected.

(c) The return of the General Business or the assessment made by the City Clerk, as herein provided, shall be prima facie proof of the amount due.

(d) The City may commence an action for the recovery of taxes due under this Ordinance and this remedy shall be in addition to all other existing remedies at law or provided herein.

Section 9. Suspension or Revocation of Licenses for Failure to Pay Tax; Hearing. If the Mayor or the Mayor's designee, after holding a noticed public hearing, finds that any General Business has willfully evaded payment or collection and remittance of the Occupation Tax, such official may suspend or revoke any City license, permit or other approval held by such General Business. Such General Business shall have an opportunity to be heard at such hearing to be held not less than seven (7) days after notice is given of the time and place of the hearing to be held, addressed to the last known address of such General Business. Pending the notice, hearing and finding, any licensee, permit or other approval issued by the City to the General Business may be temporarily suspended. No suspension or revocation hereunder shall release or discharge the General Business from civil liability for the payment or collection and remittance of the Occupation Tax, nor from prosecution for such offense.

Section 10. Effective Date. This Ordinance shall take effect upon its passage and publication in the manner provided by law.

Section 11. Conflicts. All ordinances, resolutions, or orders, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 12. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, the validity of the remainder hereof shall not be affected thereby.

Section 13. Headings of Section Not Controlling. The headings of sections of this Ordinance are set forth herein for convenience of reference only and shall not affect the construction or interpretation of this Ordinance or any section hereof.

Section 14. Sunset Provision. The Occupation Tax shall expire upon the earlier of December 31, 2047, or the expiration or termination of the Occupation Tax Agreement.

Section 15. Effect. This Ordinance shall be in full force and take effect fifteen (15) days from and after its passage.

DATED: August 26, 2026

CITY OF DAVID CITY, NEBRASKA

By:________________________________

Mayor

ATTEST:

By:__________________________________

City Clerk

EXHIBIT "A"
the Hotel Site

Legal Description:

Lots 5-7, inclusive, Zegers 1st Addition, an addition in the City of David City, Butler County, Nebraska.

Depiction:

7790695.1

ORDINANCE NO. 1543

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, APPROVING A GENERAL BUSINESS OCCUPATION TAX AGREEMENT FOR A PHASE OF THE REDEVELOPMENT PROJECT SET FORTH IN THE "REDEVELOPMENT PLAN FOR GDC PROPERTIES, LLC, REDEVELOPMENT PROJECT", AS AMENDED; AND AUTHORIZING THE CITY'S PURCHASE OF THE COMMUNITY DEVELOPMENT AGENCY'S OCCUPATION TAX PROMISSORY NOTE PURSUANT TO THE TERMS OF THE OCCUPATION TAX AGREEMENT.

WHEREAS, the Mayor and City Council of the City of David City, Nebraska (the "City"), previously adopted a plan for the redevelopment of areas designated blighted and substandard and in need of redevelopment, entitled, "Redevelopment Plan for GDC Properties, LLC, Redevelopment Project", as amended (as amended, the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan set forth a phased mixed-use redevelopment project located in the City (collectively, the "Redevelopment Project"); and

WHEREAS, one phase of the Redevelopment Project contemplates the construction of a new hotel (the "Hotel Project") on a portion of Redevelopment Project site (the "Hotel Site"), all as described and depicted in the Redevelopment Plan; and

WHEREAS, on April 8, 2026, via Resolution No. 4-2026, the Mayor and Council of the City approved an amendment to the Redevelopment Plan, which designated the Hotel Site as an "enhanced employment area", as defined under section 18-2142.02 of the Nebraska Community Redevelopment Law, sections 18-2101 et seq. (the "Act"); and

WHEREAS, the Plan, as amended, permits the levy of a general business occupation tax upon the Hotel Site for the purpose of offsetting and/or reimbursing eligible costs of the Hotel Project, as allowed by the Act; and

WHEREAS, the Mayor and Council of the City has for its consideration, attached hereto and incorporated herein as Exhibit A, a proposed form of the Occupation Tax Agreement by and between the City, the Community Development Agency of the City of David City, Nebraska (the "Agency"), and Hallmark Inns, LLC, a Nebraska limited liability company ("Owner"), as developer, with respect to the rights and obligations of the foregoing parties in relation to the designation of the Hotel Site as an enhanced employment area and attendant levy of a general business occupation tax (the "Occupation Tax Agreement"); and

WHEREAS, pursuant to section 18-2138 of the Act, the City is authorized to purchase the bonds or other obligations of the Agency; and

WHEREAS, in accordance with the foregoing and as approved herein, and for the purpose of assisting the Agency in carrying out its redevelopment powers and objectives under the Act and Redevelopment Plan, the City intends to purchase the Occupation Tax Promissory Note, as set forth herein and in accordance with the terms of the Occupation Tax Agreement.

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

Section 1. The Occupation Tax Agreement by and between the Agency, the City, and the Owner, in the form presented, is hereby acknowledged and approved. The Mayor and City Clerk of the City are hereby authorized to execute said Occupation Tax Agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The execution and delivery by either the Mayor or City Clerk of the Occupation Tax Agreement, or any such documents, instruments, agreements or certifications relating to such matters contained in the Occupation Tax Agreement, shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

Section 2. Pursuant to the terms of the Occupation Tax Agreement, and in accordance with section 18-2138 of the Act, the City is authorized to purchase the Agency's Occupation Tax Promissory Note provided therein, via the City's tender of $200,000 in City funds to the Agency.

Section 3. The Mayor and City Clerk of the City, on behalf of the City, or any one of them, are hereby authorized to take any and all actions, and to execute any and all documents deemed by them necessary to effect the transactions authorized by this Ordinance and the Occupation Tax Agreement.

Section 4. This Ordinance shall be in full force and take effect fifteen (15) days from and after its passage.

(Signatures on following page)

DATED: August 26, 2026

CITY OF DAVID CITY, NEBRASKA

By:________________________________
Mayor

ATTEST:

By:________________________________
City Clerk

EXHIBIT A
Occupation Tax Agreement

(See attached)

7799887.1

Municipal Supply, Inc.

Municipal, Contractors & Industrial Supplies
21644 William Circle *Gretna, NE 68028*
402-408-0500 *1-844-417-7370*
FAX 402-408-0499

August 14, 2026

David City Utilities
% Anthony Kobus & Daniel Sobota
1220 E Street
David City, NE 68632-0191

Dear Anthony and Daniel:

As per our conversation, please see our David City (NE) - R900v4 AMI Opportunity A63062.

Opportunity is for the 2 - R900v4e Gateways. Please remember at the next N360 renewal for David City (NE) the renewal will also have N360 AMI and N360 AMR based on how the R900 units read..

Neptune R900 AMI System

2	Professional AMI Services **Annual** (Per Collector) - Only available at time of purchase 13699-106	6,680.00	13,360.00
2	R900 Gateway with Verizon/AT&T Cellular Modem 15155-000	13,588.00	27,176.00
2	UPS Outdoor System Assembly - Wall / Pole Version R900 Gateway - Power Option 13070-100	3,206.00	6,412.00
2	R900 Gateway RF Antenna 13146-100	510.00	1,020.00
2	Approximate Expense for installation of Gateways (By others)	10,000.00	20,000.00
		Total:	$67,968.00

Note:
Customer Responsibility for Cellular Plan
Customer Responsibility to Provide AC Power to Gateway Collectors

If you have any questions or if we can be of any further assistance, please do not hesitate to give us a call.

Sincerely,

Todd A. Speth

Todd A. Speth
Territory Manager

CC: Nick Cline