

**HASTINGS CITY COUNCIL
AGENDA**

**Hastings Public Library
314 North Denver Avenue
June 28, 2021
5:30 PM**

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MOTION TO ADOPT CURRENT AGENDA for June 28, 2021 Regular Meeting.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, June 25, 2021. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

COUNCIL COMMUNICATION:

Reports of Liaisons.

CITIZEN COMMUNICATIONS: (Only for agenda items not related to a public hearing.)

MAYOR'S COMMUNICATIONS:

CONSENT AGENDA:

1. All Consent Items.
 - (a) Approval of the minutes of the Council Meeting of June 14, 2021
 - (b) Approve receiving and placing on file department monthly reports
 - (c) Approval of claims and payroll except the claim of Eldon's Automotive Repair

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.
 - (a) Approval of expenditure not to exceed \$200,000 for the temporary move of City Hall employees to the North Denver Station of the Hastings Utility Department
(Tabled from June 14, 2021 Council Meeting.)
3. Public Hearings.
4. General Business.
 - (a) Approval of claim of Eldon's Automotive Repair in the amount of \$734.39 (City)

- (b) Approval of final plat of Mary Lanning 2nd Subdivision, a parcel located at 715 N. Saint Joseph Avenue, City of Hastings, Adams County, Nebraska
- (c) Approval of agreement with Farris Construction Company, Inc. for Substations Garage
- (d) Approval of moving Hastings City Council meetings, Hastings City Planning Commission meetings, and Hastings Utility Advisory Board meetings from the Hastings Public Library to Hastings City Hall commencing with all meetings beginning in July 2021
- (e) Approval of applying for \$727,000 of Community Development Block Grant funds from the Nebraska Department of Economic Development to aid the expansion of Pacha Soap Co. in Hastings

5. Ordinances and Resolutions.

- (a) Resolution No. 2021-28 ratifying all actions taken by the City Council at its Council Meeting held June 14, 2021
- (b) Ordinance No. 4670 authorizing and providing for the issuance of not to exceed \$8,330,000 aggregate principal amount of Combined Revenue Refunding Bonds of the City for the purpose of providing funds, together with other available funds of the City, for the payment and redemption of certain outstanding Revenue Bonds payable from the City's Gas, Sewer, and Water Utilities
- (c) Ordinance No. 4671 to amend Ordinance No. 4514 adopted by the City Council and approved by the Mayor on July 24, 2017, to adjust interest rates and fees for an outstanding promissory note and to amend the Loan Agreement with the Nebraska Department of Environment and Energy, formerly known as the Nebraska Department of Environmental Quality (NDEE Project No. C317930)
- (d) Ordinance No. 4672 adopting the City of Hastings' Purchasing Code
- (e) Resolution No. 2021-35 authorizing SCEDD to provide grant application assistance for a Community Development Block Grant for the Pacha Soap Co.'s proposed business expansion project

6. Final Passage of Ordinances.

7. Appointments.

8. Miscellaneous and Other Business.

9. Possible Closed Session (if necessary or requested).

ADJOURN:

CITY OF HASTINGS, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
Monday, June 14, 2021

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Hastings, Nebraska was conducted at the Hastings Public Library, 314 North Denver Avenue, on June 14, 2021.

The meeting was called to order at 5:30 p.m. in Regular Session by Mayor Stutte with the following members present: Butch Eley, Chuck Rosenberg, Shawn Hartmann, Matt Fong, Jeniffer Beahm, Ted Schroeder. Absent: Joy Huffaker, Ginny Skutnik.

The following City Officials were present: City Administrator, David Ptak; City Attorney, Clint Schukei; City Clerk, Kimberly Jacobitz; Police Chief, Adam Story; Fire Chief, Brad Starling; Parks & Recreation Director, Jeff Hassenstab; Information Technology Director, Erik Nielsen; Development Services Director, Lisa Parnell-Rowe; Director of Engineering, Lee Vrooman; Landfill Superintendent, Jack Newlun; Museum Director, Rebecca Matticks; Building Inspector, Mark Evans.

The Mayor led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Butch Eley seconded by Ted Schroeder to adopt current agenda, removing Item 8(a), for June 14, 2021 Regular Meeting. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, June 11, 2021. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and is accessible to members of the public.

COUNCIL COMMUNICATION:

Councilmember Fong reported on the Hastings Public Library Board meeting held last week, where they talked about summer programming. He thanked the folks who recently joined the Library Board.

Councilmember Eley stated that any councilmember needing an ID card for the city should talk to Human Resources.

Councilmember Schroeder updated the group on the Hastings Airport Fly-In. Saturday's focus will be on the Kiwanis pancake feed and B29 flights. The majority of the events will take place on Sunday. They had 110 volunteers sign up to help next weekend. Opening comments will be given by Mayor Stutte and opening prayer by Pastor Greg Allen-Picketts. Please bring your own chairs or blankets for watching the show. Water and food trucks will be available onsite. Thanks to those who have helped plan and prepare for this event.

CITIZEN COMMUNICATIONS:

None.

MAYOR'S COMMUNICATIONS:

Mayor Stutte recognized Service Anniversaries for Paul Weber, Police, 40 years; Jacob Frerichs, IT, 5 years; Benjamin Erie, Fire, 15 years; John Reining, Street, 5 years; James Barron, Police, 5 years; Jady Dawe, Police, 5 years; Sabra Ditter, Police, 5 years; Nathan Hanson, Police, 5 years.

CONSENT AGENDA:

1. All Consent Items.

Moved by Matt Fong seconded by Shawn Hartmann to approve all consent items, as presented.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(a) Approval of the minutes of the Council Meeting of May 24, 2021

(b) Approval of the minutes of the Worksession of May 17, 2021

(c) Approval of claims and payroll

(d) Approve receiving and placing on file department monthly reports

(e) Approval of the request of Hastings Unique Bicyclists to utilize city streets for the Kool-Aid Classic Bicycle Tour on August 14, 2021

(f) Approval of Work Order CO-173, equipment and infrastructure to read ERT meters automatically and begin conversion to complete AMI system

(g) Approval of Work Order GA-352, new 2" medium pressure gas main on Laux Drive, 31st Street to 33rd Street

(h) Approval of Work Order EL-170, installation of additional streetlights by the Hastings Municipal Airport along 12th Street and Marian Road

(i) Approval of Work Order EL-168, remove polemount transformers and install a padmount transformer to serve Well 9

(j) Approval of Work Order EL-163, upgrade of single phase underground electric lines and padmount transformers that serve the Hastings Municipal Airport

(k) Approval of Work Order EL-167, new single phase underground and streetlight ducts on eastern lots at 33rd Street and East Laux Drive

(l) Approval of Work Order EL -171, installation of three phase underground line and padmounted transformer to serve a new three unit commercial building on Osborne Drive East south of 31st Street

REGULAR AGENDA:

2. Unfinished Business of Preceding Meeting.

None.

3. Public Hearings.

(a) Public hearing on the request of First Presbyterian Church for a Conditional Use Permit for a neighborhood assembly at the First Presbyterian Church Peace Center commonly addressed as 715 W. 7th Street, Hastings, Nebraska. Lisa Parnell-Rowe reported there are two different reasons for the Conditional Use Permit. They initially approached the city about having a food truck located on the south side of the old middle school, but there was no Conditional Use Permit in place. The building has many uses, including classes, walking clubs, and Hearts and Hands Against Hunger. The building is surrounded by commercial and residential. One of the reasons this ended up as R-1 is that we do not have an existing public/semi-public zone in our zoning districts. We are working on getting that remedied. As we look at the integration of this, we find that it is compatible with the uses in the surrounding area. We are working on a permit for food trucks in the near future. We are attaching the food truck as part of the conditional use. Planning Commission recommended approval. No public spoke. No objections were received.

Moved by Chuck Rosenberg seconded by Butch Eley to approve Resolution No. 2021-27 approving the Conditional Use Permit for First Presbyterian Church for a neighborhood assembly at the First Presbyterian Church Peace Center commonly addressed as 715 W. 7th Street, Hastings, Nebraska with the following conditions:

1) Applicant agrees to enforce Peace Center reduced maximum occupancies to no more than 299 persons in the Peace Center at one time. Occupancies listed in each room and for the overall building must be re-posted and approved by Building Inspector.

2) Due to several hazards in the upstairs storage areas, public will be banned from this area and the doors at the top of the stairs shall be locked at all times. Additionally, the stairs going up to the top will be roped or chained off so that public cannot use the stairs.

- 3) Applicant agrees to pull building permit for southern parking lot improvements when ready to accomplish this project. At that time City staff will review this parking lot site plan improvement Conditional Use Permit standards as found in Chapter 34-404 (6).
 - 4) Any food trucks being utilized (i.e., daily or for the Food Truck Roundup event) will provide a copy or picture of their State certification to the Development Services Department to maintain on file prior to each event or once a year when it is annually renewed.
 - 5) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
 - 6) This Resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.
- Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(b) Public hearing on the request of Engel Construction, Inc. to change zoning from "CP-3, Commercial Business Planned District" to "R-1, Urban Single Family Residential District" for unplatted property southeast of Cimarron Meadows 9th Addition, east of Cimarron Meadows 7th Addition, north of Cimarron Meadows Subdivision #4, and west of Fishermen Lane. Lisa Parnell-Rowe reported we are looking at the crescent shaped piece of land, which was changed in a past ordinance to CP-3. That area should not have been changed, so we are doing an administrative fix to put it back to what it should be. Mr. Engel is also updating his Preliminary Plat to what it should have been. Planning Commission recommended approval. No public spoke. No objections were received.

ORDINANCE NO. 4666 AMENDING THE ZONING DISTRICT MAP TO REZONE PROPERTY FROM "CP-3, COMMERCIAL BUSINESS PLANNED DISTRICT" TO "R-1, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT" FOR UNPLATTED PROPERTY SOUTHEAST OF CIMARRON MEADOWS 9TH ADDITION, EAST OF CIMARRON MEADOWS 7TH ADDITION, NORTH OF CIMARRON MEADOWS SUBDIVISION #4, AND WEST OF FISHERMEN LANE

Said Ordinance was read by title and thereafter Councilmember Matt Fong moved for passage of the ordinance, which motion was seconded by Councilmember Jeniffer Beahm.

The Mayor then stated the question "Shall Ordinance No. 4666 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Councilmember Chuck Rosenberg moved that the statutory rule requiring reading on three different days be suspended; Councilmember Matt Fong seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance.

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 upon second and final reading and the Mayor signed and approved the ordinance. City Clerk attested the passage approval of the same and affixed her signature thereto. Published in the Hastings Tribune on June 18, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(c) Public hearing on the request of the City of Hastings Development Services Department to amend Hastings City Code Section 34-320 (3)(a)(iv), regulating solar energy uses to provide for appropriate easements. Mark Evans reported this is a housekeeping item. City Code requires a solar access easement, but the wording is inconsistent. In working with our consultant, it was determined that ground mounted solar should require the easement, but not roof mounted installations. Planning Commission recommended approval. No public spoke. No objections were received.

ORDINANCE NO. 4667 AMENDING SECTION 34-320 (3)(A)(IV) BY REMOVING THE REQUIREMENT THAT A SOLAR EASEMENT BE IN PLACE FOR A ROOF MOUNTED INDIVIDUAL SOLAR SYSTEM

Said Ordinance was read by title and thereafter Councilmember Chuck Rosenberg moved for passage of the ordinance, which motion was seconded by Councilmember Matt Fong.

The Mayor then stated the question "Shall Ordinance No. 4667 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Councilmember Butch Eley moved that the statutory rule requiring reading on three different days be suspended; Councilmember Chuck Rosenberg seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance.

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 upon second and final reading and the Mayor signed and approved the ordinance. City Clerk attested the passage approval of the same and affixed her signature thereto. Published in the Hastings Tribune on June 18, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(d) Public hearing on the request of the City of Hastings Development Services Department to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing land use south of 2nd Street, east of Marian Road to Chestnut Avenue and south to the railroad from Urban Residential to Mixed Use – Neighborhood, Public/Semi-public and Employment/Industrial. Lisa Parnell-Rowe reported this is changing the Future Land Use Map, not the existing zoning code. Lisa described multiple areas that will be amended on the map. Planning Commission recommended approval. No public spoke. No objections were received.

ORDINANCE NO. 4668 TO AMENDING THE CITY OF HASTINGS COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING LAND USE SOUTH OF 2ND STREET, EAST OF MARIAN ROAD TO CHESTNUT AVENUE AND SOUTH TO THE RAILROAD FROM URBAN RESIDENTIAL TO MIXED USE – NEIGHBORHOOD, PUBLIC/SEMI-PUBLIC AND EMPLOYMENT/INDUSTRIAL

Said Ordinance was read by title and thereafter Councilmember Chuck Rosenberg moved for passage of the ordinance, which motion was seconded by Councilmember Ted Schroeder.

The Mayor then stated the question "Shall Ordinance No. 4668 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Councilmember Matt Fong moved that the statutory rule requiring reading on three different days be suspended; Councilmember Shawn Hartmann seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance.

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 upon second and final reading and the Mayor signed and approved the ordinance. City Clerk attested the passage approval of the same and affixed her

signature thereto. Published in the Hastings Tribune on June 18, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

4. General Business.

(a) Moved by Chuck Rosenberg seconded by Shawn Hartmann to approve moving City Council Meetings from the Council Chambers in the City Building, 220 North Hastings Avenue, to the Hastings Public Library, 314 North Denver Avenue, beginning June 28, 2021 and to include following meetings.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Jeniffer Beahm.

Nays: Butch Eley. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(b) Moved by Shawn Hartmann seconded by Matt Fong to approve moving City Council Worksessions from the Council Chambers in the City Building, 220 North Hastings Avenue, to the Hastings Public Library, 314 North Denver Avenue, beginning June 21, 2021 and to include following meetings.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Ted Schroeder, Jeniffer Beahm.

Nays: Butch Eley. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(c) Moved by Matt Fong seconded by Shawn Hartmann to approve awarding the agreement for the Hastings Museum Outdoor Improvements, Section A to Philip Carkoski Construction and Trenching Inc., in the amount of \$179,285.13. Rebecca Matticks reported this is the hardscape portion of the project. This item would accept the low bid, which meets the museum's needs. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(d) Moved by Jeniffer Beahm seconded by Matt Fong to award the agreement for the Hastings Museum Outdoor Improvements, Section B to On Point Construction Management, Inc. in the amount of \$42,800.00. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(e) Moved by Ted Schroeder seconded by Butch Eley to award agreement to Carmichael Construction, LLC for New 40' x 120' Storage Facility at the Solid Waste Facility in the amount of \$110,200.00. Jack Newlun reported this is a 2020-2021 budgeted item. It is an open storage building, very similar to the building by Headstart, except ours would have three sides. This would house large equipment and vehicles, for their protection. We need to get it ordered, but delivery might be late this year.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(f) Moved by Chuck Rosenberg seconded by Butch Eley to table the expenditure not to exceed \$200,000 for the temporary move of City Hall employees to the North Denver Station of the Hastings Utility Department. Roll Call: Ayes: Matt Fong, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: Shawn Hartmann. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(g) Moved by Butch Eley seconded by Jeniffer Beahm to approve the agreement with Hastings Area Habitat for Humanity for the sale of property located at 702 S. Chicago Avenue to Habitat for Humanity in the amount of \$11,011.01. Clint Schukei reported this is a piece of property that came to the city after dealing with a demolished building. The property was advertised on the website and newspaper. There were two bidders. The first time we opened bids, it was a tie. We had a rebid of the tie bidders.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

5. Ordinances and Resolutions.

(a) ORDINANCE NO. 4669 PROVIDING FOR THE SALE OF LAND TO THE HASTINGS AREA HABITAT FOR HUMANITY PURSUANT TO THE TERMS OF THE PURCHASE AGREEMENT BETWEEN THE CITY OF HASTINGS AND HASTINGS AREA HABITAT FOR HUMANITY

Clint Schukei stated this implements the agreement just approved. State Statutes mandate to sell property, you must do it by ordinance. There is a 30-day remonstrance period.

Said Ordinance was read by title and thereafter Councilmember Matt Fong moved for passage of the ordinance, which motion was seconded by Councilmember Chuck Rosenberg.

The Mayor then stated the question "Shall Ordinance No. 4669 be passed and adopted?" Upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Councilmember Chuck Rosenberg moved that the statutory rule requiring reading on three different days be suspended; Councilmember Butch Eley seconded the motion to suspend the rules and upon roll call vote the following Councilmembers voted Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion to suspend the rules was adopted by three fourths vote of the Council and the statutory rule was declared suspended for consideration of said ordinance.

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 upon second and final reading and the Mayor signed and approved the ordinance. City Clerk attested the passage approval of the same and affixed her signature thereto. Published in the Hastings Tribune on June 18, 2021. Effective date of the ordinance is 15 days from and after the date this ordinance is passed and approved.

(b) Moved by Jeniffer Beahm seconded by Matt Fong to approve Resolution No. 2021-29 requesting the South Central Economic Development District, Inc. to assist with a Community Development Block Grant Application for a 2021 Public Works Project. This will establish working with SCEDD to work on a block grant for the purpose of helping to fund the Senior Center in conjunction with the Community Center. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(c) Moved by Chuck Rosenberg seconded by Matt Fong to approve Resolution No. 2021-30 adopting and approving the execution of Supplemental Agreement No. 1 with the Department of Transportation of the State of Nebraska for Project No. NH-6-4 (129). Lee Vrooman reported this supplemental agreement splits the city's payment to the Nebraska Department of Transportation in half to put over two budget years. This is for the work currently being done on the West Highway 6 project. Payments will be in the amount of \$1.18 million for each half of the project. We already paid a portion previously for engineering services. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

6. Final Passage of Ordinances.
None.

7. Appointments.

(a) Appointments to Boards and Commissions

Moved by Chuck Rosenberg seconded by Ted Schroeder to approve Mayor Stutte's proposed appointments to the Board of Adjustment as follows:

John Northrup, 6/14/2021-6/14/2024, Reappointment; Robert Myer, 6/14/2021-6/14/2024, Reappointment; Ann Hinton, 6/14/2021-6/14/2024, Replacing.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

(b) Moved by Shawn Hartmann seconded by Butch Eley to approve the Mayor's appointment of Teresa Kreutzer-Hodson as Interim Museum Director as of June 19, 2021. Mayor thanked Rebecca Matticks for all her work at the Hastings Museum over the years. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

8. Miscellaneous and Other Business.

(a) General concerns related to Development Services' processes

Item 8(a) was removed from the agenda, when the agenda was adopted.

9. Closed Session.

Moved by Chuck Rosenberg seconded by Ted Schroeder to go into closed session for reason of litigation at 6:18p.m. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Moved by Butch Eley seconded by Ted Schroeder to come out of closed session at 7:04p.m.

Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

Moved by Chuck Rosenberg seconded by Butch Eley there being no further business to adjourn at 7:05p.m. Roll Call: Ayes: Matt Fong, Shawn Hartmann, Chuck Rosenberg, Butch Eley, Ted Schroeder, Jeniffer Beahm. Nays: None. Absent: Joy Huffaker, Ginny Skutnik. The motion carried.

APPROVED:

Corey Stutte, Mayor

ATTEST:

Kimberly S. Jacobitz, City Clerk

(S E A L)



May 2021 Summary Report:

- May 3rd, Corporal Kelly Scarlett retired from the Hastings Police Department after 24 years of service. Corporal Scarlett served in many roles during his career. Detective, Field Training Officer, Firearms Instructor, Emergency Vehicle Operations Instructor, Hostage Negotiator, and Advanced Accident Investigations are just a few.



- May 3rd, Chief Adam Story traveled to Holdrege, NE to assist in the interview process for selection of a new Chief of Police for the Holdrege Police Department.
- May 5th, NRG Media sponsored their annual “One For the Hero’s” lunch at several Tri-City locations. NRG Media provided lunch for all Hastings first responders at Russ’s Market.



- May 6th, nine police officer applicants completed physical testing and oral board interviews. One applicant received a conditional offer of employment and is currently going through the background process.
- May 9th, Edgar Sandoval was promoted to the rank of Corporal for the Hastings Police Department. Corporal Sandoval has been with the Hastings Police Department since 2018.
- May 10th and 17th, all sworn officers participated in an 8-hour in-service training. This training was to complete initial training and familiarization for our new service weapons. All sworn officers were issued their new weapons for duty after completing training and qualification.



- May 7th, Officer Thayer assisted students and staff with “Bike Day” at Lincoln Elementary School.



- May 9th through May 15th was National Police Officer Memorial Week. During each of our firearms in-service training dates, our Hastings Police Chaplains provided lunch for those attending.



- May 15th, was National Police Officer Memorial Day. Each year we honor Officer Clarence Balcom and Officer Joel Conklin. Officer Balcom was killed in the line of duty August 7, 1888. Officer Conklin was killed in the line of duty on October 9, 1993.



- May 16th, members from Hastings Fire & Rescue delivered “Power Rings of Justice” in honor of National Police Week.



- May 17th through May 21st, Detective Cale Neelly attended Undercover Techniques and Survival for Narcotics Officers training in Olathe, KS.
- May 19th, Corporal John Adams and Officer Ethan Sharman delivered goodies to Hastings Fire & Rescue on behalf of HPD, in honor of National EMS Week.



- May 19th, Captain Mike Doremus, Captain Raelee Van Winkle, Sergeant Mark Hinrichs, Corporal Edgar Sandoval, and Officer Willard Burnett attended a two-hour Less-Lethal use of force training session. This was taught by our in-house instructors.
- May 21st, Officer Jesse Bartels, Officer Ethan Sharman, and Officer Emily Ost diek attended a Mental Health First Aid course at the Grand Island Police Department.

- May 24th through May 26th, Dispatcher Shari Bullard attended NCIC Certification training at the Nebraska Law Enforcement Training Center.
- May 24th through May 25th, Detective Travis Beahm, Detective Sara Mann, Officer Sabra Ditter, and Officer Ethan Sharman attended an online Covert Investigations course at HPD.
- May 25th, family, friends, and coworkers celebrated the May 9th promotion of Corporal Edgar Sandoval at HPD.



- May 26th, Detective Sergeant Paul Weber attended an online course for Documenting Death Scenes.

Complaints:

- May 5th, an internal complaint alleged an officer damaged or was negligent with the handling of city property. This complaint was sustained.
- May 13th, an internal complaint alleged a dispatcher was sleeping, loafing, or being idle while on duty. This complaint is still under investigation.
- May 13th, an external complaint alleged a community service officer violated department policy regarding on/off duty conduct. This complaint was not sustained.
- May 19th, an external complaint alleged an officer was rude. This complaint was unfounded.
- May 26th, an external complaint alleged an officer displayed conduct unbecoming. The officer was exonerated.
- May 26th, an internal complaint alleged an officer was tardy reporting to work. This complaint was sustained.

Use of Force Reports:

- May 3rd, an officer was conducting a DUI investigation and was attempting to take the suspect into custody. When the officer attempted to handcuff the suspect, he pulled away from the officer and tried to run away. The officer and his backup officer were able to stop the suspect, who was then trying to pull away. The officers took the suspect to the ground and handcuffed him. The suspect received a small cut on his lip. Neither officer were injured.

- May 13th, officers were dispatched a trespassing and false imprisonment call. Officers were able to determine the suspect was armed with a hammer at the time of the call. Officers attempted to communicate with the suspect inside the residence to come out, but he would not comply. Officers deployed Pepperball projectiles into the residence in an attempt to get the armed subject out but were unsuccessful. Officers later entered and located the male hiding and took him into custody. No injuries were reported.
- May 24th, officers were dispatched to conduct a welfare check on a male. Officers attempted to take the male into emergency protective custody. The male pulled away from police and appeared he was about to strike an officer with his arm. The officer used muscling techniques and was able to get the suspect to the ground and handcuff him. No injuries were reported.
- May 29th, an officer made consensual contact with a male who had an active arrest warrant. Shortly after contacting the suspect, he ran from the officer. The officer deployed his taser, stopping the suspect from running. The officer was then able to handcuff and take the suspect into custody. No injuries were reported.

May 2021 Statistics:

	2021 May	2020 May	<i><u>Year to Date Totals</u></i>		<i><u>Percent</u></i> +/-
			YTD 2021	YTD 2020	
Police					
Total Calls for Service	2159	2293	9554	10374	-7.9%
Incident Reports	374	298	1507	1498	0.6%
Traffic Accidents	55	41	295	247	19.4%
Traffic Stops	420	558	1994	2870	-30.5%
Part I Crimes	206	71	807	383	110.7%
Complaints Against Employee	4	0	28	13	115.4%
Use of Force Incidents	4	1	15	4	275.0%
Community Service Officers					
Animal Calls	207	155	744	695	7.1%
Animals Impounded	46	42	144	171	-15.8%
Code Enforcement	170	83	374	236	58.5%
Complaints Against Employee	1	0	3	0	300.0%
Communication Center					
911 Calls	993	1026	4702	4530	3.8%
All Other Calls	5942	6015	27296	26883	1.5%
Complaints Against Employee	1	2	3	10	-70.0%

GROUP A - MONTHLY OFFENSES

5/1/2021 - 5/31/2021

HASTINGS POLICE DEPARTMENT

	REPORTED OFFENSES	UNFOUNDED OFFENSES	ACTUAL OFFENSES	TOTAL CLEARED	CLEARED JUVENILE
Arson	0	0	0	0	0
200 - Arson	0	0	0	0	0
Assault Offenses	50	4	46	27	2
13A - Assault-Aggravated Assault	5	2	3	2	0
13B - Assault-Simple Assault	41	2	39	23	2
13C - Assault-Intimidation	4	0	4	2	0
Bribery	0	0	0	0	0
510 - Bribery	0	0	0	0	0
Burglary/Breaking & Entering	4	0	4	0	0
220 - Burglary/Breaking & Entering	4	0	4	0	0
Counterfeiting/Forgery	2	0	2	0	0
250 - Counterfeiting/Forgery	2	0	2	0	0
Destruction/Damage/Vandalism of Property	24	1	23	8	0
290 - Destruction/Damage/Vandalism of Property	24	1	23	8	0
Drug/Narcotic Offenses	43	0	43	36	0
35A - Drug/Narcotic Violations	28	0	28	24	0
35B - Drug Equipment Violations	15	0	15	12	0
Embezzlement	1	0	1	0	0
270 - Embezzlement	1	0	1	0	0
Extortion/Blackmail	0	0	0	0	0
210 - Extortion/Blackmail	0	0	0	0	0
Fraud Offenses	10	0	10	1	0
26A - False Pretenses/Swindle/Confidence Game	0	0	0	0	0
26B - Credit Card/Automatic Teller Machine Fraud	2	0	2	0	0
26C - Impersonation	7	0	7	1	0
26D - Welfare Fraud	0	0	0	0	0
26E - Wire Fraud	1	0	1	0	0
Gambling Offenses	0	0	0	0	0
39A - Betting/Wagering	0	0	0	0	0
39B - Operating/Promoting/Assisting Gambling	0	0	0	0	0
39C - Gambling Equipment Violations	0	0	0	0	0
39D - Sports Tampering	0	0	0	0	0
Homicide Offenses	0	0	0	0	0
09A - Murder and Nonnegligent Manslaughter	0	0	0	0	0
09B - Negligent Manslaughter	0	0	0	0	0
09C - Justifiable Homicide	0	0	0	0	0
Human Trafficking	1	0	1	0	0
64A - Commercial Sex Acts	1	0	1	0	0
64B - Involuntary Solitude	0	0	0	0	0
Kidnapping/Abduction	0	0	0	0	0
100 - Kidnapping/Abduction	0	0	0	0	0
Larceny/Theft Offenses	47	3	44	6	0
23A - Pocket-Picking	1	0	1	0	0
23B - Purse-Snatching	0	0	0	0	0
23C - Shoplifting	20	1	19	3	0

23D - Theft from Building	1	0	1	1	0
23E - From Coin-Operated Machine or Device	3	0	3	0	0
23F - Theft from Motor Vehicle	12	0	12	0	0
23G - Theft of Motor Vehicle Parts or Accessories	1	0	1	0	0
23H - All Other Larceny	9	2	7	2	0
Motor Vehicle Theft	15	0	15	0	0
240 - Motor Vehicle Theft	15	0	15	0	0
Pornography/Obscene Material	1	0	1	1	0
370 - Pornography/Obscene Material	1	0	1	1	0
Prostitution Offenses	0	0	0	0	0
40A - Prostitution	0	0	0	0	0
40B - Assisting or Promoting Prostitution	0	0	0	0	0
40C - Purchasing Prostitution	0	0	0	0	0
Robbery	0	0	0	0	0
120 - Robbery	0	0	0	0	0
Sex Offenses	6	0	6	4	1
11A - Forcible-Forcible Rape	1	0	1	1	0
11B - Forcible-Forcible Sodomy	0	0	0	0	0
11C - Forcible-Sexual Assault with an Object	0	0	0	0	0
11D - Forcible-Forcible Fondling	5	0	5	3	1
Sex Offenses, Consensual	1	0	1	0	0
36A - Sex Offenses, Nonforcible-Incest	0	0	0	0	0
36B - Sex Offenses, Nonforcible-Statutory Rape	1	0	1	0	0
Stolen Property Offenses	0	0	0	0	0
280 - Stolen Property Offenses	0	0	0	0	0
Weapon Law Violations	2	0	2	1	0
520 - Weapon Law Violations	2	0	2	1	0
TOTAL FOR ALL OFFENSES	207	8	199	84	3

6/10/2021 UMPIRES

Page: 1

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 001 GENERAL FUND							
Dept: 145.000 Recreation programming							
001-145.000-720.300	Professional Services						
	WEST WIND	SUMMERFEST	SUMMERFEST 2021 BAND	0	06/08/2021	06/10/2021	1,500.00
							1,500.00
001-145.000-720.331	Adult Act. Contr						
	ABBOTT/LONNIE//	REC20-17	UMPIRE 9 GAMES @ \$25/GAME	0	06/03/2021	06/10/2021	225.00
	ENGBERG/SCOTT//	REC07-20	UMPIRE 3 GAMES @ \$25/GAME	0	06/03/2021	06/10/2021	75.00
	LYNCH/JESSE//	REC21-09	UMPIRE 2 GAMES @ \$24/GAME	0	06/03/2021	06/10/2021	48.00
	MASER/ADAM//	REC15-08	UMPIRE 6 GAMES @ \$25/GAME	0	06/03/2021	06/10/2021	150.00
	NELSON/BRENT//	REC09-14	UMPIRE 5 GAMES @ \$25/GAME	0	06/03/2021	06/10/2021	125.00
	TATE/JAMES//	REC13-10	UMPIRE 3 GAMES @ \$25/GAME	0	06/03/2021	06/10/2021	75.00
							698.00
001-145.000-720.332	Youth Act. Contr						
	ALLEN/MORGAN//	REC19-19	UMPIRE 3 GAMES @ \$35/GAME	0	06/03/2021	06/10/2021	105.00
	BIEDE/KIARRA//	REC21-05	UMPIRE 4 GAMES @ \$35/GAME	0	06/03/2021	06/10/2021	140.00
	HOGREFE/MATTISON//	REC21-08	UMPIRE 3 GAMES @ \$35/GAME	0	06/03/2021	06/10/2021	105.00
	MANGERS/KYLIE//	REC21-08	UMPIRE 4 GAMES @ \$35/GAME	0	06/03/2021	06/10/2021	140.00
	OSTRANDER/SETH//	REC21-07	UMPIRE 5 GAMES @ \$35/GAME	0	06/03/2021	06/10/2021	175.00
							665.00
Total Dept. Recreation programming:							2,863.00
Total Fund GENERAL FUND:							2,863.00
Grand Total:							2,863.00

6/28/2021 VOUCHERS TO BE PAID

Time: 1:16 pm

Page: 1

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 001 GENERAL FUND							
Dept: 000.000							
001-000.000-422.050	Inspection Permi						
	HASTINGS UTILITIES-PERMIT	MAY 2021	MAY '21 PLBG REIMBURSEMENT	0	06/07/2021	06/28/2021	5,154.63
	JUNIATA ROOFING & SIDING	REFUND	REFUND OF BUILDING PERMIT FE	0	06/07/2021	06/28/2021	754.83
							5,909.46
Total Dept. 000000:							5,909.46
Dept: 010.000 City administrator's office							
001-010.000-720.350	Training & Confe						
	US BANK	NCMA	NCMA ANNUAL CONFERENCE FO	0	06/01/2021	06/28/2021	136.00
	US BANK	DUNKIN	COFFEE AND DONUTS FOR CONF	0	06/10/2021	06/28/2021	78.46
							214.46
001-010.000-723.050	Advertising						
	HASTINGS TRIBUNE	ACT 228	MAY ADVERTISING	0	05/31/2021	06/28/2021	778.63
							778.63
001-010.000-726.050	Electricity						
	HASTINGS UTILITIES	02070932-00	CHARGING STATION	0	04/30/2021	06/28/2021	8.31
	HASTINGS UTILITIES	18711790-00	CITY BUILDING UTILITIES	0	05/20/2021	06/28/2021	860.13
							868.44
001-010.000-726.100	Natural Gas						
	HASTINGS UTILITIES	18711790-00	CITY BUILDING UTILITIES	0	05/20/2021	06/28/2021	63.76
							63.76
001-010.000-726.150	Sewer						
	HASTINGS UTILITIES	18711790-00	CITY BUILDING UTILITIES	0	05/20/2021	06/28/2021	31.25
							31.25
001-010.000-726.250	Water						
	HASTINGS UTILITIES	18711790-00	CITY BUILDING UTILITIES	0	05/20/2021	06/28/2021	85.20
							85.20
001-010.000-727.200	R & M Buildings						
	DUTTON-LAINSON CO.	841001-1	LIGHT SWITCH	0	05/28/2021	06/28/2021	2.30
	EAKES OFFICE SOLUTIONS	8212229-0	BAGS	0	03/04/2021	06/28/2021	35.38
	INTEGRATED SECURITY SOLUT	20211075	EXTINGUISHER INSPECTION/	0	05/28/2021	06/28/2021	429.40
	QUAD-C CONSULTING	211340101	PLM ANALYSIS	0	05/27/2021	06/28/2021	390.00
	US BANK	CERT MAIL	CERTIFIED MAIL	0	03/26/2021	06/28/2021	150.00
							1,007.08
001-010.000-729.050	Dues & Subscrip						
	HASTINGS AREA CHAMBER OF	1009531	2021 ANNUAL DUES	0	05/01/2021	06/28/2021	3,591.00
							3,591.00
001-010.000-729.150	Other Operating						
	HOMETOWN LEASING #3	22795125	EQUIP LEASE PMT	0	06/13/2021	06/28/2021	756.24
	US BANK	GRACE'S	KEYS/KEY TAGS	0	06/03/2021	06/28/2021	8.29
							764.53
001-010.000-730.050	Office Supplies						
	BUSINESS WORLD PRODUCTS	022861	RECEIPT BOOKS	0	06/04/2021	06/28/2021	31.32
							31.32
001-010.000-737.650	Office Equipment						
	MICROFILM IMAGING SYSTEMS	86296	QUARTERLY SCANNER RENT	0	06/01/2021	06/28/2021	111.00
							111.00
Total Dept. City administrator's office:							7,546.67
Dept: 020.000 Human Resources							

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 2

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
001-020.000-720.300	Professional Ser						
	HASTINGS TRIBUNE	300109298	CIVIL SERVICE MEETING NOTICE	0	02/23/2021	06/28/2021	4.91
	HASTINGS TRIBUNE	300112260	CIVIL SERVICE MEETING NOTICE	0	04/26/2021	06/28/2021	4.91
							9.82
001-020.000-720.350	Training & Confe						
	CENTRAL COMMUNITY COLLEGE	001811213	CCC TRAINING - UNDERSTANDING	0	05/13/2021	06/28/2021	75.00
							75.00
001-020.000-720.355	Employee Progr						
	HEALTH MANAGEMENT SYSTEMS	2021-4618	EAP - SERVICE FOR MAY 2021	0	05/04/2021	06/28/2021	463.45
							463.45
001-020.000-729.050	Dues & Subscrip						
	EMP TRUST SOLUTIONS, LLC	2021-06-479	EMP I-9 3/1/21-5/31/21	0	06/03/2021	06/28/2021	560.00
							560.00
001-020.000-730.050	Office Supplies						
	BUSINESS WORLD PRODUCTS	022724	SUPPLIES FOR TRAINING	0	03/04/2021	06/28/2021	74.32
							74.32
							Total Dept. Human Resources: 1,182.59
Dept: 030.000 City attorney							
001-030.000-729.050	Dues & Subscrip						
	THOMSON REUTERS - WEST	844435619	WEST INFORMATION CHARGES	0	06/01/2021	06/28/2021	480.97
							480.97
							Total Dept. City attorney: 480.97
Dept: 070.000 Other governmental acc							
001-070.000-720.130	ERP Consultant I						
	SCIENS CONSULTING	210619	VENDOR MGMT SUPPORT - MAY	0	05/31/2021	06/28/2021	6,825.00
							6,825.00
001-070.000-720.150	Contingency						
	KIMLEY-HORN AND ASSOCIATE	196038000-0421	TRANSPORTATION & PARKING	0	05/30/2021	06/28/2021	5,120.00
							5,120.00
001-070.000-720.215	Lobbyist Activitie						
	GREATER NEBRASKA CITIES	HAS0621	MONTHLY DUES FOR GREATER NE	0	06/01/2021	06/28/2021	1,000.00
	O'HARA LINDSAY & ASSOCIATES	HAS0621	MONTHLY CONTRACT FOR LOBBYING	0	06/01/2021	06/28/2021	1,000.00
							2,000.00
001-070.000-720.300	Professional Ser						
	MUNICODE	00358114	ANNUAL 6/1/21-5/31/22	0	06/02/2021	06/28/2021	1,395.00
							1,395.00
001-070.000-725.050	Insurance						
	KOCH CO./THE HARRY A.//	176296	BROKER FEES/4TH QTR 2020-21 F	0	06/01/2021	06/28/2021	6,179.10
							6,179.10
001-070.000-729.428	Internet Service/I						
	CHARTER COMMUNICATIONS	0029496053021	INTERNET JULY 2021	0	05/30/2021	06/28/2021	25.02
							25.02
							Total Dept. Other governmental accounts: 21,544.12
Dept: 080.000 Development Services							
001-080.000-720.300	Professional Ser						
	HASTINGS PHYSICAL THERAPY	201510	NEW HIRE PHYSICAL & DRUG TEST	0	06/01/2021	06/28/2021	68.00
							68.00
001-080.000-720.305	Recording fees						

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 3

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	ADAMS COUNTY REGISTER OF	20212250	UDEN, JOY - OLD BUDDIES SUB	0	05/14/2021	06/28/2021	28.00
	ADAMS COUNTY REGISTER OF	20212289	BUHR, RONALD - BUHR SUB	0	05/18/2021	06/28/2021	52.00
							80.00
001-080.000-723.050	Advertising						
	HASTINGS TRIBUNE	300113549	CODE ENFORCEMENT AD	0	05/05/2021	06/28/2021	175.20
	HASTINGS TRIBUNE	300113602	HEARING NOTICE - SEKORA	0	05/07/2021	06/28/2021	36.65
	HASTINGS TRIBUNE	300113603	NOTICE OF HEARING - CIMARRO	0	05/07/2021	06/28/2021	66.75
	HASTINGS TRIBUNE	300113604	NOTICE OF HEARING - FLU MAP	0	05/07/2021	06/28/2021	34.03
	HASTINGS TRIBUNE	300113605	NOTICE OF HEARING - SOLAR	0	05/07/2021	06/28/2021	9.82
							322.45
001-080.000-727.600	R & M Office Eqp						
	HOMETOWN LEASING #3	22795125	EQUIP LEASE PMT	0	06/13/2021	06/28/2021	397.24
							397.24
001-080.000-727.800	R & M Vehicles						
	FILL-N-CHILL	029134	CAR WASH	0	05/31/2021	06/28/2021	6.00
	MENARDS	17936	STEERING WHEEL COVER	0	06/09/2021	06/28/2021	8.99
							14.99
001-080.000-730.050	Office Supplies						
	EAKES OFFICE SOLUTIONS	8268091-0	OFFICE SUPPLIES	0	06/03/2021	06/28/2021	206.72
							206.72
001-080.000-730.100	Books & Maps						
	US BANK	ICC	2018 IPMC OVERVIEW	0	06/04/2021	06/28/2021	29.50
							29.50
							Total Dept. Development Services: 1,118.90
Dept: 110.000 Auditorium							
001-110.000-726.050	Electricity						
	HASTINGS UTILITIES	CUST #1052	AUDITORIUM UTILITIES	0	05/31/2021	06/28/2021	703.49
							703.49
001-110.000-726.100	Natural Gas						
	HASTINGS UTILITIES	CUST #1052	AUDITORIUM UTILITIES	0	05/31/2021	06/28/2021	88.99
							88.99
001-110.000-726.150	Sewer						
	HASTINGS UTILITIES	CUST #1052	AUDITORIUM UTILITIES	0	05/31/2021	06/28/2021	28.46
							28.46
001-110.000-726.250	Water						
	HASTINGS UTILITIES	CUST #1052	AUDITORIUM UTILITIES	0	05/31/2021	06/28/2021	107.25
							107.25
001-110.000-727.200	R & M Buildings						
	BEMAN'S APPLIANCE SERVICE,	21-1172	SERVICE CALL/ ICE MACHINE &	0	04/01/2021	06/28/2021	156.92
	WILLIAMS EXTERMINATING, INC	54044	EXTERMINATING/JUNE	0	06/01/2021	06/28/2021	46.00
							202.92
							Total Dept. Auditorium: 1,131.11
Dept: 120.000 Cemetery							
001-120.000-720.300	Professional Ser						
	HASTINGS PHYSICAL THERAPY	201510	NEW HIRE PHYSICAL & DRUG TEST	0	06/01/2021	06/28/2021	26.00
							26.00
001-120.000-726.050	Electricity						
	HASTINGS UTILITIES	CUST #1052	CEMETERY UTILITIES	0	05/31/2021	06/28/2021	71.75
							71.75
001-120.000-726.100	Natural Gas						

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 4

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	HASTINGS UTILITIES	CUST #1052	CEMETERY UTILITIES	0	05/31/2021	06/28/2021	102.29
							102.29
001-120.000-726.150	Sewer						
	HASTINGS UTILITIES	CUST #1052	CEMETERY UTILITIES	0	05/31/2021	06/28/2021	34.60
							34.60
001-120.000-726.250	Water						
	HASTINGS UTILITIES	CUST #1052	CEMETERY UTILITIES	0	05/31/2021	06/28/2021	1,170.02
							1,170.02
001-120.000-727.200	R & M Buildings						
	BIG G ACE	675470/1	FLAGS	0	05/28/2021	06/28/2021	211.68
							211.68
001-120.000-727.500	R & M Heavy Ma						
	LANDMARK IMPLEMENT INC.	11103001	TRACTOR WEIGHTS	0	06/08/2021	06/28/2021	246.40
							246.40
001-120.000-727.800	R & M Vehicles						
	SCHERBARTH, INC.	45117	DUMP TRUCK REPAIR	0	05/21/2021	06/28/2021	55.30
							55.30
001-120.000-729.150	Other Operating						
	MALOUF JR AND ASSOCIATES	IN-35227	TOWELS/PAPER TOWELS	0	05/28/2021	06/28/2021	114.40
							114.40
001-120.000-730.050	Office Supplies						
	EAKES OFFICE SOLUTIONS	8268478-0	LABELS/PROTECTORS	0	06/04/2021	06/28/2021	58.21
							58.21
001-120.000-731.250	Fuel & Oil						
	SAPP BROS PETROLEUM INC	IN3497531	DIESEL/UNLEADED FUEL	0	05/25/2021	06/28/2021	1,544.40
							1,544.40
001-120.000-731.550	Sand & Gravel						
	CONSOLIDATED CONCRETE CC	266311	FILL SAND	0	05/20/2021	06/28/2021	182.32
	CONSOLIDATED CONCRETE CC	266371	FILL SAND	0	05/21/2021	06/28/2021	373.48
							555.80
001-120.000-737.100	Landscaping Sup						
	CENTRAL NE SOD SUPPLY	17378	SOD	0	05/25/2021	06/28/2021	52.00
	KULLY PIPE & STEEL SUPPLY	753579	WATERLINE PARTS	0	06/07/2021	06/28/2021	232.45
	MENARDS	17336	LANDSCAPING MATERIAL	0	05/27/2021	06/28/2021	263.20
	MENARDS	17384	PLANTS	0	05/28/2021	06/28/2021	88.21
	MENARDS	17650	PAVER EDGING	0	06/03/2021	06/28/2021	71.91
							707.77
							Total Dept. Cemetery: 4,898.62
Dept: 130.000 Parks							
001-130.000-726.050	Electricity						
	HASTINGS UTILITIES	CUST #1052	PARKS UTILITIES	0	05/31/2021	06/28/2021	2,743.17
							2,743.17
001-130.000-726.100	Natural Gas						
	HASTINGS UTILITIES	CUST #1052	PARKS UTILITIES	0	05/31/2021	06/28/2021	127.59
							127.59
001-130.000-726.150	Sewer						
	HASTINGS UTILITIES	CUST #1052	PARKS UTILITIES	0	05/31/2021	06/28/2021	459.82
							459.82
001-130.000-726.250	Water						
	HASTINGS UTILITIES	CUST #1052	PARKS UTILITIES	0	05/31/2021	06/28/2021	8,136.06

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 5

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							8,136.06
001-130.000-727.200	R & M Buildings						
	BIG G ACE	675448/1	SPRAY PAINT & FASTENERS	0	05/27/2021	06/28/2021	31.68
	BIG G ACE	675762/1	SPRAYPAINT	0	06/02/2021	06/28/2021	26.46
	BIG G ACE	676050/1	TREATED LUMBER	0	06/07/2021	06/28/2021	14.76
	BIG G ACE	676204/1	PLIERS HOLDER, MISC GLASS	0	06/09/2021	06/28/2021	46.13
	BIG G ACE	676264/1	STRIP SPRAY & BRUSH PAINT	0	06/10/2021	06/28/2021	102.28
	FASTENAL COMPANY	NEHAS169243	RESTROOM R&M	0	05/10/2021	06/28/2021	15.53
	FLOOR TO CEILING	F0002183	SWIMMING POOL PAINT	0	06/04/2021	06/28/2021	129.34
	FLOOR TO CEILING	F0002182	CHLORINE	0	06/04/2021	06/28/2021	388.02
	GRACE'S LOCKSMITH SERVICE	64091	KEYS/OSWEGO PRESS BOX	0	05/18/2021	06/28/2021	45.00
	HOLLING PLUMBING LLC	12820	SEWER LINE WORK/OSWEGO FIE	0	06/01/2021	06/28/2021	200.00
	IDEAL ELECTRIC, INC.	12154	BALLFIELD LIGHTS BEHIND HIGH	0	05/24/2021	06/28/2021	213.00
	IDEAL ELECTRIC, INC.	12155	CARTER SCOREBOARD	0	05/24/2021	06/28/2021	618.18
	KULLY PIPE & STEEL SUPPLY	750286	PVC CAP/CREDIT	0	05/28/2021	06/28/2021	-28.36
	KULLY PIPE & STEEL SUPPLY	752786	HIGHLAND RR R&M	0	05/21/2021	06/28/2021	38.59
	KULLY PIPE & STEEL SUPPLY	752811	HIGHLAND RR R&M	0	05/24/2021	06/28/2021	15.05
	KULLY PIPE & STEEL SUPPLY	753283	ADAPTOR	0	06/02/2021	06/28/2021	1.50
	KULLY PIPE & STEEL SUPPLY	753526	HIGHLAND RR R&M	0	06/04/2021	06/28/2021	4.94
	KULLY PIPE & STEEL SUPPLY	753187	ADAPTOR	0	06/01/2021	06/28/2021	5.59
	NE FIRE SPRINKLER CORP.	5918	REPAIR FROZEN PIPES	0	06/01/2021	06/28/2021	409.00
	PLATTE VALLEY COMMUNICATI	34618	DISH FOOT/DUNCAN FIELD	0	05/18/2021	06/28/2021	20.00
	PLATTE VALLEY COMMUNICATI	34627	REC FIELD SCOREBOARD REPAI	0	05/20/2021	06/28/2021	115.23
	REAMS SPRINKLER SUPPLY CC	0004116016-001	HEARTWELL FOUNTAIN R&M	0	03/05/2021	06/28/2021	1,969.68
	US BANK	POOL SUPPLY	WADING POOL DRAIN CATCHER	0	06/02/2021	06/28/2021	175.27
	WITTE SALES & SERVICE/ALAN	13078	WADING POOL R&M	0	05/28/2021	06/28/2021	120.78
							4,677.65
001-130.000-727.500	R & M Heavy Ma						
	FASTENAL COMPANY	NEHAS169643	MOWER PART	0	05/26/2021	06/28/2021	31.23
	LANDMARK IMPLEMENT INC.	11096302	CLUTCH REPAIR	0	05/27/2021	06/28/2021	220.01
	NUTRIEN AG SOLUTIONS INC	45504935	TRIGGER JET SPRAYER	0	05/28/2021	06/28/2021	14.84
							266.08
001-130.000-727.800	R & M Vehicles						
	N A P A AUTO PARTS	032005	BATTERY	0	06/03/2021	06/28/2021	113.25
	N A P A AUTO PARTS	032858	SWITCH	0	06/07/2021	06/28/2021	10.03
							123.28
001-130.000-729.150	Other Operating						
	HASTINGS PHYSICAL THERAPY	201510	NEW HIRE PHYSICAL & DRUG TE	0	06/01/2021	06/28/2021	208.00
	S.O.S. PORTABLE TOILET INC.	45590	PORTABLE TOILET UNITS/JUNE	0	06/08/2021	06/28/2021	320.00
							528.00
001-130.000-731.250	Fuel & Oil						
	SAPP BROS PETROLEUM INC	IN3498975	DIESEL/GAS	0	05/26/2021	06/28/2021	1,910.40
	US BANK	SHELL OIL	FUEL	0	06/07/2021	06/28/2021	60.75
							1,971.15
001-130.000-731.400	Other Supplies						
	HOMETOWN LEASING #3	22795125	EQUIP LEASE PMT	0	06/13/2021	06/28/2021	122.28
							122.28
001-130.000-737.200	Building Mainten						
	MALOUF JR AND ASSOCIATES	IN-35210	GLOVES, DEODORIZERS	0	05/27/2021	06/28/2021	274.30
	MALOUF JR AND ASSOCIATES	IN-35224	HAND SANITIZER DISPENSERS &	0	05/27/2021	06/28/2021	55.20
	MENARDS	17260	BRUSHES & SPRAY	0	05/25/2021	06/28/2021	10.08
							339.58
Total Dept. Parks:							19,494.66

Dept: 140.000 Water Park

001-140.000-720.300 Professional Ser

6/28/2021 VOUCHERS TO BE PAID

Time: 1:16 pm

Page: 6

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
001-140.000-720.350	HASTINGS PHYSICAL THERAPY	201510	NEW HIRE PHYSICAL & DRUG TEST	0	06/01/2021	06/28/2021	468.00
							468.00
001-140.000-720.350	Training & Conference						
	AMERICAN RED CROSS	22351576	TRAINING-LIFEGUARD SKILLS	0	05/31/2021	06/28/2021	1,217.00
							1,217.00
001-140.000-726.050	Electricity						
	HASTINGS UTILITIES	CUST #1052	WATERPARK UTILITIES	0	05/31/2021	06/28/2021	2,051.40
							2,051.40
001-140.000-726.100	Natural Gas						
	HASTINGS UTILITIES	CUST #1052	WATERPARK UTILITIES	0	05/31/2021	06/28/2021	64.48
							64.48
001-140.000-726.150	Sewer						
	HASTINGS UTILITIES	CUST #1052	WATERPARK UTILITIES	0	05/31/2021	06/28/2021	45.20
							45.20
001-140.000-726.250	Water						
	HASTINGS UTILITIES	CUST #1052	WATERPARK UTILITIES	0	05/31/2021	06/28/2021	3,177.00
							3,177.00
001-140.000-727.200	R & M Buildings						
	BIG G ACE	673325/1	NYLON ROPE	0	04/27/2021	06/28/2021	79.00
	BIG G ACE	674939/1	PAINT FOR DIVING BOARD STAND	0	05/21/2021	06/28/2021	33.50
	BIG G ACE	675355/1	FLAG POLE ROPE	0	05/27/2021	06/28/2021	117.30
	BIG G ACE	675927/1	FASTENERS, BATTERIES	0	06/04/2021	06/28/2021	18.03
	ECHO SYSTEMS	S8990214.001	BALLAST/BATH HOUSE	0	05/25/2021	06/28/2021	62.08
	ECHO SYSTEMS	S8995513.001	BALLAST/BATH HOUSE HALLWAY	0	05/28/2021	06/28/2021	31.04
	KULLY PIPE & STEEL SUPPLY	753043	BACKFLOW	0	05/26/2021	06/28/2021	63.16
	LINCOLN AQUATICS	D8732920	POOL LADDER	0	06/01/2021	06/28/2021	576.79
	N A P A AUTO PARTS	031403	SPARK PLUG	0	06/01/2021	06/28/2021	2.56
							983.46
001-140.000-730.050	Office Supplies						
	BUSINESS WORLD PRODUCTS	656554-02	COLOR INK	0	06/01/2021	06/28/2021	31.99
							31.99
001-140.000-731.205	Concessions for Island						
	ALLEN'S OF HASTINGS, INC.	ALLENS	CONCESSIONS/RESALE/HOT DOG	0	06/07/2021	06/28/2021	13.30
	ALLEN'S OF HASTINGS, INC.	ALLENS	CONCESSIONS/RESALE/HOTDOG	0	06/08/2021	06/28/2021	18.32
	ALLEN'S OF HASTINGS, INC.	ALLENS	CONCESSIONS/RESALE/PWDR SL	0	06/01/2021	06/28/2021	10.25
	CASH-WA DISTRIBUTING	P12946898	CONCESSIONS/RESALE	0	06/03/2021	06/28/2021	377.45
	CASH-WA DISTRIBUTING	12944239	CONCESSIONS/RESALE	0	06/03/2021	06/28/2021	1,875.95
	CASH-WA DISTRIBUTING	12948828	CONCESSIONS/RESALE	0	06/07/2021	06/28/2021	1,777.03
	CASH-WA DISTRIBUTING	12951966	CONCESSIONS/RESALE	0	06/09/2021	06/28/2021	2,030.67
	CASH-WA DISTRIBUTING	12955062	CONCESSIONS/RESALE	0	06/11/2021	06/28/2021	2,114.16
	MENARDS	17951	SINK STRAINER, PADLOCKS	0	06/09/2021	06/28/2021	14.76
	PEPSI-COLA BOTTLING CO.	6100053200	CONCESSIONS/SOFTDRINKS	0	06/09/2021	06/28/2021	1,621.29
	RUSS'S MARKET	RUSS'S	CONCESSIONS/RESALE/BUNS	0	06/02/2021	06/28/2021	43.99
	RUSS'S MARKET	RUSS'S	CONCESSIONS/RESALE/BUNS	0	06/09/2021	06/28/2021	10.00
	US BANK	SAM'S CLUB	CONCESSIONS/RESALE	0	06/05/2021	06/28/2021	756.76
	WAL-MART COMMUNITY	06980	GOLF LEAGUE SUPP, POOL	0	06/04/2021	06/28/2021	9.68
	WAL-MART COMMUNITY	09798	CONCESSIONS/RESALE	0	06/04/2021	06/28/2021	55.06
							10,728.67
	001-140.000-731.350	Medical Supplies					
WAL-MART COMMUNITY		06305	MEDICAL SUPPLIES	0	05/28/2021	06/28/2021	101.14
							101.14
001-140.000-731.700	Wearing Apparel						
	SHIRT SHACK HASTINGS	H12178	ADMISSION STAFF NAME TAGS	0	05/27/2021	06/28/2021	78.00
							78.00

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 7

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
001-140.000-737.200	Building Maintena						
	BIG G ACE	675455/1	CLEANING SUPPLIES	0	05/28/2021	06/28/2021	15.17
	BIG G ACE	675632/1	CHAIN	0	06/01/2021	06/28/2021	49.44
	JACKSON SERVICES INC.	4568279	MOPS & LINEN BAG RACK	0	06/10/2021	06/28/2021	57.43
	JACKSON SERVICES INC.	4556904	MOPS & LINEN BAG RACK	0	05/27/2021	06/28/2021	57.43
	MALOUF JR AND ASSOCIATES	IN-35219	HAND SANITIZER, DISPENSER	0	06/04/2021	06/28/2021	380.00
	MALOUF JR AND ASSOCIATES	IN-35220	VINYL GLOVES	0	05/27/2021	06/28/2021	83.50
	MENARDS	17951	SINK STRAINER, PADLOCKS	0	06/09/2021	06/28/2021	5.98
	WAL-MART COMMUNITY	09798	CONCESSIONS/RESALE	0	06/04/2021	06/28/2021	19.65
							668.60
							19,614.94
							Total Dept. Water Park:
							19,614.94
Dept: 145.000 Recreation programmin							
001-145.000-720.300	Professional Ser						
	ESSENTIAL SCREENS	2021040596	NEW EE BACKGROUND CHECK	0	06/01/2021	06/28/2021	33.50
	HASTINGS PHYSICAL THERAPY	201510	NEW HIRE PHYSICAL & DRUG TEST	0	06/01/2021	06/28/2021	208.00
							241.50
001-145.000-726.050	Electricity						
	HASTINGS UTILITIES	CUST #1052	ARMORY UTILITIES	0	06/17/2021	06/28/2021	254.93
							254.93
001-145.000-726.100	Natural Gas						
	HASTINGS UTILITIES	CUST #1052	ARMORY UTILITIES	0	06/17/2021	06/28/2021	237.16
							237.16
001-145.000-726.150	Sewer						
	HASTINGS UTILITIES	CUST #1052	ARMORY UTILITIES	0	06/17/2021	06/28/2021	14.51
							14.51
001-145.000-726.250	Water						
	HASTINGS UTILITIES	CUST #1052	ARMORY UTILITIES	0	06/17/2021	06/28/2021	75.72
							75.72
001-145.000-727.200	R & M Buildings						
	STANEK FIRE PROTECTION	34111	FIRE CONTROL SYSTEM SERVICE	0	06/02/2021	06/28/2021	111.00
							111.00
001-145.000-729.050	Dues & Subscrip						
	US BANK	TEXTMAGIC	SUBSCRIPTION	0	06/01/2021	06/28/2021	10.00
	US BANK	WE VIDEO	WEVIDEO SUBSCRIPTION	0	06/08/2021	06/28/2021	9.99
	US BANK	WE VIDEO	WE VIDEO SUBSCRIPTION	0	05/10/2021	06/28/2021	9.99
	US BANK	TEXTMAGIC	SUBSCRIPTION	0	05/18/2021	06/28/2021	10.00
							39.98
001-145.000-730.050	Office Supplies						
	HOMETOWN LEASING #3	22795125	EQUIP LEASE PMT	0	06/13/2021	06/28/2021	299.30
							299.30
001-145.000-731.401	Adult Rec Suppli						
	HASTY AWARDS	06210141	PICKLE BALL TOURNAMENT PLAC	0	06/03/2021	06/28/2021	28.71
	US BANK	DOLLAR TREE	SUPPLIES/PICKLEBALL TOURNAM	0	06/04/2021	06/28/2021	3.21
	US BANK	DUNHAMS	PICKLEBALLS	0	06/04/2021	06/28/2021	42.76
							74.68
001-145.000-731.402	Youth Rec Suppl						
	WAL-MART COMMUNITY	06980	GOLF LEAGUE SUPP, POOL	0	06/04/2021	06/28/2021	43.55
							43.55
001-145.000-731.403	Spec. Event Supl						
	WAL-MART COMMUNITY	08005	FISHING DERBY SUPPLIES	0	06/10/2021	06/28/2021	29.52
							29.52
001-145.000-731.700	Wearing Apparel						

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 9

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
001-150.000-730.055	Library Supplies						
	EAKES OFFICE SOLUTIONS	INV282538	PUBLIC AND OFFICE COPIES	0	05/28/2021	06/28/2021	78.43
							78.43
001-150.000-730.056	Library Maker Sp						
	US BANK	AMAZON	MAKERSPACE SUPPLIES	0	06/07/2021	06/28/2021	29.98
							29.98
001-150.000-730.110	Electronic Databa						
	NE LIBRARY COMMISSION	30567	VALUE LINE INVEST SURVEY ONL	0	06/07/2021	06/28/2021	2,338.00
	NE LIBRARY COMMISSION	30567	VALUE LINE INVEST SURVEY ONL	0	06/07/2021	06/28/2021	927.00
							3,265.00
001-150.000-730.115	Library Collectior						
	ADAMSON/TOM//	3281	BOOK	0	05/24/2021	06/28/2021	8.00
	BAKER & TAYLOR, INC.	5016993800	BOOKS	0	05/19/2021	06/28/2021	31.25
	EBSCO INFORMATION SERVICE	1628286	MAGAZINE RENEWALS	0	06/02/2021	06/28/2021	4,422.37
	MIDWEST TAPE	500517722	HOOPLA	0	05/31/2021	06/28/2021	2,104.14
	MIDWEST TAPE	500528526	DVDS, PROCESSING	0	06/02/2021	06/28/2021	18.74
	MIDWEST TAPE	500539294	DVDS	0	06/04/2021	06/28/2021	21.74
	MIDWEST TAPE	500560273	DVDS, PROCESSING	0	06/09/2021	06/28/2021	7.49
	MIDWEST TAPE	500560271	AUDIOBOOK, PROCESSING	0	06/09/2021	06/28/2021	24.99
	OVERDRIVE INC	MA21244710	AUDIOBOOKS	0	05/31/2021	06/28/2021	59.99
	OVERDRIVE INC	MA21245818	AUDIOBOOKS	0	05/31/2021	06/28/2021	399.46
	THE GRAND ISLAND INDEPEND	3773866	RENEWAL 7/11/21-7/10/22	0	05/26/2021	06/28/2021	509.39
	US BANK	AMAZON	BOOKS	0	06/07/2021	06/28/2021	45.90
	US BANK	AMAZON	BOOKS	0	05/30/2021	06/28/2021	20.87
	US BANK	AMAZON	BOOKS	0	06/07/2021	06/28/2021	28.11
	US BANK	AMAZON	DVDS	0	06/02/2021	06/28/2021	19.94
	US BANK	AMAZON	BOOKS	0	05/27/2021	06/28/2021	17.98
	US BANK	AMAZON	BOOKS	0	05/26/2021	06/28/2021	32.90
							7,773.26
						Total Dept. Library:	19,334.40
Dept: 220.000 911 center							
001-220.000-720.350	Training & Confe						
	CONSOLIDATED MANAGEMENT	220548	1 MEAL 6/3/21-6/9/21 GARDNER	0	06/09/2021	06/28/2021	8.74
							8.74
001-220.000-727.400	R & M Communic						
	PLATTE VALLEY COMMUNICATI	34574	VISUAL ALARM FOR ACSO	0	05/04/2021	06/28/2021	142.50
							142.50
001-220.000-730.050	Office Supplies						
	QUILL CORPORATION	16994380	2 DRUM CARTRIDGES	0	05/25/2021	06/28/2021	151.50
	WAL-MART COMMUNITY	09411	CELL PHONE CASE	0	06/10/2021	06/28/2021	19.88
							171.38
001-220.000-731.700	Wearing Apparel						
	PROFORMA	BG16002696A	5 POLO SHIRTS - SYD ARCHIBALD	0	06/09/2021	06/28/2021	222.40
							222.40
						Total Dept. 911 center:	545.02
Dept: 230.000 Hastings Fire & Rescue							
001-230.000-720.350	Training & Confe						
	JONES & BARTLETT LEARNING	283725	1 FF SKILLS 4 ONLINE ACCESS	0	05/26/2021	06/28/2021	55.46
	STATE FIRE MARSHAL TRAININ	2733	DOOLEY - INSTRUCTOR 1 CERT	0	06/01/2021	06/28/2021	50.00
							105.46
001-230.000-726.050	Electricity						
	HASTINGS UTILITIES	02070920-00	STA 1 UTILITIES	0	04/30/2021	06/28/2021	984.73
	HASTINGS UTILITIES	20751290-00	STA 2 UTILITIES	0	05/20/2021	06/28/2021	436.49

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 10

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							1,421.22
001-230.000-726.100	Natural Gas						
	HASTINGS UTILITIES	02070920-00	STA 1 UTILITIES	0	04/30/2021	06/28/2021	103.87
	HASTINGS UTILITIES	20751290-00	STA 2 UTILITIES	0	05/20/2021	06/28/2021	50.82
							154.69
001-230.000-726.150	Sewer						
	HASTINGS UTILITIES	02070920-00	STA 1 UTILITIES	0	04/30/2021	06/28/2021	50.78
	HASTINGS UTILITIES	20751290-00	STA 2 UTILITIES	0	05/20/2021	06/28/2021	92.63
							143.41
001-230.000-726.200	Telephone						
	AT&T MOBILITY	287306347287	CELL SERVICE 5/14-5/24	0	05/24/2021	06/28/2021	66.80
							66.80
001-230.000-726.250	Water						
	HASTINGS UTILITIES	02070920-00	STA 1 UTILITIES	0	04/30/2021	06/28/2021	96.26
	HASTINGS UTILITIES	20751290-00	STA 2 UTILITIES	0	05/20/2021	06/28/2021	123.12
							219.38
001-230.000-727.600	R & M Office Equ						
	MICROFILM IMAGING SYSTEMS	86110	SCANNER RENT	0	06/01/2021	06/28/2021	45.00
							45.00
001-230.000-729.100	Laundry						
	MENARDS	17835	LAUNDRY SUPPLIES	0	06/07/2021	06/28/2021	25.88
							25.88
001-230.000-731.250	Fuel & Oil						
	COOPERATIVE PRODUCERS IN	D30107	B-2 DEF FLUID	0	05/07/2021	06/28/2021	11.19
							11.19
001-230.000-737.200	Building Maintena						
	CULLIGAN OF HASTINGS	100011016102	STA 1 RO RENTAL	0	06/01/2021	06/28/2021	54.00
	CULLIGAN OF HASTINGS	100011012152	STA 2 RO RENTAL	0	06/01/2021	06/28/2021	27.00
	MENARDS	17125	STATION 1 SUPPLIES	0	05/22/2021	06/28/2021	12.29
							93.29
001-230.000-737.215	Computer Software						
	FIRST ARRIVING, LLC	2860	FIRST ARRIVING DASHBOARD	0	05/25/2021	06/28/2021	3,074.90
							3,074.90
001-230.000-737.705	Shop Supplies						
	N A P A AUTO PARTS	031821	FILTERS, TUNE-UP, BRAKLEEN	0	06/02/2021	06/28/2021	16.44
							16.44
Total Dept. Hastings Fire & Rescue:							5,377.66
Dept: 230.300 Ambulance Service							
001-230.300-720.300	Professional Services						
	FAMILY MEDICAL CENTER	YOUNG	ANNUAL PHYSICAL	0	04/23/2021	06/28/2021	156.00
	FAMILY MEDICAL CENTER	ANDERSON	ANNUAL PHYSICAL	0	05/27/2021	06/28/2021	211.00
							367.00
001-230.300-720.304	Billing/collection services						
	QUICK MED CLAIMS LLC	INV13391	EMS BILLING - MAY 2021	0	05/31/2021	06/28/2021	4,669.83
							4,669.83
001-230.300-726.200	Telephone						
	CHARTER COMMUNICATIONS	0006486060121	STA 1 TV	0	06/01/2021	06/28/2021	48.70
	CHARTER COMMUNICATIONS	0039545060121	STA 2 TV/INTERNET	0	06/01/2021	06/28/2021	97.77
							146.47
001-230.300-731.350	Medical Supplies						

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 11

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	BOUND TREE MEDICAL LLC	84077431	MEDICAL SUPPLIES	0	05/28/2021	06/28/2021	0.08
	BOUND TREE MEDICAL LLC	84079246	MEDICAL SUPPLIES	0	06/01/2021	06/28/2021	112.63
	BOUND TREE MEDICAL LLC	84079247	MEDICAL SUPPLIES	0	06/01/2021	06/28/2021	94.50
	BOUND TREE MEDICAL LLC	84080904	MEDICAL SUPPLIES	0	06/02/2021	06/28/2021	93.00
	BOUND TREE MEDICAL LLC	84084497	MEDICAL SUPPLIES	0	06/04/2021	06/28/2021	66.44
	BOUND TREE MEDICAL LLC	84086568	MEDICAL SUPPLIES	0	06/07/2021	06/28/2021	224.61
	MATHESON TRIGAS-LINWELD	0023683364	OXYGEN	0	06/04/2021	06/28/2021	82.95
	MATHESON TRIGAS-LINWELD	0023699961	OXYGEN & CYLINDER	0	06/09/2021	06/28/2021	339.76
							1,013.97
001-230.300-737.215	Computer Software						
	FIRST ARRIVING, LLC	2860	FIRST ARRIVING DASHBOARD	0	05/25/2021	06/28/2021	2,075.00
							2,075.00
Total Dept. Ambulance Service:							8,272.27
Dept: 240.000 Police							
001-240.000-720.300	Professional Services						
	BADGES ACROSS AMERICA		PHOTO DEPT PHOTOS	0	06/19/2021	06/28/2021	2,000.00
	EAKES OFFICE SOLUTIONS	INV282939	COPIER CONTRACT COUNT, FRO	0	06/01/2021	06/28/2021	305.73
	FAMILY MEDICAL CENTER	R NORRIS	PRE-EMPLOYMENT PHYSICAL	0	06/04/2021	06/28/2021	332.00
	POLICE DEPT. - PETTY CASH	ST OF NE	NOTARY APPLICATION - SANDOV	0	06/10/2021	06/28/2021	30.00
	S.O.S. PORTABLE TOILET INC.	45624	PORTABLE TOILET RENTAL MAY :	0	06/08/2021	06/28/2021	50.00
	TRANSUNION RISK & ALTERNATIVE	569373-202105-01	CURRENT & CONTRACT CHARGE	0	06/01/2021	06/28/2021	200.00
	TRANSUNION RISK & ALTERNATIVE	569373-202105-01	CURRENT & CONTRACT CHARGE	0	06/01/2021	06/28/2021	33.50
	VERIZON WIRELESS - VSAT	21284249-28551461	SUBPOENA FOR RECORDS DET	0	05/30/2021	06/28/2021	50.00
							3,001.23
001-240.000-720.350	Training & Conference						
	NE LAW ENFORCEMENT	9883	NCIC TRAINING BULLARD	0	06/01/2021	06/28/2021	216.00
							216.00
001-240.000-721.050	Postage						
	POLICE DEPT. - PETTY CASH	USPS	POSTAGE	0	06/07/2021	06/28/2021	2.40
							2.40
001-240.000-724.050	Printing						
	QUILL CORPORATION	16989750	2 CASES COPY PAPER LEGAL PA	0	05/25/2021	06/28/2021	45.94
							45.94
001-240.000-727.200	R & M Buildings						
	ARROW SEED COMPANY, INC.	OP-61991-25	SEED MIX	0	05/27/2021	06/28/2021	278.80
	BEYKE SIGNS, INC.	26834	7 NO PARKING SIGNS FOR GARAGE	0	05/31/2021	06/28/2021	348.00
	BEYKE SIGNS, INC.	26834	7 NO PARKING SIGNS FOR GARAGE	0	05/31/2021	06/28/2021	70.00
	ELECTRONIC SYSTEMS, INC.	31671	FIRE ALARM INSPECTION, 2 BATT	0	11/30/2020	06/28/2021	155.00
	RUTT'S HEATING & AC	3655-240	ALL AIR FILTERS AND BELTS	0	05/27/2021	06/28/2021	843.46
	RUTT'S HEATING & AC	2655-241	THERMOSTAT FOR LOCKERS ROOM	0	06/07/2021	06/28/2021	895.15
							2,590.41
001-240.000-727.206	Mowing Properties						
	VAREL/VINCENT H./J	MAY 2021	MAY MOWING FEES - VARIOUS PI	0	05/31/2021	06/28/2021	960.00
							960.00
001-240.000-727.400	R & M Communications						
	WAL-MART COMMUNITY	09478	CELL PHONE CASES AND PROTECT	0	06/09/2021	06/28/2021	75.22
	WAL-MART COMMUNITY	09529	CELL PHONE CASES & PROTECTI	0	06/10/2021	06/28/2021	95.34
							170.56
001-240.000-727.800	R & M Vehicles						
	ACE AUTOMOTIVE, INC.	46357	BATTERY FOR WARRANTY	0	06/01/2021	06/28/2021	45.00
	ACE AUTOMOTIVE, INC.	46407	OIL CHANGE #95	0	06/08/2021	06/28/2021	49.98
	FILL-N-CHILL	029362	MAY CARWASHES, 16	0	06/07/2021	06/28/2021	96.00
	FILL-N-CHILL	029133	MAY CARWASHES 16	0	06/07/2021	06/28/2021	96.00

6/28/2021 VOUCHERS TO BE PAID

Page: 13

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
001-620.000-727.700	R & M Tools & M BIG G ACE	675843/1	PAINT, SNAP QUICK	0	06/03/2021	06/28/2021	55.42
							55.42
001-620.000-729.150	Other Operating						
	HOMETOWN LEASING #3	22795125	EQUIP LEASE PMT	0	06/13/2021	06/28/2021	128.14
	US BANK	DISPLAYS MARKET	12X12 FOR DONATION & BALLOT	0	06/03/2021	06/28/2021	102.99
							231.13
001-620.000-737.705	Shop Supplies						
	ARAMARK UNIFORM SERVICES	1902095177	MATS/COVERALLS	0	06/07/2021	06/28/2021	26.01
	GRAINGER	9921845005	WARNING FLAGS, ORANGE	0	06/03/2021	06/28/2021	77.60
	HOWARD'S GLASS	2651	CLEAR WINDOW, SCREEN, SPLIN	0	06/02/2021	06/28/2021	189.95
							293.56
						Total Dept. Airport:	3,170.61
						Total Fund GENERAL FUND:	137,603.06

CYBERARK	INVUSA026183	SINGLE SIGN-ON PRODUCT YEAF	0	06/08/2021	06/28/2021	2,657.45
US BANK	GOOGLE	GSUITE FOR CITY OF HASTINGS	0	06/03/2021	06/28/2021	396.00
US BANK	AWS	AWS-RMM MONTHLY	0	06/04/2021	06/28/2021	35.16
US BANK	LOGMEIN	GOTOMEETING YRLY 2021	0	06/04/2021	06/28/2021	664.83
US BANK	LOGMEIN	GOTOASSIST MONTHLY	0	06/07/2021	06/28/2021	41.43
US BANK	MSFT	EXCHANGE ONLINE	0	06/10/2021	06/28/2021	678.60
						4,473.47

CYBERARK	INVUSA026183	SINGLE SIGN-ON PRODUCT YEAF	0	06/08/2021	06/28/2021	3,248.00
MAINSAYER SOFTWARE	10573	MAINSAYER SOFTWARE SUPPOR	0	04/30/2021	06/28/2021	2,466.00
US BANK	AWS	AWS-RMM MONTHLY	0	06/04/2021	06/28/2021	42.97
US BANK	LOGMEIN	GOTOMEETING YRLY 2021	0	06/04/2021	06/28/2021	812.57
US BANK	LOGMEIN	GOTOASSIST MONTHLY	0	06/07/2021	06/28/2021	50.63
US BANK	MSFT	ONE DRIVE FOR BUSINESS	0	06/09/2021	06/28/2021	10.00
US BANK	MSFT	GIS MSFT POWER AUTOMATE	0	06/09/2021	06/28/2021	30.00
US BANK	MSFT	EXCHANGE ONLINE	0	06/10/2021	06/28/2021	829.40
						7,489.57

US BANK	AMAZON	2 VGA CALBES FOR WEC	0	06/08/2021	06/28/2021	139.96
US BANK	AMAZON	2 VGA CALBES FOR WEC	0	06/08/2021	06/28/2021	27.98
US BANK	AMAZON	REPLCE HARD DRIVE FOR EIC CC	0	06/09/2021	06/28/2021	84.99
						252.93

Total Fund I.T. FUND: 12,215.97

HASTINGS AREA CHAMBER OF	200806	5/21 COPIES, POSTAGE, TELE	0	06/15/2021	06/28/2021	57.77
						57.77

HASTINGS AREA CHAMBER OF	200806	5/21 COPIES, POSTAGE, TELE	0	06/15/2021	06/28/2021	67.00
--------------------------	--------	----------------------------	---	------------	------------	-------

6/28/2021 VOUCHERS TO BE PAID

Page: 14

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							67.00
111-000.000-727.201	R & M Grounds Maintenance						
	YARD JOCKS, LLC	060721	LANDSCAPE SERVICES	0	06/07/2021	06/28/2021	1,925.00
							1,925.00
111-000.000-729.150	Other Operating						
	HASTINGS UTILITIES	18691700-00	UTILITIES	0	05/20/2021	06/28/2021	42.68
	HASTINGS UTILITIES	18690528-00	UTILITIES	0	05/20/2021	06/28/2021	43.94
	HASTINGS UTILITIES	18690752-01	UTILITIES	0	05/20/2021	06/28/2021	89.27
	HASTINGS UTILITIES	18690950-00	UTILITIES	0	05/20/2021	06/28/2021	47.12
	WOODWARD'S DISPOSAL SERVICE	8998-1019	SERVICE	0	05/22/2021	06/28/2021	25.00
							248.01
Total Dept. 0000000:							2,299.36
SINESS IMPROVEMENT DIST:							2,299.36
Fund: 130 LIBRARY GRANT FUND							
Dept: 000.000							
130-000.000-720.357	Library Programs						
	US BANK	AMAZON	BOOKMOBILE PROGRAM YARD S	0	06/01/2021	06/28/2021	34.49
	US BANK	AMAZON	BOOKMOBILE PROGRAM SUPPLIE	0	06/07/2021	06/28/2021	31.85
	US BANK	NE WILDLIFE	SRP PRIZE	0	05/31/2021	06/28/2021	20.00
	WAL-MART COMMUNITY	08632	SWIFFER REFILLS PROGRAM SUF	0	06/07/2021	06/28/2021	34.81
							121.15
Total Dept. 0000000:							121.15
Fund LIBRARY GRANT FUND:							121.15
Fund: 133 PARKS GRANT FUND							
Dept: 130.000 Parks							
133-130.000-741.209	Infrastructure Imp						
	SHIRT SHACK HASTINGS	H12176	DRINKING FOUNTAIN PLAQUE	0	05/27/2021	06/28/2021	8.75
							8.75
Total Dept. Parks:							8.75
al Fund PARKS GRANT FUND:							8.75
Fund: 146 FIRE DEPT EQUIP SINKING							
Dept: 000.000							
146-000.000-743.802	Fire Vehicle						
	ELDON'S AUTOMOTIVE REPAIR	21017	FU2-LEVELING KIT, MUD FLAPS	0	05/28/2021	06/28/2021	734.39
							734.39
Total Dept. 0000000:							734.39
: DEPT EQUIP SINKING FUND:							734.39
Fund: 155 PUBLIC SAFETY GRANT FU							
Dept: 230.100 Fire & Rescue Dept.							
155-230.100-743.700	Tools & Miscellar						
	WISSMAN ENTERPRISES INC	1348	FIRE SAFETY DEMO TRLR	0	05/27/2021	06/28/2021	6,271.00
							6,271.00
Total Dept. Fire & Rescue Dept.:							6,271.00
UBLIC SAFETY GRANT FUND:							6,271.00

Fund: 170 MUSEUM FUND

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 15

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Dept: 000.000							
170-000.000-443.070	Museum Store S:						
	NE OFFICIAL SOFT DRINK HERI	MAY 2021	SALES KOOL AID MAY 2021	0	05/31/2021	06/28/2021	-19.59
	NE OFFICIAL SOFT DRINK HERI	MAY 2021	SALES KOOL AID MAY 2021	0	05/31/2021	06/28/2021	195.88
							176.29
						Total Dept. 000000:	176.29
Dept: 170.100 Museum administration							
170-170.100-720.300	Professional Ser						
	LUTZ & COMPANY PC	287119	PREP OF FORM 990 YEAR END	0	05/17/2021	06/28/2021	1,300.00
							1,300.00
170-170.100-720.350	Training & Confe						
	SCHEIERMAN/CARLA//	MAY 2021	MAY MILEAGE	0	06/01/2021	06/28/2021	30.19
							30.19
170-170.100-721.050	Postage						
	MUSEUM - PETTY CASH	USPS	POSTAGE DUE	0	05/05/2021	06/28/2021	0.55
	MUSEUM - PETTY CASH	USPS	POSTAGE - STORE ITEM	0	06/01/2021	06/28/2021	8.10
							8.65
170-170.100-723.050	Advertising						
	HASTINGS TRIBUNE	ACT 606	LINEUP, WEB LISTING, PT MAINT	0	05/31/2021	06/28/2021	603.31
	LAMAR COMPANIES/THE//	112558243	CAMPAIGN RENEWAL PANEL 100I	0	06/01/2021	06/28/2021	275.00
	US BANK	FACEBOOK	MAY POSTS	0	05/31/2021	06/28/2021	233.37
							1,111.68
170-170.100-723.060	Promo Services (						
	ADAMS COUNTY CONVENTION	APR 2021	MARCH LODGING TAX	0	05/01/2021	06/28/2021	7,597.18
							7,597.18
170-170.100-726.050	Electricity						
	HASTINGS UTILITIES	02070930-00	MUSEUM UTILITIES	0	04/30/2021	06/28/2021	646.36
	HASTINGS UTILITIES	02070930-00	MUSEUM UTILITIES	0	04/30/2021	06/28/2021	-457.60
	HASTINGS UTILITIES	02070930-00	MUSEUM UTILITIES	0	04/30/2021	06/28/2021	4,125.36
							4,314.12
170-170.100-726.100	Natural Gas						
	HASTINGS UTILITIES	02070930-00	MUSEUM UTILITIES	0	04/30/2021	06/28/2021	141.21
							141.21
170-170.100-726.150	Sewer						
	HASTINGS UTILITIES	02070930-00	MUSEUM UTILITIES	0	04/30/2021	06/28/2021	47.99
							47.99
170-170.100-726.250	Water						
	HASTINGS UTILITIES	02070930-00	MUSEUM UTILITIES	0	04/30/2021	06/28/2021	250.86
							250.86
170-170.100-727.200	R & M Buildings						
	GRACE'S LOCKSMITH SERVICE	64118	REPAIR THEATER LOCK, 10 KEYS	0	05/27/2021	06/28/2021	85.00
	WILLIAMS EXTERMINATING, INC	54105	GENERAL SPRAY - OUTSIDE OF	0	06/01/2021	06/28/2021	45.00
							130.00
170-170.100-727.500	R & M Heavy Ma						
	HONEYWELL, INC.	5256179473	REPLACE BOILER LOW WTER	0	05/25/2021	06/28/2021	1,104.30
	KONE, INC.	959885199	MAINTENANCE COVERAGE 6/1/21	0	06/01/2021	06/28/2021	827.46
							1,931.76
170-170.100-728.150	Film Royalty						
	COSMIC PICTURE DISTRIB LLC	21-1699	BACK FROM THE BRINK MAY 2021	0	06/03/2021	06/28/2021	98.50
	COSMIC PICTURE DISTRIB LLC	21-1701	LEWIS AND CLARK MAY 2021	0	06/03/2021	06/28/2021	55.25
	GATHER MEDIA, LLC	MAY 2021	WE THE PEOPLE MAY 2021	0	05/31/2021	06/28/2021	84.00

6/28/2021 VOUCHERS TO BE PAID

Time: 1:16 pm

Page: 16

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
170-170.100-729.050	GIANT SCREEN FILMS	MAY 2021	TORNADO ALLEY MAY 2021	0	06/01/2021	06/28/2021	59.85
	IMAX CORPORTATION	MAY 2021	SUPERPOWER DOGS MAY 2021	0	06/01/2021	06/28/2021	756.98
	K2 COMMUNICATION CORPOR/	MAY 2021	D-DAY MAY 2021 ROYALTIES	0	06/01/2021	06/28/2021	88.97
	NATURAL ALLIES LLC	MAY 2021	NATURE MAKERS MAY 2021	0	06/01/2021	06/28/2021	42.00
	REAL D INC.	17028095	MAY 3D FILMS	0	06/07/2021	06/28/2021	496.50
	S K FILMS, INC.	MAY 2021	BACKYARD WILDERNESS	0	06/01/2021	06/28/2021	993.27
	S K FILMS, INC.	MAY 2021	BUTTERFLIES	0	06/01/2021	06/28/2021	226.50
	S K FILMS, INC.	MAY 2021	TURTLE ODYSSEY	0	06/01/2021	06/28/2021	100.80
							3,002.62
170-170.100-729.050	Dues & Subscrip						
	NE TRAVEL ASSOCIATION	7398	NETA MEMBERSHIP DUES	0	06/07/2021	06/28/2021	150.00
							150.00
170-170.100-729.150	Other Operating						
	ESSENTIAL SCREENS	2021040596	NEW EE BACKGROUND CHECK	0	06/01/2021	06/28/2021	18.50
	HASTINGS PHYSICAL THERAPY	201510	NEW HIRE PHYSICAL & DRUG TEST	0	06/01/2021	06/28/2021	26.00
							44.50
170-170.100-730.050	Office Supplies						
	EAKES OFFICE SOLUTIONS	8266151-0	LEDGER SIZE CARDSTOCK	0	06/01/2021	06/28/2021	95.75
							95.75
170-170.100-731.205	Concessions for I						
	PEPSI-COLA BOTTLING CO.	6100053001	CONCESSIONS	0	06/04/2021	06/28/2021	330.20
	RIVOLI THEATRE	52921	56 GAL BAG OF POPCORN	0	05/29/2021	06/28/2021	40.00
							370.20
170-170.100-731.210	Store Merchandis						
	EDUCATIONAL DEVELOPMENT	DIR9338011	BOOKS - STORE MERCHANDISE	0	05/05/2021	06/28/2021	47.96
	US BANK	AURORAWORLD	EMBROIDERED COLLARS	0	05/28/2021	06/28/2021	158.40
							206.36
170-170.100-731.215	Penny Presser						
	CTM GROUP INC	MAY21PENJE31-4070	MAY PENNY PRESS	0	06/01/2021	06/28/2021	55.24
							55.24
170-170.100-731.408	Educational Expe						
	AMAZON CAPITAL SERVICES	1VNN-37XN-4WRX	OUTDOOR CLASSROOM SUPPLIE	0	05/30/2021	06/28/2021	157.56
	AMAZON CAPITAL SERVICES	13LK-LQYM-WJ3N	MINI DINOSAURS - SUMMER FUN	0	06/08/2021	06/28/2021	19.97
	AMAZON CAPITAL SERVICES	19Y7-7XVT-HFXW	WOODEN SALAD BOWLS	0	06/08/2021	06/28/2021	95.97
	AMAZON CAPITAL SERVICES	1NF6-DJVW-GD1X	REFRIGERATOR MAGNETS	0	06/08/2021	06/28/2021	12.99
	AMAZON CAPITAL SERVICES	1FWG-NLM1-6GNL	OUTDOOR CLASSROOM SUPPLIE	0	06/03/2021	06/28/2021	275.62
	MENARDS	22228	PVC PIPE FOR OUTDOOR CLASSI	0	06/09/2021	06/28/2021	37.46
	MENARDS	17539	SPRAY PAINT, MAGNETS	0	06/01/2021	06/28/2021	101.37
	US BANK	MENARDS	OUTDOOR CLASSROOM SUPPLIE	0	05/25/2021	06/28/2021	393.27
	US BANK	DIMENSIONSEDU	OUTDOOR CLASSROOM SUPPLIE	0	05/26/2021	06/28/2021	1,148.05
	US BANK	NATUREWATCH	OUTDOOR CLASSROOM SUPPLIE	0	05/25/2021	06/28/2021	84.38
	US BANK	FORESTRYSUPPLY	OUTDOOR CLASSROOM SUPPLIE	0	05/26/2021	06/28/2021	456.43
	US BANK	WAYFAIR	OUTDOOR CLASSROOM SUPPLIE	0	05/27/2021	06/28/2021	631.29
	US BANK	LAKESHORE	OUTDOOR CLASSROOM SUPPLIE	0	05/28/2021	06/28/2021	-11.27
	US BANK	FORESTRYSUPPLY	OUTDOOR CLASSROOM SUPPLIE	0	05/28/2021	06/28/2021	39.75
	US BANK	MENARDS	OUTDOOR CLASSROOM SUPPLIE	0	06/01/2021	06/28/2021	-25.73
	US BANK	24HRTATTOO	OUTDOOR CLASSROOM SUPPLIE	0	06/04/2021	06/28/2021	86.45
	WAL-MART COMMUNITY	08061	SUMMER FUN SUPPLIES	0	06/05/2021	06/28/2021	73.28
	WAL-MART COMMUNITY	1548	CREDIT - RETURNED ITEMS	0	06/01/2021	06/28/2021	-32.12
	WAL-MART COMMUNITY	5470	SUMMER FUN SUPPLIES	0	06/01/2021	06/28/2021	184.35
							3,729.07
170-170.100-737.100	Landscaping Sup						
	MENARDS	17343	OUTDOOR SUPPLIES, SHOP SUP	0	05/27/2021	06/28/2021	35.34
	MUSEUM - PETTY CASH	PREMIER STOP	REIMBURSE RH FOR MOWER FUE	0	06/02/2021	06/28/2021	50.00
							85.34

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 17

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
170-170.100-737.200	Building Maintenance						
	EAKES OFFICE SOLUTIONS	8270590-0	CLEANING SUPPLIES	0	06/08/2021	06/28/2021	618.02
	MENARDS	17881	5 GALLON COOLERS, MISC MAIN	0	06/08/2021	06/28/2021	34.70
	MUSEUM - PETTY CASH	FASTENAL	REIMBURSE RH FOR FASTENERS	0	06/01/2021	06/28/2021	10.95
							663.67
170-170.100-737.205	Electrical Supplies						
	MENARDS	17881	5 GALLON COOLERS, MISC MAIN	0	06/08/2021	06/28/2021	11.99
	STRONG TECHNICAL SERVICE	SIN124458	XENON BULB	0	05/28/2021	06/28/2021	1,055.00
							1,066.99
170-170.100-737.210	Exhibit Supplies						
	ULINE	134386086	BLACK HOOKS	0	06/01/2021	06/28/2021	125.50
							125.50
170-170.100-737.212	Event Expenses						
	ALLEN'S OF HASTINGS, INC.	1374	CUPCAKES FOR MEMBER CELEB	0	06/10/2021	06/28/2021	119.94
	MENARDS	17881	5 GALLON COOLERS, MISC MAIN	0	06/08/2021	06/28/2021	74.97
	RUSS'S MARKET	10048	CUPCAKES FOR MEMBER CELEB	0	06/10/2021	06/28/2021	119.98
	US BANK	LCCSPECIALLICENSE	LIQUOR LICENSE FOR EVENT	0	06/04/2021	06/28/2021	42.75
	WAL-MART COMMUNITY	09094	MEMBER CELEBRATION SUPPLIE	0	06/09/2021	06/28/2021	121.38
	WAL-MART COMMUNITY	00397	MEMBER CELEBRATION SUPPLIE	0	06/09/2021	06/28/2021	96.60
	WAL-MART COMMUNITY	06475	MEMBER CELEBRATION SUPPLIE	0	06/09/2021	06/28/2021	7.36
	WAL-MART COMMUNITY	09485	TABLECLOTHS FOR MEMBER CEI	0	06/05/2021	06/28/2021	33.30
							616.28
170-170.100-737.705	Shop Supplies						
	MENARDS	17343	OUTDOOR SUPPLIES, SHOP SUP	0	05/27/2021	06/28/2021	138.25
							138.25
Total Dept. Museum administration:							27,213.41
Total Fund MUSEUM FUND:							27,389.70
Fund: 180 STREET FUND							
Dept: 000.000							
180-000.000-724.050	Printing						
	HOMETOWN LEASING #3	22795125	EQUIP LEASE PMT	0	06/13/2021	06/28/2021	127.41
							127.41
180-000.000-725.050	Insurance						
	KOCH CO./THE HARRY A.//	176296	BROKER FEES 4TH QTR 2020-21 F	0	06/01/2021	06/28/2021	1,001.05
							1,001.05
180-000.000-726.050	Electricity						
	HASTINGS UTILITIES	09330010-00	1100 WEST A UTILITIES	0	06/10/2021	06/28/2021	781.10
	HASTINGS UTILITIES	09330020-00	1010 WEST A UTILITIES	0	06/10/2021	06/28/2021	69.63
	HASTINGS UTILITIES	08300215-00	EMERSON AVE & A STREET	0	06/10/2021	06/28/2021	34.92
	HASTINGS UTILITIES	10391125-00	SALT STORAGE FOR STREETS	0	06/10/2021	06/28/2021	38.39
	HASTINGS UTILITIES	09340668-00	UNDERPASS PUMP SOUTH ST	0	06/10/2021	06/28/2021	23.53
							947.57
180-000.000-726.100	Natural Gas						
	HASTINGS UTILITIES	09330010-00	1100 WEST A UTILITIES	0	06/10/2021	06/28/2021	47.59
	HASTINGS UTILITIES	09330020-00	1010 WEST A UTILITIES	0	06/10/2021	06/28/2021	206.10
							253.69
180-000.000-726.150	Sewer						
	HASTINGS UTILITIES	09330020-00	1010 WEST A UTILITIES	0	06/10/2021	06/28/2021	34.04
							34.04
180-000.000-726.250	Water						
	HASTINGS UTILITIES	09330010-00	1100 WEST A UTILITIES	0	06/10/2021	06/28/2021	36.27
	HASTINGS UTILITIES	09330020-00	1010 WEST A UTILITIES	0	06/10/2021	06/28/2021	34.69

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 18

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							70.96
180-000.000-727.500	R & M Heavy Ma						
	AUTO VALUE-HASTINGS	70NV056417	FREON, CABLE TIES, HEAT SHRIN	0	04/27/2021	06/28/2021	218.39
	AUTO VALUE-HASTINGS	70NV058665	HI TACK GASKET	0	06/04/2021	06/28/2021	8.49
	AUTO VALUE-HASTINGS	70NV058792	CLAM SHELL #54	0	06/07/2021	06/28/2021	9.16
	AUTO VALUE-HASTINGS	70NV058776	T/SHROUD, CLAM SHELL #54	0	06/07/2021	06/28/2021	10.58
	CITY LIMITS AUTO SALVAGE & :	195635	USED RIMS & TIRES #938	0	06/01/2021	06/28/2021	220.00
	COOPERATIVE PRODUCERS IN	J59722	FLAT REPAIR #38	0	05/14/2021	06/28/2021	293.00
	GARRETT TIRES AND TREADS	20017513	FLAT REPAIR #29	0	05/13/2021	06/28/2021	233.70
	HASTINGS HONDA	4210676	SPRING #53	0	05/25/2021	06/28/2021	15.99
	KULLY PIPE & STEEL SUPPLY	752457	3/16 PLATE STEEL #34	0	05/18/2021	06/28/2021	293.67
	KULLY PIPE & STEEL SUPPLY	752458	2.5X2.5 ANGLE STEEL #34	0	05/18/2021	06/28/2021	24.40
	KULLY PIPE & STEEL SUPPLY	752594	2.5X2.5 ANGLE STEEL #34	0	05/19/2021	06/28/2021	17.49
	MIDWEST TURF & IRRIGATION	3871272-00	NEW BELTS #902	0	05/24/2021	06/28/2021	418.04
	N A P A AUTO PARTS	031797	OIL FILTERS	0	06/02/2021	06/28/2021	42.63
	N A P A AUTO PARTS	032879	FUEL FILTER #58	0	06/07/2021	06/28/2021	11.47
	N A P A AUTO PARTS	033706	TAX CRED INV 032879	0	06/10/2021	06/28/2021	-0.74
	N A P A AUTO PARTS	033426	TAPE #938	0	06/09/2021	06/28/2021	23.38
	NE MACHINERY CO.	CUI0943607	FUEL CAP #14	0	05/26/2021	06/28/2021	36.31
	NUTRIEN AG SOLUTIONS INC	45504901	PROPANE HOSE #53	0	05/28/2021	06/28/2021	13.09
	PLATTE VALLEY COMMUNICATI	34630	WIRING #938	0	05/24/2021	06/28/2021	20.90
	THREE POINTS TIRE	25349	FLAT REPAIR #26	0	06/07/2021	06/28/2021	46.00
	THREE POINTS TIRE	25361	FLAT REPAIR #53	0	06/08/2021	06/28/2021	52.00
	UNIVERSAL HYDRAULICS, INC.	28708	AIR CYLINDER REPAIR #44	0	05/26/2021	06/28/2021	167.00
							2,174.95
180-000.000-727.800	R & M Vehicles						
	AUTO VALUE-HASTINGS	70NV056417	FREON, CABLE TIES, HEAT SHRIN	0	04/27/2021	06/28/2021	498.42
	AUTO VALUE-HASTINGS	70NV057046	IMPACT SOCKETS #19	0	05/07/2021	06/28/2021	34.99
	AUTO VALUE-HASTINGS	70NV058331	GLASS LIFT SUPPORT #19	0	05/28/2021	06/28/2021	34.72
	AUTO VALUE-HASTINGS	70NV058793	STARTER #19	0	06/07/2021	06/28/2021	73.83
	AUTO VALUE-HASTINGS	70NV058872	ATF, QUART PUMP #7	0	06/08/2021	06/28/2021	19.79
	AUTO VALUE-HASTINGS	70NV058912	CLIMATE CONTROL MODULE #3	0	06/09/2021	06/28/2021	146.36
	CITY LIMITS AUTO SALVAGE & :	195702	USED BCM #3	0	06/09/2021	06/28/2021	65.00
	FRIESEN CHEVROLET, INC.	661496	DOOR HINGES #7	0	06/08/2021	06/28/2021	188.69
	N A P A AUTO PARTS	031058	BRAKE WHEEL CYLINDER #45	0	05/28/2021	06/28/2021	10.69
	N A P A AUTO PARTS	031798	OIL FILTERS	0	06/02/2021	06/28/2021	31.64
	N A P A AUTO PARTS	032327	WATER PUMP, THERMOSTAT	0	06/04/2021	06/28/2021	55.72
							1,159.85
180-000.000-729.050	Dues & Subscrip						
	NE DEPT.OF HEALTH-RADIOAC	14-06-01	INDUSTRIAL GAUGE LICENSE	0	05/04/2021	06/28/2021	1,500.00
							1,500.00
180-000.000-729.150	Other Operating						
	CITY CLERK - PETTY CASH	074256	CHAMBER BUCKS FOR BOB WAHI	0	04/16/2021	06/28/2021	150.00
	HASTINGS PHYSICAL THERAPY	201510	NEW HIRE PHYSICAL & DRUG TE	0	06/01/2021	06/28/2021	78.00
							228.00
180-000.000-731.050	Asphalt & Cemer						

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 19

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	CONSOLIDATED CONCRETE CC	265667	5.75CY L3500 CONCRETE	0	05/03/2021	06/28/2021	704.38
	CONSOLIDATED CONCRETE CC	265690	16.75CY L3500 CONCRETE	0	05/04/2021	06/28/2021	2,018.38
	CONSOLIDATED CONCRETE CC	265732	18.75CY L3500 CONCRETE	0	05/05/2021	06/28/2021	2,259.38
	CONSOLIDATED CONCRETE CC	265777	7.75 CY L3500 CONCRETE	0	05/06/2021	06/28/2021	933.88
	CONSOLIDATED CONCRETE CC	265921	30CY L3500 CONCRETE	0	05/10/2021	06/28/2021	3,615.00
	CONSOLIDATED CONCRETE CC	265966	13.75CY L3500 CONCRETE	0	05/11/2021	06/28/2021	1,668.88
	CONSOLIDATED CONCRETE CC	265994	11CY L3500 CONCRETE	0	05/12/2021	06/28/2021	1,343.50
	CONSOLIDATED CONCRETE CC	266064	19.5CY L3500 CONCRETE	0	05/13/2021	06/28/2021	1,267.13
	CONSOLIDATED CONCRETE CC	266107	13.50CY L3500 CONCRETE	0	05/14/2021	06/28/2021	1,639.26
	CONSOLIDATED CONCRETE CC	266192	3.50CY L3500 CONCRETE	0	05/17/2021	06/28/2021	417.38
	CONSOLIDATED CONCRETE CC	266237	24CY L3500 CONCRETE	0	05/18/2021	06/28/2021	2,908.00
	CONSOLIDATED CONCRETE CC	266296	26.25CY L3500 CONCRETE	0	05/20/2021	06/28/2021	3,163.13
	CONSOLIDATED CONCRETE CC	266342	2.5CY L3500 CONCRETE	0	05/21/2021	06/28/2021	303.13
	CONSOLIDATED CONCRETE CC	266431	13.50CY L3500 CONCRETE	0	05/24/2021	06/28/2021	1,622.38
	CONSOLIDATED CONCRETE CC	266468	15.75CY L3500 CONCRETE	0	05/25/2021	06/28/2021	1,909.38
	CONSOLIDATED CONCRETE CC	266529	27CY L3500 CONCRETE	0	05/26/2021	06/28/2021	3,265.88
	CONSOLIDATED CONCRETE CC	266562	18CY L3500 CONCRETE	0	05/27/2021	06/28/2021	2,169.00
	J.I.L. ASPHALT PAVING CO.	210057	1.53 SPR-F ASPHALT	0	05/26/2021	06/28/2021	94.86
	J.I.L. ASPHALT PAVING CO.	210046	1.74 SPR-F ASPHALT	0	05/20/2021	06/28/2021	107.88
	KULLY PIPE & STEEL SUPPLY	752528	5/8 REBAR	0	05/19/2021	06/28/2021	1,379.36
	KULLY PIPE & STEEL SUPPLY	752759	DRILL BIT	0	05/21/2021	06/28/2021	4.14
	PAULEY LUMBER CO./W.G./	109041	CF 18" FLOAT, CONCRETE CREW	0	04/26/2021	06/28/2021	11.95
	PAULEY LUMBER CO./W.G./	109140	BLADE SPECIAL , 2 QT SL, 2 QT	0	04/29/2021	06/28/2021	58.91
	PAULEY LUMBER CO./W.G./	109301	6 2X12X16' CONCRETE	0	05/04/2021	06/28/2021	409.54
	PAULEY LUMBER CO./W.G./	109344	6 2X8X16, 6 2X6X16, 10 2X4X16	0	05/05/2021	06/28/2021	781.24
	PAULEY LUMBER CO./W.G./	109753	2 2X12X12 FOR CONCREW	0	05/17/2021	06/28/2021	106.51
							34,162.46
180-000.000-731.250	Fuel & Oil						
	AUTO VALUE-HASTINGS	70NV058975	PAG 46 OIL	0	06/09/2021	06/28/2021	11.67
	NUTRIEN AG SOLUTIONS INC	45345643	41 GALS PROPANE	0	05/19/2021	06/28/2021	59.86
	SAPP BROS PETROLEUM INC	IN3496567	1000 GALS UNLEADED	0	05/24/2021	06/28/2021	1,796.00
	SAPP BROS PETROLEUM INC	IN3496567	1000 GALS UNLEADED	0	05/24/2021	06/28/2021	2,500.00
							4,367.53
180-000.000-731.600	Signs						
	SHERWIN-WILLIAMS	9341-4	PAINT FILTER	0	06/03/2021	06/28/2021	17.00
	SHERWIN-WILLIAMS	9349-7	25N205 CARBIDE BLADE FLAIL	0	06/04/2021	06/28/2021	1,355.58
	SHERWIN-WILLIAMS	0507-7	VACUUM ELBOW FOR PAINT CRE	0	05/17/2021	06/28/2021	29.66
							1,402.24
180-000.000-731.700	Wearing Apparel						
	BIG G ACE	673197/1	BOOTBUFFALO 14" FOR CONCRE	0	04/26/2021	06/28/2021	18.19
	MENARDS	17642	SAFETY VEST TYPE 2	0	05/30/2021	06/28/2021	9.99
							28.18
180-000.000-737.240	Engineering-GIS						
	HASTINGS UTILITIES	APRIL 2021	REIMBURSE ENGINEERING GIS	0	06/10/2021	06/28/2021	68,885.12
							68,885.12
180-000.000-737.705	Shop Supplies						
	AUTO VALUE-HASTINGS	70NV056417	FREON, CABLE TIES, HEAT SHRIN	0	04/27/2021	06/28/2021	73.50
							73.50
180-000.000-738.050	Hand Tools						
	PAULEY LUMBER CO./W.G./	109942	PRY BAR	0	05/21/2021	06/28/2021	23.99
							23.99
180-000.000-738.055	Field Equipment						
	HASTINGS OUTDOOR POWER L	32045	CF3 PRO .095 LINE 695' 3 LBS	0	05/27/2021	06/28/2021	54.99
	MENARDS	16527	INVERTER	0	05/10/2021	06/28/2021	19.99
							74.98
180-000.000-742.300	Construction Imp						

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 20

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	GSI ENGINEERING LLC	71384	PROFESSIONAL SVCS	0	03/11/2021	06/28/2021	2,500.00
							2,500.00
						Total Dept. 000000:	119,015.52
						Total Fund STREET FUND:	119,015.52
Fund: 183 STREET SALES TAX FUND							
Dept: 000.000							
183-000.000-742.320	New Street Cons						
	4 RUTT PROPERTIES LLC	86	SOD REPLACEMENT AT 3100	0	12/13/2019	06/28/2021	1,500.00
	ALFRED BENESCH & COMPANY	183735	RAILROAD QUIET ZONES CO AVE	0	05/26/2021	06/28/2021	1,040.00
	VONTZ PAVING, INC.	EST #2	2021 CONCRETE PANEL REPLCE	0	06/10/2021	06/28/2021	68,256.28
							70,796.28
						Total Dept. 000000:	70,796.28
						id STREET SALES TAX FUND:	70,796.28
Fund: 187 DIVERSION PROGRAM							
Dept: 000.000							
187-000.000-727.205	Demolition						
	THE GREEN TREE CO	8319	130 E 4TH ST TREE STUMP REMC	0	06/03/2021	06/28/2021	3,500.00
							3,500.00
						Total Dept. 000000:	3,500.00
						Fund DIVERSION PROGRAM:	3,500.00
Fund: 190 KENO BETTERMENT FUND							
Dept: 000.000							
190-000.000-720.300	Professional Ser						
	JASON RILEY-SOCA JUKEBOX	JULY 4TH BAND	JULY 4TH CONCERT/ BRICKYARD	0	06/03/2021	06/28/2021	3,300.00
	PREMIER PYROTECHNICS INC	2021	4TH OF JULY FIREWORKS/2ND H/	0	05/03/2021	06/28/2021	7,500.00
							10,800.00
						Total Dept. 000000:	10,800.00
Dept: 240.000 Police							
190-240.000-742.420	Departmental Ca						
	DIGITAL ALLY INC	1117329	2 VULINK STANDARD KITS,	0	05/18/2021	06/28/2021	1,130.00
							1,130.00
						Total Dept. Police:	1,130.00
						d KENO BETTERMENT FUND:	11,930.00
Fund: 610 LANDFILL FUND							
Dept: 000.000							
610-000.000-723.050	Advertising						
	HASTINGS TRIBUNE	300114086	STORAGE BLDG BID ADV	0	05/28/2021	06/28/2021	62.61
							62.61
610-000.000-725.050	Insurance						
	KOCH CO./THE HARRY A.//	176296	BROKER FEES 4TH QTR 2020-21 F	0	06/01/2021	06/28/2021	487.50
							487.50
610-000.000-726.100	Natural Gas						
	MID-NEBRASKA LUBRICANTS	156408	PROPANE	0	03/29/2021	06/28/2021	155.08
							155.08
610-000.000-727.200	R & M Buildings						

INVOICE APPROVAL LIST BY FUND REPORT

6/28/2021 VOUCHERS TO BE PAID

Date: 06/18/2021

Time: 1:16 pm

Page: 21

City of Hastings

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
	IDEAL ELECTRIC, INC.	12153	SOUTH SHOP WIRE 2 OH DOORS	0	05/24/2021	06/28/2021	639.39
							639.39
610-000.000-727.500	R & M Heavy Ma						
	AUTO VALUE-HASTINGS	70NV058180	TERMINATOR/EXCAVATOR FILTEI	0	05/26/2021	06/28/2021	450.82
	AUTO VALUE-HASTINGS	70NV058194	EXCAVATOR FILTERS #116 FILTEI	0	05/27/2021	06/28/2021	133.39
	AUTO VALUE-HASTINGS	70NV058295	#116 FILTERS	0	05/28/2021	06/28/2021	8.23
	HASTINGS OUTDOOR POWER L	32209	WEED WHIP - SUPPLIES	0	06/03/2021	06/28/2021	29.98
	N A P A AUTO PARTS	030680	JD FILTERS X2	0	05/26/2021	06/28/2021	39.46
	NORTHERN SAFETY CO., INC.	904421044	STORMWATER/LEACHATE SIGNA	0	05/25/2021	06/28/2021	96.42
	PAVELKA TRUCK & TRAILER RE	32125	GRN INTL - BLOCK HEATER, ETC	0	03/26/2021	06/28/2021	108.57
	PLATTE VALLEY COMMUNICATI	34656	INSTALLATION - SEC MONITOR &	0	06/03/2021	06/28/2021	-47.60
	SOUTH CENTRAL BOBCAT, INC	HD1640	84" ANGLE BROOM	0	06/08/2021	06/28/2021	1,041.76
	TITAN MACHINERY INC - HASTI	15609793	GP SHREDDER - DRIVE LINE	0	06/02/2021	06/28/2021	1,641.66
							3,502.69
610-000.000-729.160	Administrative Re						
	HASTINGS UTILITIES	JUNE 2021	REIMBURSE MARTY STANGE	0	06/01/2021	06/28/2021	1,927.57
							1,927.57
610-000.000-731.250	Fuel & Oil						
	COOPERATIVE PRODUCERS IN	128472	115 GAL DEF BULK	0	06/08/2021	06/28/2021	184.00
	SAPP BROS PETROLEUM INC	IN3509604	290.0 GAL #2 DYED DIESEL	0	06/07/2021	06/28/2021	382.50
	SAPP BROS PETROLEUM INC	IN3509604	290.0 GAL #2 DYED DIESEL	0	06/07/2021	06/28/2021	652.50
	SAPP BROS PETROLEUM INC	IN3505940	335.0 GAL #2 DYED DIESEL	0	06/02/2021	06/28/2021	753.75
	SAPP BROS PETROLEUM INC	IN3508163	900.0 #2 DYED DIESEL	0	06/04/2021	06/28/2021	2,025.00
							3,997.75
610-000.000-731.700	Wearing Apparel						
	ARAMARK UNIFORM SERVICES	1902091170	MATS/COVERALLS	0	05/31/2021	06/28/2021	30.75
	ARAMARK UNIFORM SERVICES	1902095176	MATS/COVERALLS	0	06/07/2021	06/28/2021	30.75
							61.50
610-000.000-737.705	Shop Supplies						
	N A P A AUTO PARTS	031845	TIRE PLUGS & REDUCER	0	06/02/2021	06/28/2021	22.80
							22.80
610-000.000-741.200	Building Improve						
	PLATTE VALLEY COMMUNICATI	34623	SYSTEM UPGRADE - OUTSIDE	0	05/18/2021	06/28/2021	1,706.10
	PLATTE VALLEY COMMUNICATI	34656	INSTALLATION - SEC MONITOR &	0	06/03/2021	06/28/2021	182.50
							1,888.60
						Total Dept. 000000:	12,745.49
						Total Fund LANDFILL FUND:	12,745.49
Fund: 710 SELF INSURED HEALTH FU							
Dept: 000.000							
710-000.000-720.455	Employee Wellne						
	BUDNICK/JULIE//	10475	WELLNESS PRIZES - 1 SWEATSHI	0	03/14/2021	06/28/2021	30.00
							30.00
						Total Dept. 000000:	30.00
						SELF INSURED HEALTH FUND:	30.00
						Grand Total:	404,660.67

Distribution Register by Check



From Check No.: 46935 To Check No.: 47067

Printed: 6/21/2021 9:54

From Check Date: 06/11/2021 - To Check Date: 06/21/2021

Check No	Supplier	Supplier Name	Invoice Number	Invoice Description	Invoice Amt	Charge Code	GL Amount
46935	32400	HASTINGS, CITY OF	061121	EMPLOYEE FLEXPLAN DEDUCTION	2,496.38	1 62401	2,496.38
46936	53225	NE DEPT. OF REVENUE	LEVY# 22060327 061	REMIT GARNISHMENT	75.00	1 62410	75.00
			LEVY# 22169078 061	REMIT GARNISHMENT	25.00	1 62410	25.00
					100.00		100.00
46937	53425	NE SECRETARY OF STATE	061021	NOTARY APPLICATION	30.00	1 619300	30.00
46938	70300	STATE DISBURSEMENT UNIT	CO1482539 061121	REMIT GARNISHMENT	248.00	1 62410	248.00
46939	79975	WINDSTREAM NEBRASKA INC	091774858 052721	PHONE & INTERNET SERVICE	1,139.63	1 15460	70.40
				PHONE & INTERNET SERVICE		1 35053	454.61
				PHONE & INTERNET SERVICE		1 45023	30.08
				PHONE & INTERNET SERVICE		1 45421	48.24
						1 69210	338.19
						1 619210	30.82
						2 25050	20.81
						2 25065	129.72
						2 25700	16.76
					1,139.63		1,139.63
46940	01875	ADAMS COUNTY REGISTER OF DE 23 053121		LIENS, EASEMENTS	92.00	1 619230	32.00
				LIENS, EASEMENTS		2 20167	60.00
					92.00		92.00
46941	02675	AIRGAS USA, LLC	9114093799	CO DETECTOR	657.25	2 24167	657.25
			9114364802	IN-LINE FILTERS	125.83	2 24167	125.83
			9114364803	REPLACEMENT SENSOR	327.42	2 25064	327.42
					1,110.50		1,110.50
46942	05725	ANIXTER INC.	523307207	INTERCOM STATION	180.78	1 69330	180.78
46943	05740	ANODAMINE INC.	3449	MISC 999 CORROSION INHIBITOR	12,990.00	2 25025	12,990.00
46944	06175	ARAMARK	1902094358	RUGS & LAUNDRY SERVICE	25.14	1 45450	25.14
			1902095185	RUGS & LAUNDRY SERVICE	66.34	1 69330	57.03
				RUGS & LAUNDRY SERVICE		2 25060	9.31
			1902095703	RUGS & LAUNDRY SERVICE	69.02	2 25065	69.02
			1902098608	RUGS & LAUNDRY SERVICE	66.34	1 69330	57.03
				RUGS & LAUNDRY SERVICE		2 25060	9.31
			1902099338	RUGS & LAUNDRY SERVICE	69.02	2 25065	69.02
					295.86		295.86
46945	06710	ATLAS COPCO COMPRESSORS LL 1121055529		BREATHING KITS	966.03	2 25145	966.03
46946	08425	BENETECH, INC	115599	MISC 999 SUPPRESSANT	4,160.10	2 95126	4,160.10
46947	08925	BIG G	668574/1	CORDS, TORCH KITS,HOSES, TOOL	1,447.00	1 61561	1,394.45
			676086/1	CORDS, TORCH KITS,HOSES, TOOL		2 21561	52.55
				HAND SOAP	30.35	1 69330	30.35
					1,477.35		1,477.35
46948	10210	BUDNICK, JULIE	10499	LOGO APPAREL	147.55	1 69260	48.38
				LOGO APPAREL		1 619260	99.17
			10507	LOGO APPAREL	450.00	1 49260	450.00
			10508	LOGO APPAREL	397.64	2 29265	397.64
			10509	LOGO APPAREL	663.20	2 29265	663.20
					1,658.39		1,658.39
46949	10345	BULK CONVEYORS INC	5761	CHAIN	4,149.55	2 24167	4,149.55
46950	12625	CENTRAL NEBRASKA COLLECTION 053121		COLLECTION AGENCY FEES	60.07	1 69040	60.07
46951	12825	CENTRAL STATES GROUP	1420820-00	PIPE, ELBOWS, COUPLERS	368.62	2 25125	368.62
46952	13610	CINTAS CORPORATION	4085503114	MISC 999 UNIFORM SERVICE	193.90	2 79275	193.90
			4085503428	UNIFORM SERVICE	270.26	1 49270	15.07
				UNIFORM SERVICE		1 69270	4.72
				UNIFORM SERVICE		2 29270	250.47
			4086109433	MISC 999 UNIFORM SERVICE	211.96	2 79275	211.96
			4086109637	UNIFORM SERVICE	269.38	1 49270	15.07
				UNIFORM SERVICE		1 69270	4.72
				UNIFORM SERVICE		2 29270	249.59
			4086779053	MISC 999 UNIFORM SERVICE	191.43	2 79275	191.43
			4086779359	UNIFORM SERVICE	267.69	1 49270	15.07
				UNIFORM SERVICE		1 69270	4.72
				UNIFORM SERVICE		2 29270	247.90
					1,404.62		1,404.62
46953	15575	CONSOLIDATED CONCRETE CO.	265995	CONCRETE	304.55	1 35570	304.55
			266740	ROAD GRAVEL	83.33	1 35052	83.33

Distribution Register by Check



From Check No.: 46935 To Check No.: 47067

Printed: 6/21/2021 9:54

From Check Date: 06/11/2021 - To Check Date: 06/21/2021

Check No	Supplier	Supplier Name	Invoice Number	Invoice Description	Invoice Amt	Charge Code	GL Amount
			266781	CONCRETE	688.15	1 35052	688.15
			266843	CONCRETE	688.15	1 35052	688.15
			266999	CONCRETE	632.78	1 35580	632.78
			267054	CONCRETE	405.13	1 35055	405.13
					<u>2,802.09</u>		<u>2,802.09</u>
46954	16695	CORE & MAIN LP	P035642	REDUCING TEE	364.88	1 61561	364.88
46955	17475	CREDIT MANAGEMENT	053121	COLLECTION AGENCY FEES	359.36	1 69030	359.36
46956	19125	DEETER FOUNDRY, INC.	415085	MANHOLE RINGS & COVERS	3,633.96	1 61561	3,633.96
46957	20650	DOWNEY DRILLING, INC	20-1385	WELL PLUMB & ALIGNMENT TEST	3,600.00	1 30383	3,600.00
46958	21300	DUST CONTROL & LOADING SYST	2047153	MISC 999 REPLACEMENT CABLES	387.85	2 24167	387.85
46959	21375	DUTTON-LAINSON COMPANY	S21299-1	BOLT CONNECTORS	468.66	2 21561	468.66
46960	21975	EAKES OFFICE EQUIPMENT	8238039-0	OFFICE FURNITURE	4,625.82	1 60490	4,625.82
			8268352-0	FOLDERS	9.24	1 69030	9.24
			8268641-0	ENVELOPES, PENCILS	299.92	1 61561	299.92
			8268641-1	PENCILS	70.38	1 61561	70.38
			8270966-0	COOLING TOWELS	14.06	1 69270	14.06
					<u>5,019.42</u>		<u>5,019.42</u>
46961	22225	ECHO ELECTRIC SUPPLY	S8995725.001	MOTOR	292.63	2 25110	292.63
46962	23870	ESSENTIAL SCREENS	2021040596	MISC 999 BACKGROUND CHECKS	18.50	2 79305	18.50
46963	24225	F C X PERFORMANCE	4757281	POSITIONERS	7,124.29	2 25125	7,124.29
46964	24825	FASTENAL CO.	NEHAS169914	SAFETY GLASSES	186.44	1 61561	186.44
46965	26325	FOUR SEASONS OUTDOOR EQUIP	645036	GENERATOR WELDER REPAIR	325.40	1 45430	325.40
46966	26350	FOX, STEVE	061021	BOOT REIMBURSEMENT	118.25	2 29270	118.25
46967	27360	GE POWER SERVICES	91216109	WHIZZER BLADES	2,556.00	2 25124	2,556.00
			91216481	SIGHT GLASSES	618.00	2 25124	618.00
			91217933	FREIGHT CHARGES	177.83	2 25124	177.83
					<u>3,351.83</u>		<u>3,351.83</u>
46968	30075	GRAINGER	9918759177	ELEC GLOVE PROTECTORS	332.16	2 29270	332.16
			9927547134	DRINK MIXES	558.72	1 61561	558.72
					<u>890.88</u>		<u>890.88</u>
46969	30325	GRAYBAR ELECTRIC CO.	9321670863	FUSE BOOT HOLDERS	812.00	1 61561	812.00
			9321823737	PVC ELBOWS	430.17	2 21561	430.17
					<u>1,242.17</u>		<u>1,242.17</u>
46970	30531	GREAT PLAINS SAFETY & HEALTH	20-3055	MEMBERSHIP DUES	200.00	1 69270	200.00
46971	31475	HACH COMPANY	12477668	PROBES, CONTROLLER DISPLAYS	29,907.20	1 40354	29,907.20
			12484172	SENSOR CONNECTORS	494.80	1 40354	494.80
					<u>30,402.00</u>		<u>30,402.00</u>
46972	32225	HASTINGS AREA CHAMBER OF CC	1009531	MEMBERSHIP DUES	4,389.00	1 69300	4,389.00
46973	32375	HASTINGS, CITY OF	210619	ERP SOFTWARE	4,436.25	1 60164	4,436.25
			2107	GIS CLOUD SERVICES & SERVERS	16,565.60	1 619230	16,565.60
					<u>21,001.85</u>		<u>21,001.85</u>
46974	32625	HASTINGS, CITY OF	387518	BRANCHES	57.81	1 45470	57.81
			387590	BRANCHES	32.39	1 45470	32.39
			387613	BRANCHES	19.68	1 45470	19.68
					<u>109.88</u>		<u>109.88</u>
46975	33115	HASTINGS PHYSICAL THERAPY	201510-1	MISC 999 NEW EMPLY DRUG TEST	78.00	1 49300	26.00
				MISC 999 NEW EMPLY DRUG TEST		1 69300	26.00
				MISC 999 NEW EMPLY DRUG TEST		2 79305	26.00
					<u>78.00</u>		<u>78.00</u>
46976	33225	HASTINGS TRIBUNE	300104263	ADVERTISING	58.92	1 30377	11.80
				ADVERTISING		1 30382	11.78
				ADVERTISING		1 30384	11.78
				ADVERTISING		1 30386	11.78
				ADVERTISING		1 30387	11.78
			300113550	ADVERTISING	183.75	1 619300	183.75
			300113694	ADVERTISING	4.91	1 69210	4.91
			300113718	MISC 999 ADVERTISING	166.65	2 79305	166.65
			300113871	MISC 999 ADVERTISING	193.80	2 79305	193.80
			300113875	MISC 999 ADVERTISING	128.10	2 79305	128.10

Distribution Register by Check



From Check No.: 46935 To Check No.: 47067

Printed: 6/21/2021 9:54

From Check Date: 06/11/2021 - To Check Date: 06/21/2021

Check No	Supplier	Supplier Name	Invoice Number	Invoice Description	Invoice Amt	Charge Code	GL Amount
			300113920	ADVERTISING	55.24	2 20611	55.24
			300113921	ADVERTISING	58.92	1 40351	58.92
					850.29		850.29
46977	34440	HERMANN, RODNEY	060221	BOOT REIMBURSEMENT	102.13	2 79275	102.13
46978	35250	HOMETOWN LEASING	22794652 061021	COPIER LEASE	1,576.11	1 69210	1,576.11
			22794653 061021	MISC 999 COPIER LEASE	732.17	2 75065	732.17
			22794654 061021	COPIER LEASE	231.00	1 49210	231.00
			22794855 061021	COPIER LEASE	49.26	1 69210	49.26
			22794873 061021	COPIER LEASE	24.07	1 69210	24.07
			22796805 061421	COPIER LEASE	141.70	1 69187	141.70
					2,754.31		2,754.31
46979	35670	HUFFMAN ENGINEERING INC.	1009872	PROFESSIONAL SERVICES	343.00	1 45462	343.00
			1009873	PROFESSIONAL SERVICES	753.75	1 45462	753.75
			1009904	PROFESSIONAL SERVICES	675.00	1 45462	675.00
					1,771.75		1,771.75
46980	35925	HUPP ELECTRIC MOTORS	804527	REPAIR AIR COMPRESSOR MOTOR	5,994.43	2 25145	5,994.43
46981	36125	HUSKIE TOOLS, INC.	IN673582	TOOL REPAIR	396.73	2 25820	396.73
46982	36900	IE S COMMERCIAL, INC.	544015082-01	ELECTRICAL REFEED-SOLIDS PUMF	15,005.00	1 45450	15,005.00
46983	38230	INTEGRATED SECURITY SOLUTIONS	20211259	FIRE EXTINGUISHERS	89.88	1 69330	89.88
46984	38725	INTERSTATE CHEMICAL CO. INC.	459070	SULFURIC ACID	3,528.10	2 25055	3,528.10
			460656	BOILER & COOLING TWR CHEMICAL	710.30	2 25025	309.00
				BOILER & COOLING TWR CHEMICAL		2 25055	401.30
					4,238.40		4,238.40
46985	39225	ITRON, INC.	592970	QUARTERLY MAINTANCE AGREEM	2,524.49	1 69020	2,524.49
46986	39350	J & L YARD AND TREE SERVICE	061421	TREE REMOVAL	1,500.00	2 25830	1,500.00
46987	39385	J & W INSTRUMENTS INC	3055029	FLAME DETECTOR	4,480.15	1 15461	4,480.15
46988	39525	JACOBI'S CARPET ONE	42105	CARPET INSTALL	292.33	1 60159	292.33
			42254	CARPET INSTALL	199.09	1 60159	199.09
					491.42		491.42
46989	42075	THE HARRY A KOCH COMPANY	176296	BROKER SERVICES	4,246.35	1 69230	4,246.35
46990	42180	KOONS GAS MEASUREMENT	41931	GAS METERS	10,095.79	1 10005	10,095.79
46991	42425	KRIZ-DAVIS COMPANY	922192383	ETHERNET SWITCHES	8,196.64	1 60167	8,196.64
			922192384	VOLTAGE METER	407.74	2 25820	407.74
			922192385	PLASTIC ELECT TAPE	4,022.51	2 21561	4,022.51
			922200729	BRACKETS	178.78	1 60167	59.58
				BRACKETS		1 60496	119.20
			922210851	ASC FLEXSCAN KIT & ACCESSORIES	15,232.13	2 23940	15,232.13
			922237871	LIGHTING ARRESTOR	387.77	2 21561	387.77
			922272102	MISC 999 AC PWR SPLY, PILT LGH	1,903.62	2 75125	1,903.62
					30,329.19		30,329.19
46992	42650	KURITA AMERICA INC	INV602859	HIGH PH CLEAN	4,699.23	1 35072	4,699.23
46993	43180	LAMPE'S CLEAN AIR SPECIALISTS	307250	MISC 999 FILTERS	232.08	2 95115	232.08
46994	44325	LINWELD	23683400	MISC 999 HYDROGEN	1,191.62	2 75055	1,191.62
46995	45375	M S C INDUSTRIAL SUPPLY CO INC	99196973	DIGITAL READOUT FOR GRINDER	2,706.31	2 25064	2,706.31
46996	46175	MARY LANNING MEMORIAL HOSPI	423	MISC 999 FIT TESTING	1,341.00	1 69187	448.00
				MISC 999 FIT TESTING		2 29300	224.00
				MISC 999 FIT TESTING		2 79305	669.00
					1,341.00		1,341.00
46997	47175	MENARDS	18304	SILT SOCKS	149.64	1 61561	149.64
46998	47487	METERING & TECH SOLUTIONS	19660	WATER METERS	69,406.13	1 30003	69,406.13
46999	48675	MID-NEBRASKA LUBRICANTS	105637	DIESEL FUEL	17,939.81	2 21513	17,939.81
47000	49590	MILLER SEED CO.	51168	GRASS SEED	155.15	1 14083	155.15
47001	50100	MOBOTREX	251181	FLASHERS	384.00	2 24182	384.00
47002	51375	MUNICIPAL SUPPLY INC OF NEBR	0798695-IN	NOZZLE CAPS	158.20	1 61561	158.20
47003	53925	NEBRASKA EYE CARE	060821	MISC 999 PRSCRIPTION SFTY GLSS	242.00	2 79275	242.00

Distribution Register by Check



From Check No.: 46935 To Check No.: 47067

Printed: 6/21/2021 9:54

From Check Date: 06/11/2021 - To Check Date: 06/21/2021

Check No	Supplier	Supplier Name	Invoice Number	Invoice Description	Invoice Amt	Charge Code	GL Amount
			061421	PRESCRIPTION SAFETY GLASSES	75.00	1 39270	75.00
					317.00		317.00
47004	54125	NEBRASKA MACHINERY CO.	CUI0948634	MISC 999 GASKET	38.77	2 75065	38.77
			CUI0949209	MISC 999 SEALS, WASHERS	91.20	2 75065	91.20
			CUI0949548	MISC 999 GASKET	48.20	2 75065	48.20
			INV455139	GENERATOR MAINTENANCE	1,140.62	1 69330	1,140.62
			INV455151	GENERATOR MAINTENANCE	1,156.67	1 35052	1,156.67
					2,475.46		2,475.46
47005	54250	NEBRASKA PERSONNEL CONSULT	123240H	COMP STUDY	16,775.00	1 69230	16,775.00
47006	55910	NORTH/STAR UTILITIES SOLUTION	CT050786	SOFTWARE UPDATE	3,549.00	1 69030	3,549.00
47007	56135	NUTRIEN AG SOLUTIONS, INC.	IN45373527	MISC 999 PROPANE	15.60	2 75065	15.60
47008	59730	POLLARDWATER	0185184	SEWER CLEANOUT TOOL	574.61	1 43770	537.02
				SEWER CLEANOUT TOOL		1 61632	37.59
			CMT0185184	SALES TAX CREDIT	(37.59)	1 61632	(37.59)
					537.02		537.02
47009	59925	POSTMASTER	289-2021	PO BOX FEE	388.00	1 69210	388.00
47010	61475	PUBLIC POWER GENERATION AGE	0638	FUEL, O&M, DEBT SERVICE	734,848.45	2 22322	109,446.17
				FUEL, O&M, DEBT SERVICE		2 22322	625,402.28
					734,848.45		734,848.45
47011	61850	QUAD-C CONSULTING	211020101	ASBESTOS SAMPLING	180.00	2 25115	180.00
47012	62770	RTK PASTURE & LAND CLEARING	061421	MISC 999 TREE REMOVAL	19,200.00	2 75115	19,200.00
			061621	TREE REMOVAL	7,600.00	2 25830	7,600.00
					26,800.00		26,800.00
47013	62975	RAILROAD MGMT. CO. III, LLC	436954	POWERLINE CROSSING	284.85	2 25930	284.85
			436965	WATERLINE ENCROACHMENT	284.85	1 35530	284.85
			436983	POWERLINE ENCROACHMENT	569.64	2 25930	569.64
					1,139.34		1,139.34
47014	63275	RAYNOR DOORS OF CE. NEBR., IN	32593	REPLACE OVERHEAD DOOR	4,604.00	1 69330	4,604.00
			32594	REPLACE OVERHEAD DOOR	4,604.00	1 69330	4,604.00
					9,208.00		9,208.00
47015	63775	RELCO LOCOMOTIVES, INC.	M2021051	MISC 999 LOCOMOTIVE MAINTENAN	1,853.60	2 95015	1,853.60
47016	65025	RUTT'S HEATING & A. C.	38451	MINI SPLIT REPLACEMENT	7,300.00	1 45451	7,300.00
			38455	NEW HVAC SYSTEM	3,100.00	1 60159	3,100.00
					10,400.00		10,400.00
47017	65275	S O S PORTABLE TOILETS, INC.	45736	PORTABLE TOILET RENTAL	230.05	1 15750	230.05
			45794	PORTABLE TOILET RENTAL	481.50	2 25530	481.50
					711.55		711.55
47018	65675	SALVATION ARMY	061821	SHARE SOME WARMTH COLL-MAY	336.00	1 62328	336.00
47019	65995	SCALES SALES & SERVICE INC.	23716	MISC 999 SCALE INSPECTION	411.00	2 95115	411.00
47020	67325	SERVI-TECH, INC.	H-981130	WATER TESTING	45.12	1 30387	45.12
			H-981131	WATER TESTING	93.66	1 35079	93.66
			H-981137	WATER TESTING	162.81	1 45431	162.81
			H-981146	WATER TESTING	45.12	1 30387	45.12
			H-981153	WATER TESTING	658.14	2 25065	658.14
			H-981155	WATER TESTING	217.92	1 35079	217.92
			H-981157	WATER TESTING	658.14	2 25065	658.14
			H-981159	WATER TESTING	162.81	1 45431	162.81
			H-981187	WATER TESTING	45.12	1 30387	45.12
			H-981200	WATER TESTING	45.12	1 30387	45.12
			H-981202	WATER TESTING	162.81	1 45431	162.81
			H-981243	WATER TESTING	162.81	1 45431	162.81
			H-981269	WATER TESTING	6.30	1 35532	6.30
					2,465.88		2,465.88
47021	68775	SMITTY'S ELECTRIC INC.	55580	URD CONDUIT INSTALLATION	7,376.60	2 20149	7,376.60
47022	68915	SOUICIE FARMS	061821	TRANSPORT BIOSOLIDS	1,785.00	1 45422	1,785.00
			INV0003	TRANSPORT BIOSOLIDS	10,976.70	1 40348	10,976.70
					12,761.70		12,761.70
47023	69975	SPRING RANCH TREE FARM	332424	TREES	1,200.00	2 25830	1,200.00
47024	72285	T-C CEILINGS INC.	19354	CEILING INSTALLATION	5,800.00	1 60490	5,800.00
47025	73115	TERRASOURCE GLOBAL CORP	160834RI	MISC 999 HAMMERS	1,167.84	2 95126	1,167.84

Distribution Register by Check



From Check No.: 46935 To Check No.: 47067

Printed: 6/21/2021 9:54

From Check Date: 06/11/2021 - To Check Date: 06/21/2021

Check No	Supplier	Supplier Name	Invoice Number	Invoice Description	Invoice Amt	Charge Code	GL Amount
47026	73175	TEST AMERICA INC.	3100046306 3100046373	WATER TESTING WATER TESTING	195.00 152.50 <u>347.50</u>	2 25065 1 35532	195.00 152.50 <u>347.50</u>
47027	73575	THOMSEN OIL CO	284307 284314 284322 284336 284342	MISC 999 DIESEL FUEL MISC 999 DIESEL FUEL MISC 999 DIESEL FUEL MISC 999 DIESEL FUEL DIESEL FUEL	346.88 2,911.89 965.85 1,641.71 4,035.00 <u>9,901.33</u>	2 95015 2 95015 2 95015 2 95015 1 61511	346.88 2,911.89 965.85 1,641.71 4,035.00 <u>9,901.33</u>
47028	75415	U S BANK	PUBLICPOWERJOB STAMPSNMORE	MISC 999 ADVERTISING DELIVERY SERVICE	350.00 93.81 <u>443.81</u>	2 79305 1 30384	350.00 93.81 <u>443.81</u>
47029	76125	UNITED SERVO HYDRAULICS, INC.	2106010	CALIBRATE & FILTER CLEANING	3,169.77	2 25135	3,169.77
47030	77050	VERIZON WIRELESS	9881708473	ROVER SERVICE	50.04	1 619230	50.04
47031	77800	W P C I	S145057	EMPLOYEE DRUG TESTING EMPLOYEE DRUG TESTING	213.50 <u>213.50</u>	1 19300 2 29300	61.00 152.50 <u>213.50</u>
47032	79275	WESCO RECEIVABLES CORP	711293 713868 713869	INSULATOR BASES WIRE MALE ADAPTERS	866.70 15,136.11 1.68 <u>16,004.49</u>	2 25710 2 21561 2 21561	866.70 15,136.11 1.68 <u>16,004.49</u>
47033	R6062	KATHERINE E CREIGH	01020710-20	CUSTOMER REFUND	177.38	1 61841	177.38
47034	R6063	PATRICK TARR	01021395-21	CUSTOMER REFUND	60.63	1 61841	60.63
47035	R6064	SAMUEL A BOSLE	01041824-27	CUSTOMER REFUND	41.05	1 61841	41.05
47036	R6065	ELISE S BAUMANN	03101558-33	CUSTOMER REFUND	62.52	1 61841	62.52
47037	R6066	DYLAN HAHER	03120020-08	CUSTOMER REFUND	8.09	1 61841	8.09
47038	R6067	SALENA R STAGGS	03121024-37	CUSTOMER REFUND	44.09	1 61841	44.09
47039	R6068	TREVOR J PLAUTZ	06220810-29	CUSTOMER REFUND	5.49	1 61841	5.49
47040	R6069	FERROSAFE	08301567-04	CUSTOMER REFUND	436.19	1 61841	436.19
47041	R6070	TIERSA AN DARLEY	08301600-02	CUSTOMER REFUND	29.32	1 61841	29.32
47042	R6071	DIAMOND COATINGS	08301250-16	CUSTOMER REFUND	448.05	1 61841	448.05
47043	R6072	BRYAN E HILL	08310650-01	CUSTOMER REFUND	200.00	1 61841	200.00
47044	R6073	BECKIE D LECHLEITNER	09361770-19	CUSTOMER REFUND	32.59	1 61841	32.59
47045	R6074	JARED CASE	11431110-30	CUSTOMER REFUND	29.99	1 61841	29.99
47046	R6075	ROBERT O FOSSUM	11431330-13	CUSTOMER REFUND	8.09	1 61841	8.09
47047	R6076	ANDREW J SMITH	11440550-19	CUSTOMER REFUND	416.80	1 61841	416.80
47048	R6077	ALEXANDRIA L DONAHEY	12451701-11	CUSTOMER REFUND	43.90	1 61841	43.90
47049	R6078	MIRANDA L GERDES	13500040-16	CUSTOMER REFUND	18.16	1 61841	18.16
47050	R6079	ANDREW R CEPERLEY	13500950-01	CUSTOMER REFUND	45.47	1 61841	45.47
47051	R6080	TRENTON ANDERSON-JOHNSTON	14550754-18	CUSTOMER REFUND	182.18	1 61841	182.18
47052	R6081	JORDYN L SIARD	15570430-22	CUSTOMER REFUND	380.30	1 61841	380.30
47053	R6082	ANDY ROJAS	16631525-29	CUSTOMER REFUND	5.42	1 61841	5.42
47054	R6083	MARAEA HOLMAN	17653180-12	CUSTOMER REFUND	28.52	1 61841	28.52
47055	R6084	VONNEGOTT SMITH	17662026-30	CUSTOMER REFUND	76.70	1 61841	76.70
47056	R6085	GRANT A JENSEN	17662044-22	CUSTOMER REFUND	139.94	1 61841	139.94
47057	R6086	EDWIN FATTIG	17670442-23	CUSTOMER REFUND	128.98	1 61841	128.98
47058	R6087	AUSTIN TIPPIN	18691946-03	CUSTOMER REFUND	27.80	1 61841	27.80
47059	R6088	RUSSELL FLOERSCH	18700092-11	CUSTOMER REFUND	26.42	1 61841	26.42

Distribution Register by Check



From Check No.: 46935 To Check No.: 47067

Printed: 6/21/2021 9:54

From Check Date: 06/11/2021 - To Check Date: 06/21/2021

Check No	Supplier	Supplier Name	Invoice Number	Invoice Description	Invoice Amt	Charge Code	GL Amount
47060	R6089	WILLIAM HOOKSTRA	20755764-02	CUSTOMER REFUND	13.37	1 61841	13.37
47061	R6090	BERTHA HERNANDEZ	20762315-12	CUSTOMER REFUND	52.47	1 61841	52.47
47062	R6091	DANIELLE NYCE	22833328-02	CUSTOMER REFUND	44.23	1 61841	44.23
47063	R6092	CATHOLIC SOCIAL SERVICES	23860554-28	CUSTOMER REFUND	105.46	1 61841	105.46
47064	R6093	SID #1 OF CLAY COUNTY, NE	22822330-02	CUSTOMER REFUND	2,435.87	1 61841	2,435.87
47065	R6094	WINDSTREAM	43990001-0	CUSTOMER REFUND	457.60	1 61841	457.60
47066	R6095	STATE OF NEBRASKA	02050900-14	CUSTOMER REFUND	700.00	1 61841	700.00
			10381240-09	CUSTOMER REFUND	544.50	1 61841	544.50
			15601860-03	CUSTOMER REFUND	411.54	1 61841	411.54
			43990001-00	CUSTOMER REFUND	595.00	1 61841	595.00
			43990001-00-1	CUSTOMER REFUND	385.00	1 61841	385.00
					<u>2,636.04</u>		<u>2,636.04</u>
47067	R6096	DAS STATE ACCOUNTING	43990001-00	CUSTOMER REFUND	128.40	1 61841	128.40
			43990001-00-1	CUSTOMER REFUND	92.49	1 61841	92.49
					<u>220.89</u>		<u>220.89</u>

Check Report Total 1,182,446.18

Distribution Register by Check



ACH PAYMENTS

Printed: 6/21/2021 10:02

From Check Date: 06/21/2021 - To Check Date: 06/21/2021

Check No	Supplier	Supplier Name	Invoice Number	Invoice Description	Invoice Amt	Charge Code	GL Amount
603831	07220	B P ENERGY	21148581	GAS PURCHASES	2,899.10	1 62321	2,899.10
603832	10400	BURLINGTON NORTHERN/SANTA I	247177516	COAL FREIGHT CHARGE	173,827.35	2 22324	173,827.35
603833	10720	C C C-HASTINGS RENEWABLE ENI	53	POWER PURCHASED	41,181.91	2 22322	41,181.91
603834	12700	CENTRAL PLAINS ENERGY PROJE	052114A697	GAS PURCHASES	40,881.25	1 62321	40,881.25
			052118A885	GAS PURCHASES	50,018.50	1 62321	50,018.50
					90,899.75		90,899.75
603835	27070	G D S ASSOCIATES, INC	0193857	NITS ASSESSMENT	2,732.50	2 29230	2,732.50
			0194468	NERC CONSULTING	1,402.50	2 29230	1,402.50
			0194470	NITS ASSESSMENT	2,652.50	2 29230	2,652.50
			0195545	NERC CONSULTING	1,815.00	2 29230	1,815.00
					8,602.50		8,602.50
603836	45205	M & T BANK-457	061121	EMPLOYEE DEFERRED COMP	250.00	1 62417	250.00
603837	55070	NEOPOST	7900044080326758	POSTAGE	1,500.00	1 69170	1,500.00
603838	58540	PAYMENTU CORP	INV-15-112897	CREDIT CARD PMT TRANS FEES	5,005.69	1 69031	5,005.69
603839	58550	PEABODY ENERGY	5000064572	COAL	262,762.67	2 22324	262,762.67
			90893442	COAL	(1,591.41)	2 22324	(1,591.41)
			90895673	COAL	3,105.00	2 22324	3,105.00
			90895965	COAL	(1,305.91)	2 22324	(1,305.91)
					262,970.35		262,970.35
603840	69200	SOUTHWEST POWER POOL	TRN-20210531-HA	TRANSMISSION FEES	48,273.51	2 22322	48,273.51
603841	72300	TALLGRASS INTERSTATE GT, LLC	TIG052021354682	GAS PIPELINE TRANSPORTATION	79,205.02	1 62321	79,205.02
603842	74325	TRAILBLAZER PIPELINE COMPANY	TPC052021220378	GAS PIPELINE TRANSPORTATION	29,282.29	1 62321	29,282.29
603843	76025	UNITED PARCEL SERVICE	00006838E9231	DELIVERY SERVICE	211.42	1 35531	63.96
						1 35592	10.65
						1 69206	16.50
						1 619190	24.46
						2 85125	95.85
			00006838E9241	DELIVERY SERVICE	354.64	1 69206	16.50
						2 25065	338.14
					566.06		566.06
603844	30575	GREAT WEST LIFE	061121	PENSION DEPOSIT	91,821.02	1 62415	91,821.02
			061121-1	DEFERRED COMP	4,117.65	1 62417	4,117.65
			061121-2	ROTH CONTRIBUTIONS	14,217.24	1 62417	14,217.24
					110,155.91		110,155.91
603845	53275	NE DEPT. OF REVENUE	053021	NE WITHHOLDING-MAY	50,906.64	1 62412	50,906.64
			053021-1	NE SALES & USE TAX-MAY	192,940.88	1 62421	188,034.63
						2 22421	4,906.25
					243,847.52		243,847.52
603846	53775	NEBRASKA CHILD SUPPORT	061121	REMIT CHILD SUPPORT	2,367.50	1 62410	2,367.50
603847	57170	OPTIMUM BANK		EMPLOYEE HSA DEDUCTIONS	6,716.65	1 62404	6,716.65
603848	76225	UNITED STATES TREASURY		FIT & FICA WITHHOLDING	151,904.74	1 62411	63,209.31
						1 62413	88,695.43
					151,904.74		151,904.74

Checks & ACH Payments 2,441,902.03
Less Discounts (18.50)
Grand Total 2,441,883.53

Combined 1,001,078.08
Electric 1,440,805.45
Grand Total 2,441,883.53

Department: Administration
Staff Contact: Dave Ptak
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of expenditure not to exceed \$200,000 for the temporary move of City Hall employees to the North Denver Station of the Hastings Utility Department

Names of People/Business affected by this action:

City Hall employees and Utility Department employees at NDS

Why Council action is required:

The Council needs to approve expenditures of this kind

Type of action requested:

Motion

Suggested motion:

Motion to approve the expenditure not to exceed \$200,000 for the temporary move of City Hall employees to the North Denver Station of the Hastings Utility Department

Deadlines associated with action:

Expenses have already been incurred that will need to be paid

Department head comments:

This expenditure is necessary to facilitate and accomplish the temporary move of City Hall employees to the North Denver Station while renovation costs for the water infiltration, radon, asbestos, and mold mitigation at City Hall and to address the upgrade for security at City Hall are determined for the City Council's review. The necessary renovation and mitigation cannot be accomplished with current City Hall employees remaining in City Hall. The cost of the move is based on estimates received the planning process of the move. It is the intent to not spend any move money than what would be absolutely necessary hence the request for approval is for an amount not to exceed \$200,000.

City Administrator comments:

City Hall Department Moves to NDS

COST

Development Services - 1st Floor of NW area of Turbine Room

Renovation - Contractor provided w/o furniture	\$25,000.00
Security - Door Hardware/Badge System	?
Moving cost (\$35-\$50/hour)	\$500 - \$750
IT needs (1 Switch for Internet and phone (not chrgd to W.O.))	\$3,400.00
Internal Labor costs - Comm & Subs group	?
Total cost with contingency	\$30,000.00

Finance Department/Meeting Spaces

2 Office Trailers - 12'x60' - rental at \$31,730@ for 3 years *	\$63,460.00
ADA accessibility and bathrooms	?
Security - 2 doors w/ Badge System @\$2,000/door±	\$4,000.00
IT needs: 1 Switch	\$2,500.00
3 Wireless Access ports at #350@	\$1,050.00
Furniture & Moving (\$35-\$50/hr)	\$1,500.00
Internal Labor costs - Comm & Subs group/W&S hookups	?
Total Cost with contingency	\$75,000.00

Administration & HR

Furniture & Moving (\$35-\$50/hr)	\$1,500.00
IT needs: 2nd Floor West - 2 Switches	\$5,500.00
2nd Floor East - 2 Switches	\$5,500.00
1st Floor East - 2 Switches	\$5,500.00
Core Switches:	
2 Switches @\$8,500@	\$17,000.00
2 Switches @\$6,000@	\$12,000.00
Other Miscellaneous equipment	\$4,800.00
Software Management/Network:	
Central	\$3,000.00
Clear Pass	\$15,000.00
Internal Labor costs - Comm & Subs group	?
Total Cost with contingency	\$75,000.00

Total Cost of renovation and relocation	\$180,000 to \$200,000
---	-------------------------------

* configuration may change due to possible location and access to sewer & water

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Final Plat of Mary Lanning 2nd Subdivision, for a parcel commonly located at 715 N. Saint Joseph Avenue, City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the City and the citizens of the City of Hastings

Why Council action is required:

Neb. Rev. Stat. 16-903 provides no plat or instruments effecting the subdivision of real property, described in Neb. Rev. Stat. 16-902, shall be recorded or have any force and effect unless the same has been approved by the City Council.

Type of action requested:

Motion

Suggested motion:

Motion to approve Final plat for Mary Lanning 2nd Subdivision, for a parcel commonly located at 715 N. Saint Joseph Avenue, City of Hastings, Adams County, Nebraska

Deadlines associated with action:

The applicant has submitted the building permit for placing the Mary Lanning Medical Services Building on Lot 1 of this subdivision. Once this Final Plat is approved this building permit will be finalized.

Department head comments:

Re-platting a portion of land commonly addressed 715 N. Saint Joseph Avenue, City of Hastings, Adams County, Nebraska. This subdivision replats part of lots 6, 7, 8, 13, 14 & 15, Block 3 of Buswell Addition. Replatting this land will allow Mary Lanning Memorial Hospital Association to relocate utilities and necessary easements that will lay the ground work for the Medical Office Building Expansion. This expansion was discussed briefly as part of the Campus Master Plan Amendment in late fall of 2020. The Development Department and Plat Track review teams (to include County officials) have reviewed this final subdivision plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and regulations in City Code Section 38-203. All related utilities easement relocations have been reviewed and approved by the Utilities Coordinator as part of this final plat process.

Planning Commission recommended approval in a vote of 8-0 on June 15, 2021.

City Administrator comments:

Recommend approval



Permit #: 21034

Permit Date: 05/03/21

Permit Type: Final Plat

Title: Mary Lanning

Site Address: 715 North St. Joseph Ave

Owner Name:

Owner Address:

City State Zip:

Owner Phone:

Owner Email:

Applicant Name: Steve Ardiana

Applicant Address: 715 N. St. Joseph Ave

City, State, Zip: Hastings

Phone Number: 4024615268

Applicant Email: steven.ardiana@marylanning.org

Proposed Use: Hospital Addition

Description: Hospital Addition

Number of Cases: 0

Project Cost: 0

Square Feet: 0

Within City Limits: Yes

Current Zoning: CMP, Institutional Campus

Current Zoning Explained:

Proposed Zoning: CMP, Institutional Campus

Conditions:

Conditions Defined:

1st PN & Agenda Send By (11:30):

1st PN & Agenda Due Date:

1st PN & Agenda Sent:

2nd PN & Agenda Send By (11:30):

2nd PN & Agenda Due Date:

2nd PN & Agenda Sent:

Sign / Website Posting - Post By:

Sign / Website Posting - Posted:

APO Letter - Send By:

APO Letter - Sent:

PC Approval - Date Approved:

PC Outcome Letter - Due: 06/16/2021

PC Outcome - Completed:

CRA Approval - Meeting Date:

CRA Approval - Approved:

CC Packet - Goal Load Date: 06/21/2021

CC Packet - Due Date: 06/22/2021

CC Packet - Completed:

CC Out/Admin Due Date:

CC Out/Admin - Completed:

Stage: Pending PC Approval

Status: Open

Assigned To: Lisa Parnell-Rowe

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
010016781	715 N St Joseph Ave	1528.00-LOTS 1 & 2 & VACATED ABUTTING STREET EX SO 20' OF LT 1 SCOFIELD'S ADD	MARY LANNING MEMORIAL HOSPITAL ASSOCIATION		CMP Campus Institutional

Inspections



Permit #: 21034

Address: 715 N St Joseph Ave

City: Hastings

State: NE

Zip: 68901

Receipt #: 22

Date: 05/05/2021

Paid By: Adam Goertzen

Description: 209970

Payment Type: IBX CC

Payment Type Description:

Accepted By:

Fees Paid

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
Final Subdivision Plat Application	# of Lots	1.00	320.00	320.00
Subdivision Plats - 24" x 36"	Input # of Pages	2.00	100.00	100.00

Total: \$420.00

MARY LANNING 2ND SUBDIVISION

FINAL PLAT

A REPLAT OF A PART OF LOTS 6, 7, 8, 13, 14, AND 15, BLOCK 3, BUSWELL ADDITION AND THE ADJACENT VACATED ST. JOSEPH AVENUE TO THE CITY OF HASTINGS ADAMS COUNTY, NEBRASKA

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN LOTS 7 AND 14, A PART OF LOTS 6, 8, 13, AND 15, BLOCK 3, BUSWELL ADDITION AND THE ADJACENT EAST 33 FEET OF THE VACATED ST. JOSEPH AVENUE, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF LOT 6 OF SAID BLOCK 3, BUSWELL ADDITION; THENCE S00°33'15"W (ASSUMED BEARING) ON THE EAST LINE OF SAID LOT 6, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°33'15"W ON THE EAST LINE OF SAID LOTS 6 THROUGH 8, A DISTANCE OF 245.00 FEET; THENCE N89°28'25"W, A DISTANCE OF 300.20 FEET TO THE WEST LINE OF SAID LOT 13; THENCE CONTINUING N89°28'25"W, A DISTANCE OF 33.00 FEET; THENCE N00°31'35"E, A DISTANCE OF 242.30 FEET; THENCE S89°56'13"E, PARALLEL WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOTS 6 AND 15, A DISTANCE OF 33.00 FEET TO THE WEST LINE OF SAID LOT 15; THENCE S89°56'13"E, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 300.32 FEET TO THE POINT OF BEGINNING, CONTAINING 1.86 ACRES, MORE OR LESS, NOW KNOWN AS MARY LANNING 2ND SUBDIVISION.

SURVEYOR'S REPORT:

THIS SURVEY WAS PERFORMED AT THE REQUEST OF MARY LANNING MEMORIAL HOSPITAL ASSOCIATION. THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH THE PERIMETER OF LOTS 7 AND 14, A PART OF LOTS 6, 8, 13, AND 15, BLOCK 3, BUSWELL ADDITION AND THE ADJACENT EAST 33 FEET OF THE VACATED ST. JOSEPH AVENUE, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA AND REPLAT INTO ONE LOT.

EXISTING MONUMENTS OF RECORD WERE FOUND AT LOCATIONS SHOWN ON THIS PLAT. ALL MONUMENTS FOUND ARE DESCRIBED ON THIS PLAT.

ALL LINES WERE PRODUCED AND ANGLES AND DISTANCES MEASURED WITH A TRIMBLE R10 GNSS RECEIVER UTILIZING THE SEILER INSTRUMENTS REAL TIME NETWORK.

FLOOD PLAIN NOTE:

THE PROPERTY SHOWN ON THIS FINAL PLAT IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FLOOD HAZARD BOUNDARY MAPS AS PROVIDED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL INSURANCE ADMIN., COMMUNITY PANEL NO. 31001C0160C, EFFECTIVE DATE OF 7/05/2018.

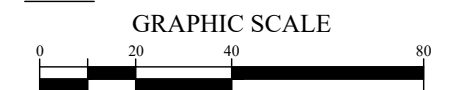
OWNER NAME AND ADDRESS:

MARY LANNING MEMORIAL HOSPITAL ASSOCIATION
ERIC BARBER, PRESIDENT
715 NORTH ST. JOSEPH AVENUE
HASTINGS, NE 68901

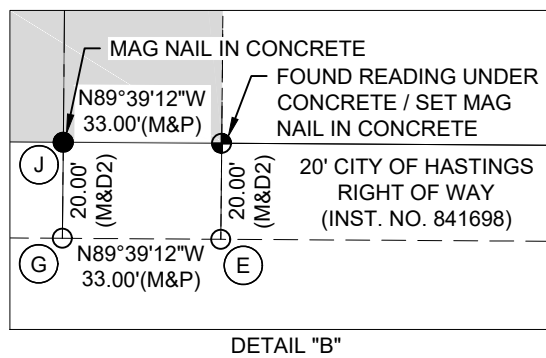
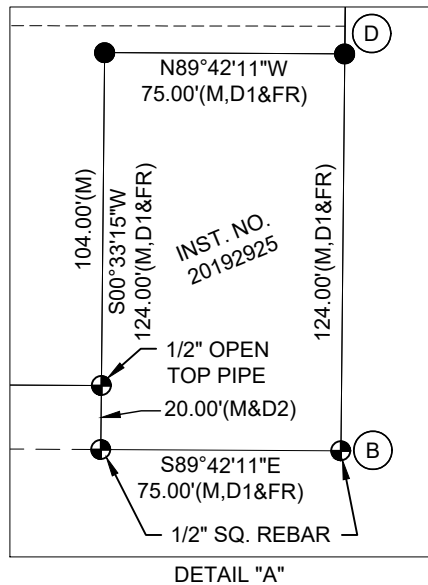
ZONED: CMP CAMPUS INSTITUTIONAL DISTRICT

- LEGEND**
- MONUMENT FOUND
 - MONUMENT SET
 - CALCULATED POINT
 - M MEASURED DISTANCE
 - D1 DEEDED DISTANCE (INST. NO. 20192925)
 - D2 DEEDED DISTANCE (INST. NO. 841698)
 - P PLATTED DISTANCE
 - R RECORDED DISTANCE
 - FR RECORDED DISTANCE (FRANCIS ROTTER 7/12/1979)

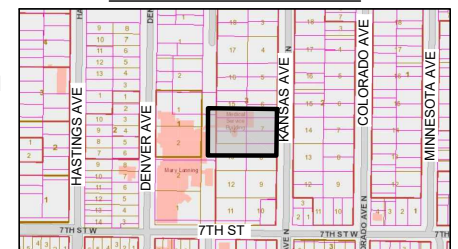
NOTE: ALL BEARINGS ARE ASSUMED.



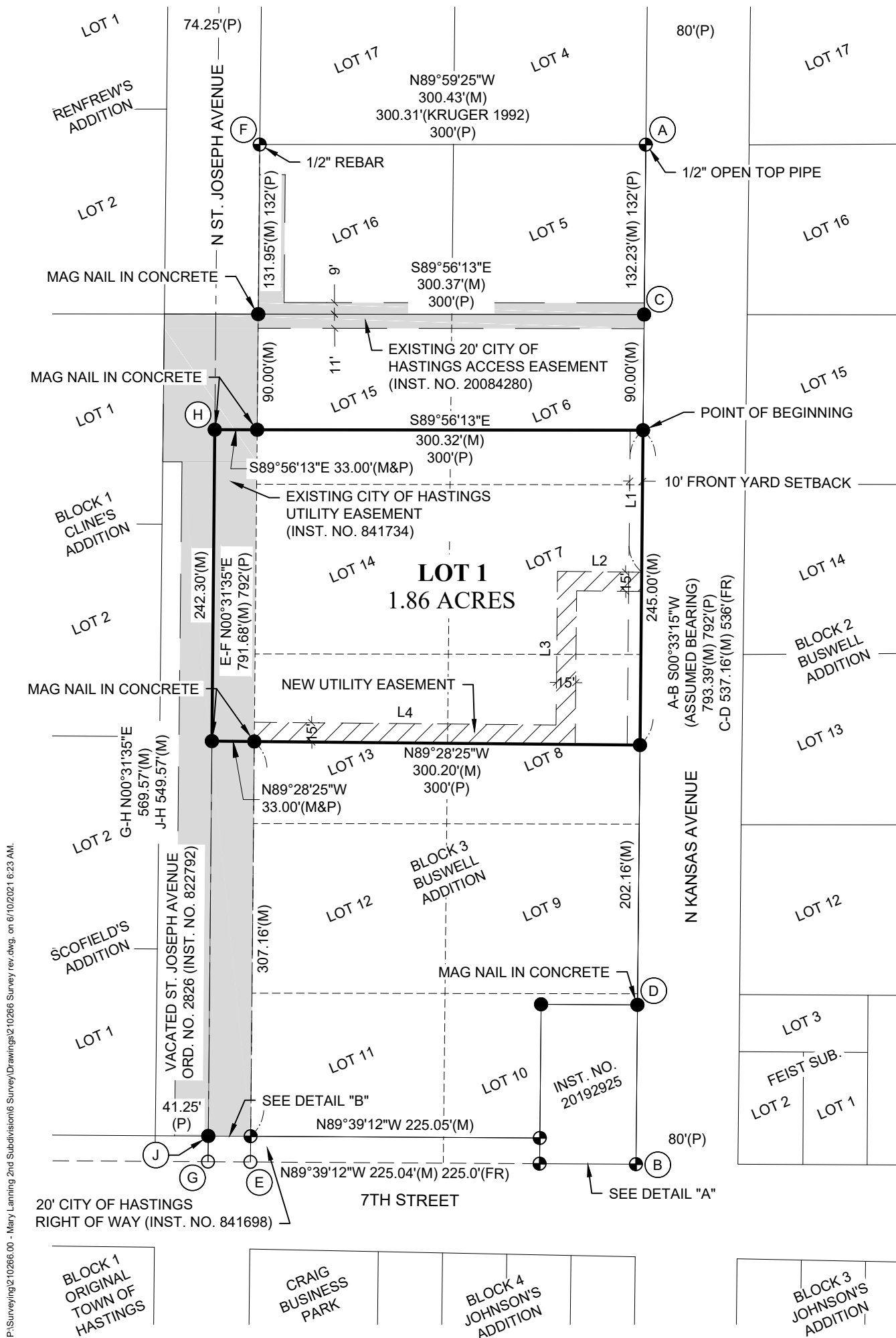
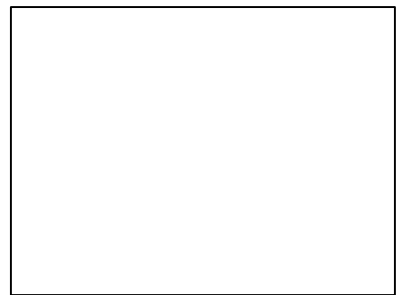
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°33'15"W	110.50'
L2	N89°26'45"W	65.50'
L3	S00°33'15"W	119.53'
L4	N89°28'25"W	234.70'



VICINITY SKETCH:



REPOSITORY STAMP



P:\Surveying\210266.00 - Mary Lanning 2nd Subdivision\6 Survey\Drawings\210266 Survey rev.dwg, on 6/10/2021 6:23 AM.

MARY LANNING 2ND SUBDIVISION
FINAL PLAT
A REPLAT OF A PART OF LOTS 6, 7, 8, 13, 14, AND 15, BLOCK 3,
BUSWELL ADDITION AND THE ADJACENT VACATED
ST. JOSEPH AVENUE TO THE CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

OWNER'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENT, THAT MARY LANNING MEMORIAL HOSPITAL ASSOCIATION, A NEBRASKA NON-PROFIT CORPORATION, AKA MARY LANNING MEMORIAL HOSPITAL, THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "MARY LANNING 2ND SUBDIVISION", IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNER. BE IT FURTHER KNOWN, THAT SAID OWNER DO HEREBY DEDICATE ALL EASEMENTS SHOWN ON THIS PLAT TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

SIGNED THIS _____ DAY OF _____, 2021.

ERIC A. BARBER, PRESIDENT / CEO, MARY LANNING MEMORIAL HOSPITAL ASSOCIATION

C.M. (GARY) ANDERSON, SECRETARY / TREASURER, MARY LANNING MEMORIAL HOSPITAL ASSOCIATION

ACKNOWLEDGEMENT:

STATE OF)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2021,
BY ERIC A. BARBER, PRESIDENT / CEO, MARY LANNING MEMORIAL HOSPITAL ASSOCIATION

MY COMMISSION EXPIRES THE _____ DAY OF _____, _____.

(SEAL) _____
NOTARY

ACKNOWLEDGEMENT:

STATE OF)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2021,
BY C.M. (GARY) ANDERSON, SECRETARY / TREASURER, MARY LANNING MEMORIAL HOSPITAL ASSOCIATION

MY COMMISSION EXPIRES THE _____ DAY OF _____, _____.

(SEAL) _____
NOTARY

CITY ENGINEER'S APPROVAL:

THIS PLAT OF MARY LANNING 2ND SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA HAS BEEN RECEIVED AND REVIEWED BY ME AND IS IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 38 OF THE CITY CODE FOR THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, PROVIDING FOR THE APPROVAL OF SUBDIVISIONS AND PLATS BY THE CITY ENGINEER UNDER CERTAIN CIRCUMSTANCES. APPROVED THIS _____ DAY OF _____, 2021.

CITY ENGINEER

CITY PLANNING COMMISSION RECOMMENDATION:

THIS PLAT OF MARY LANNING 2ND SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA WITH THE RECOMMENDATION THAT SAID PLAT BE APPROVED THIS _____ DAY OF _____, 2021.

CHAIRMAN

DIRECTOR

MAYOR AND CITY COUNCIL ACTION:

THIS PLAT OF MARY LANNING 2ND SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA IS HEREBY APPROVED THIS _____ DAY OF _____, 2021.

MAYOR

CITY CLERK

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

ADAM J. GOERTZEN, LS 704



FINAL PLAT
MARY LANNING MEMORIAL
HOSPITAL ASSOCIATION

A REPLAT OF A PART OF LOTS 6, 7, 8, 13, 14,
AND 15, BLOCK 3, BUSWELL ADDITION AND
ADJACENT VACATED ST. JOSEPH AVE.
TO THE CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

PROJECT NO.
R210266

DATE
6/7/2021

DRAWN BY
AG

FILE NAME
210266 Survey rev.dwg

FIELD BOOK
HASTINGS #56

FIELD CREW
BS

SURVEY FILE NO.
2021-27

P:\Surveying\210266.00 - Mary Lanning 2nd Subdivision\6 Survey\Drawings\210266 Survey rev.dwg, on 6/10/2021 6:23 AM.

MARY LANNING 2ND SUBDIVISION
FINAL PLAT
A REPLAT OF A PART OF LOTS 6, 7, 8, 13, 14, AND 15, BLOCK 3,
BUSWELL ADDITION AND THE ADJACENT VACATED
ST. JOSEPH AVENUE TO THE CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

COUNTY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE
PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF THIS
_____ DAY OF _____, 2021.

ADAMS COUNTY TREASURER

CITY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON
THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF THIS
_____ DAY OF _____, 2021.

CITY OF HASTINGS TREASURER

REGISTER OF DEEDS CERTIFICATE:

STATE OF NEBRASKA)
COUNTY OF ADAMS) SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY,
NEBRASKA.

DATE: _____ TIME: _____ INSTRUMENT NO.: _____

REGISTER OF DEEDS

WAIVER FOR STREET GRADES:

THE APPLICANTS HEREBY WAIVE ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE
ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES ESTABLISHED.

MARY LANNING MEMORIAL HOSPITAL ASSOCIATION

BY: _____

CONSENT OF LIENHOLDER:

I, _____ (PRINT NAME), _____ (TITLE) OF U.S. BANK NATIONAL
ASSOCIATION, BEING A LIENHOLDER OF THE DESCRIBED TRACT OF LAND, HEREBY APPROVE AND AGREE TO THE PLATTING OF
"MARY LANNING 2ND SUBDIVISION", IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, ON THIS _____ DAY
OF _____, 2021, ON BEHALF OF SAID U.S. BANK NATIONAL ASSOCIATION.

(SIGNATURE)

(PRINTED NAME AND TITLE)

ACKNOWLEDGEMENT:

STATE OF)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2021,
BY _____, U.S. BANK NATIONAL ASSOCIATION

MY COMMISSION EXPIRES THE _____ DAY OF _____, _____.

(SEAL) _____
NOTARY

CONSENT OF LIENHOLDER:

I, _____ (PRINT NAME), _____ (TITLE) OF WELLS FARGO BANK,
NATIONAL ASSOCIATION, BEING A LIENHOLDER OF THE DESCRIBED TRACT OF LAND, HEREBY APPROVE AND AGREE TO THE
PLATTING OF "MARY LANNING 2ND SUBDIVISION", IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, ON THIS _____
DAY OF _____, 2021, ON BEHALF OF SAID WELLS FARGO BANK, NATIONAL ASSOCIATION.

(SIGNATURE)

(PRINTED NAME AND TITLE)

ACKNOWLEDGEMENT:

STATE OF)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2021,
BY _____, WELLS FARGO BANK, NATIONAL ASSOCIATION

MY COMMISSION EXPIRES THE _____ DAY OF _____, _____.

(SEAL) _____
NOTARY



FINAL PLAT
MARY LANNING MEMORIAL
HOSPITAL ASSOCIATION

A REPLAT OF A PART OF LOTS 6, 7, 8, 13, 14,
AND 15, BLOCK 3, BUSWELL ADDITION AND
ADJACENT VACATED ST. JOSEPH AVE.
TO THE CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

PROJECT NO.
R210266
DATE
6/7/2021
DRAWN BY
AG
FILE NAME
210266 Survey rev.dwg
FIELD BOOK
HASTINGS #56
FIELD CREW
BS
SURVEY FILE NO.
2021-27

- North of the existing Ambulance Headquarters Building is currently available and vacant. Previous building was demolished due to not being occupied and capable of meeting code compliance. Solution creates more compact facility and limits sprawl potential.

4.2 Medical Office Building Expansion

EAST SOLUTION

- With some exceptions, MLH currently owns all the property required to accommodate the East Solution.
- South of the existing Medical Services Building. Parking south and east of the proposed construction site would be required to vacate and close.
- Solution creates more compact facility and limits sprawl potential.
- East Side Main Entrance drop-off would require closure, rerouting admission and visitors to the North Admissions entrance traffic, leaving access to the East End only employee entrance. Access from Kansas Avenue and 7th Street would be limited.
- Additional access points to new facilities would be necessary on Kansas, increasing congestion deeper into the East End.
- New Medical Office Building (MOB) development connected to existing Medical Service Building outpatient areas at each floor with the connection to the inpatient area via existing link. This making departmental efficiencies and care delivery a challenge.
- The buildable footprint available for the MOB development would be sufficient for the anticipated building program. The overall height of the expansion would remain the same as current Medical Service Building. Without further impacting the adjacent neighborhood.
- Development to the east straddles Zoning Districts CMP and R-1. Rezoning to allow the new use would require City of Hastings and Open Meetings.
- Street-level connectivity between new construction and existing presents safety challenges to pedestrians crossing Kansas.
- Kansas Avenue drop-off and parking access would require entrance changes to process site access traffic. Patient and visitor access to front door is problematic.
- Internal connectivity and circulation becomes inefficient and problematic between the medical office building (MOB) expansion and the main hospital during the construction phase of the first (1) floor.
- Development to the east across Kansas Avenue straddles Zoning Districts CMP and R-1. Rezoning to allow the new use would be required as well as the area would need to be replatted

SOUTH SOLUTION

- Mary Lanning does not currently own the property required to accommodate the South Solution.

- Additional access points would be necessary on 7th Street, and Kansas Avenue intersection would increase congestion deeper into the East parking area.
- Expansion to the south causes redevelopment of the east and west sides of the existing hospital.
- Access to the Surgery Department and South Admissions becomes challenging.

WEST SOLUTION

- Locating the hospital development to the west of the existing building would necessitate a Denver Avenue drop-off for expanded and relocated services, increasing vehicular traffic on Denver Avenue. New medical office building would be required to be located on the north side of 7th Street, further increasing congestion. Locating building access along Denver Avenue would also increase pedestrian crossing at street level, increasing the opportunity for vehicular conflict. The 7th Street and Denver Avenue intersection would increase congestion deeper into the 7th Street.
- Emergency department traffic would be potentially be impacted, possibly creating a dead end at the Emergency Department entrance.
- A new parking lot will provide an additional 107 parking spots. It will be constructed between Denver Ave and Hastings Ave. It will also include a change to the entrance / Exit of the lot on the corner of Hastings Ave and 7th St. The plan has two (2) access drives to Hastings Avenue and one (1) access drive to Denver Avenue. The driveway modifications will improve traffic circulation.
- New hospital development not connected to clinics or existing inpatient areas, making departmental efficiencies and care delivery a challenge. Location increases.

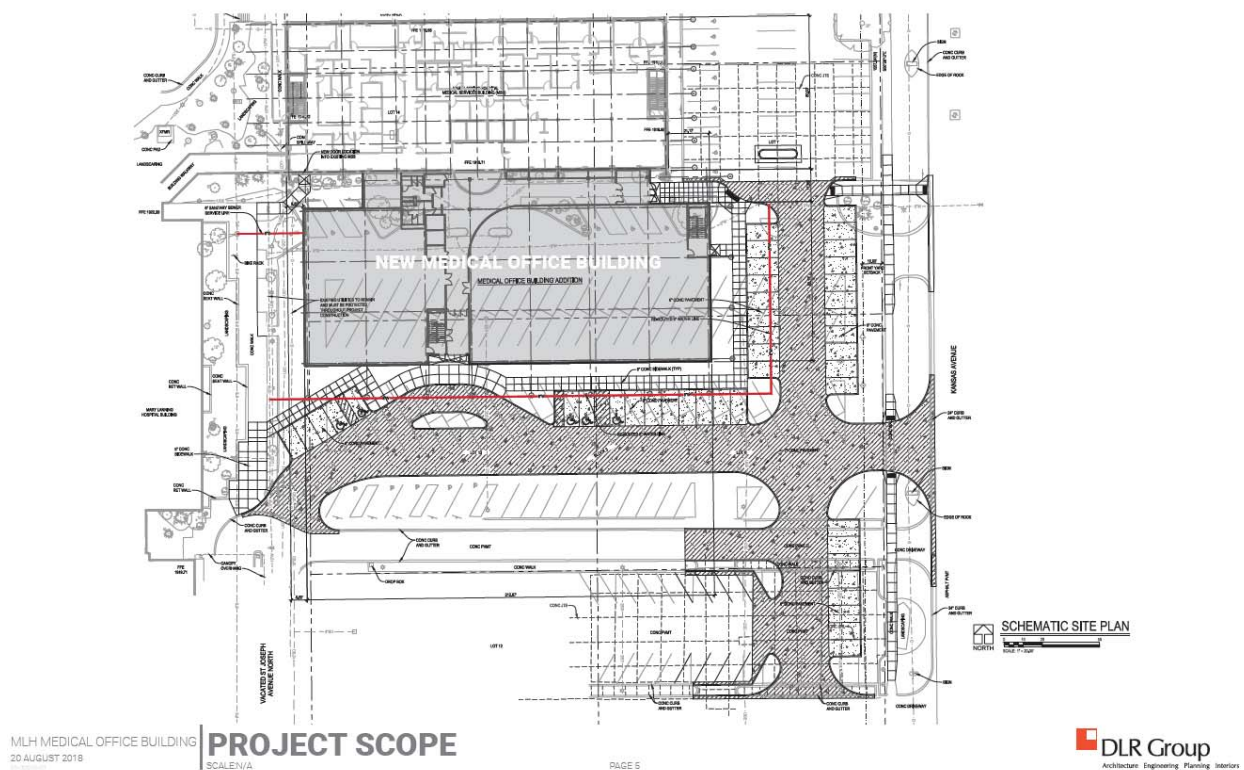
NORTH SOLUTION

- New and existing primary hospital functions like surgery, emergency department, and associated support functions connect to create a horizontally integrated care model.
- Traffic circulation becomes inefficient and problematic at the 9th Street and Denver Avenue, due to Longfellow School traffic and lack of school access parking. Although, the resultant congestion could be mitigated.
- Vacation of St Joseph Avenue between 8th and 9th is desired to allow control of setbacks and maximize buildable footprint.
- The North Solution distributes increased traffic volume, driven by Mary Lanning development around the facility, rather than at a single point.

PREFERRED SOLUTION Medical Service Building location

As illustrated, the East Solution ranks best of all locations explored for the Medical Office Building expansion. However, perceived execution of the concept necessitates a parking vacation and entrance closure to allow existing traffic to access east parking. Medical Service Building departments on all floors, containing some of the more expensive and heavily invested space, to expand horizontally. As previously discussed, contiguous space within key departments is operationally and fiscally more efficient. A detailed look at current floor spaces relative to proposed expansion illustrates the challenge

of maintaining the parking and street access. Thus, the solution would impact public infrastructure. In this case, existing departments needing large contiguous space could move into the structure to a floor capable of supporting this need, without causing abandonment of multi-million dollars' worth of previous investment and sacrificing current relationships. It would allow for consolidation of supporting ancillary functions. Following are a conceptual rendering illustrating the specific condition described.





Department: Utilities
Staff Contact:
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Names of People/Business affected by this action:

City of Hastings

Why Council action is required:

Type of action requested:

Motion

Suggested motion:

Approve agreement with Farris Construction Co., Inc. for 60x100 Substations Garage in the amount of \$620,416.00.

Deadlines associated with action:

Department head comments:

The Substation Departments role continues to grow as technology increases in all areas of the City and Utilities. Working independently and with Engineering the department frequently has need of an area to set up and test various equipment including: Protection Relays, SCADA Components, VFD Systems, Traffic Controllers, Fiber Optic systems, and Repair of large substation equipment. Currently these activities tie up Substation buildings, Office areas, and other department work areas. NERC/FERC and the Insurance companies do not allow much of this work to be done in Live Substations nor do they allow equipment to be stored in the Substation control buildings. A Shop area is being recommended to have a NERC secure work area to set up, test, and store Substation relays, SCADA system equipment, High voltage test equipment, and Oil processing/diagnostic equipment. The Same area will be used to accommodate storage, repair, and set up of Traffic Control systems, Fiber optic equipment, Well VFD equipment, and NDS Maintenance work. The building will also allow equipment and materials that are presently being stored in improper and improperly secured areas to be consolidated in a secure and connected work area. This will allow testing, repair, and creation of the specialized programming schemes without interrupting or continually interfering with working systems.

Noel Nienhueser

Supt. of Substations, Communications, and Support

City Administrator comments:

Recommend approval, it must be some garage!

HASTINGS UTILITIES BID TABULATION FOR NEW 60X100 SUBSTATIONS GARAGE

Formal Contract No: HU 2021-06 FC-15

Bid Opening: Thursday, June 17, 2021 @ 1:30 PM

Name	Bid Bond	Addendum #1	Exceptions	Total
Carmichael Construction LLC	Yes	Yes	Yes	\$689,800.00
Farris Construction Co, Inc.	Yes	Yes	Yes	\$620,416.00

**FORMAL CONTRACT AND SPECIFICATIONS
NEW 60' x 100' SUBSTATIONS GARAGE
CITY OF HASTINGS, UTILITIES DEPARTMENT
HASTINGS, NEBRASKA**

Formal Contract No. HU 2021-06 FC-15

**Sealed Proposals Will Be Opened Promptly At
1:30 PM, Thursday, June 17, 2021**

Bid Submitted By: FARRIS CONSTRUCTION CO., INC.



INSTRUCTIONS TO BIDDERS

All proposal information, including any unit price fill in sheets or other required information, shall be submitted on the proposal forms hereto attached. Copies of addenda, if any, shall be signed and attached to the bound volume submitted. City of Hastings, Utilities Department does NOT accept faxed or emailed bid returns.

Bidders shall inform themselves of all relevant matters, and, if awarded the contract, shall not be allowed any extra compensation by reason of any matter or thing concerning which such Bidder might not have fully informed themselves, prior to the bidding.

The Bidder bidding on the Specifications herein, who has exceptions to those called for in the Specifications, must so state in the space provided below and/or attach a letter explaining in detail the exceptions taken to those required in the Specifications. This letter of explanation shall become a part of the bid and shall be attached hereto. Failure by the Bidder to outline his exceptions will require the successful Bidder to comply with these Specifications.

EXCEPTIONS TO SPECIFICATIONS:

Due to the unpredictable and volatile material market many of our suppliers
will not hold their pricing which was common practice in the past. With
that said our bid will be subject to those possible future changes,
which we have absolutely no control over!!

The Purchaser will not assume obligations resulting from losses or damages until acceptance of the equipment.

Checks of unsuccessful Bidders will be returned when their bids have been rejected and they will not be retained in excess of sixty (60) days from the date bids are opened. The check of the successful Bidder will be retained until the contract is awarded. Should the successful Bidder fail to perform as the Proposal and Specifications indicate, the City may use the check as liquidated damages within fifteen (15) days after written notice is given to the party who submitted the successful bid.

If any person contemplating submitting a bid for this contract is in doubt as to the true meaning of any part of the Specifications or other proposed contract documents, he may submit to Purchaser a written request for an interpretation thereof. The person submitting the request will be responsible for its prompt delivery. Any interpretation of the proposed documents will be made only by addendum duly issued or delivered to each person receiving a set of such documents. The Purchaser will not be responsible for any other explanation or interpretation of the proposed documents.

All addendums must be signed and attached to bid documents or proposal will not be accepted.

FORMAL PROPOSAL FOR
New 60'x100' Substations Garage
Formal Contract No. HU 2021-06 FC-15

Hastings Utilities
1228 N. Denver Ave
Hastings, NE 68901

Issue Date: 5/28/2021 **Return Date on or Before:** 6/17/2021 **Thurs. @ 1:30 p.m.**

The undersigned bidder, having read and examined the specifications and associated contract documents for the above designated construction, does hereby propose to furnish the equipment and provide the services set forth in this Proposal.

We, the undersigned, being familiar with all parts of this document, do hereby agree to complete the contract for New 60'x100' Substations Garage according to the drawings and specifications including any applicable taxes for the following firm prices. Alternate bid items are included on the proposal pages and must be completed.

New 60'x100' Substations Garage

Item No.	Description	Total Price
1	Base Bid: 60'x100' Packaged Metal Building complete with insulation, partition wall, foundation, 2' stem wall, interior concrete, utility services and rough in, base bid doors, walk door stoops, and pipe bollards	\$ 490395 ⁰⁰
1a	Alternate bid: Same as Base Bid with the exception of exterior overhead doors and south endwall.	\$ 484821 ⁰⁰
2	Concrete approach (60'W x 55'L)	\$ 19472 ⁰⁰
2a	Concrete approach (60'W x 10'L)	\$ 4455 ⁰⁰
3	Interior liner panel to ceiling	\$ 27988 ⁰⁰
4	Forced air heat & A/C in Zone 1	\$ 16748 ⁰⁰

5	Forced air heat in Zone 2	\$ 23214 ⁰⁰
5a	Floor heat: Dual zone control for Zone 1 & Zone 2	\$ 70222 ⁰⁰
6	Construct and Furnish Bathroom	\$ 25375 ⁰⁰
6a	Construct and furnish bathroom as "Hardened Room"	\$ 37502 ⁰⁰
7	3 Ton 14' high with 14' span jib crane installed with footing.	\$ 17224
7a	8'Wx8'Lx4'D footing for jib crane.	\$ 4964

TOTAL PRICE (Sum of Items 1+2+3+4+5+6+7). Alternate items will be evaluated.

Six hundred twenty thousand four hundred sixteen

\$ 620416

(Price In Words)

Exceptions (Check one of the following)

☒ YES

☐ NO

Receipt of Addenda is hereby acknowledged:

No. 1 Date 6-15-21 No. _____ Date _____

No. _____ Date _____ No. _____ Date _____

No. _____ Date _____ No. _____ Date _____

For calculating this proposal:

For purposes of sales/use tax, this project falls under Nebraska Sales and Use Tax Regulation 1-017 for Contractors. By definition, a contractor is "any person who repairs property annexed to, or who annexes property to, real estate, including leased property, by attaching building materials to the annexed property or improvement being built or repaired, or who arranges for annexation of property." Please refer to www.revenue.nebraska.gov/salestax.html for additional information.

All contractors are to include sales/use tax on materials in the bidder's prices. For calculating taxes to be included in this proposal contractors must comply with the following:

- **Option 1 contractors must separately state materials, sales tax, labor, and other charges on all invoices for the project. Any invoices submitted that do not include this required breakdown of the charges will not be accepted for payment. (This requirement does not apply to Option 2 or 3 contractors.)**
- The sales/use tax rate on building materials is 7.0% for projects within Hastings' city limits and 5.5% for projects outside of city limits.
- Contractor labor charges for this proposal are not subject to sales/use tax per the Nebraska Department of Revenue Notice to Contractors effective October 1, 2007.
- In submitting this bid, the bidder certifies that he will comply with all applicable laws, ordinances, and codes of the City of Hastings and the State of Nebraska.

This project is located **INSIDE OF THE CITY LIMITS.**

What contractor option have you registered with the Nebraska Department of Labor (must select one)? Please refer to <https://dol.nebraska.gov> for additional information.

Option 1 _____
Option 2 X
Option 3 _____

Is Nebraska Sales/Use Tax included in the above prices (must select one)?

Yes X No _____

Start date: AS SOON AS DOCUMENTS AND CONTRACTS SIGNED.

Completion date for entire project: On or before September 1, 2022.

Liquidated Damage: The Contractor shall pay a fee of \$500.00 per working day for failure to complete the work by September 1, 2022.

In submitting this proposal, it is understood that the right is reserved by Hastings Utilities to reject any or all proposals and it is further understood that this proposal may not be withdrawn for a period of sixty (60) days after proposals are opened. It is further understood that Hastings Utilities reserves the right to select any or all of the items above, as they deem appropriate.

All bid documents, including proposals, etc., must be submitted with original signatures. No copies will be accepted.

OFFICIAL NAME & ADDRESS

FARRIS CONSTRUCTION CO., INC.

Firm Name



Signature

137 EAST E STREET

Address

JAMES P. FARRIS

Typed or Printed Name

HASTINGS, NE 68901

City, State, Zip

PRESIDENT

Title

402-462-8732

Phone No.

JUNE 17, 2021

Date

402-462-8801

Fax No.

farrisco@windstream.net

Email Address

**HASTINGS UTILITIES
CITY OF HASTINGS, NEBRASKA**

ADDENDUM NO. 1

**NEW 60' X 100' SUBSTATIONS GARAGE
Contract No. HU 2021-06 FC-15**

June 15, 2021

- **Section 4.202 Warranty**

- 1. Materials and Workmanship Warranty:

- a. Warranty Period: 1 Year

- 2. Finish Warranty

- a. Finish coating shall not peel, blister, chip, crack, or check in finish, and shall not chalk in excess of 8 numerical ratings when measured in accordance with ASTM D 4212.

- i. Panel Finish: 25 Years

- Water Service Drawing

CITY OF HASTINGS, UTILITIES DEPARTMENT

By Keith Miller

Title Engineer

The undersigned bidder hereby certifies that the revision set forth in this addendum have been incorporated in their bid and are a part of the contract documents.

Signed



Title

PRESIDENT

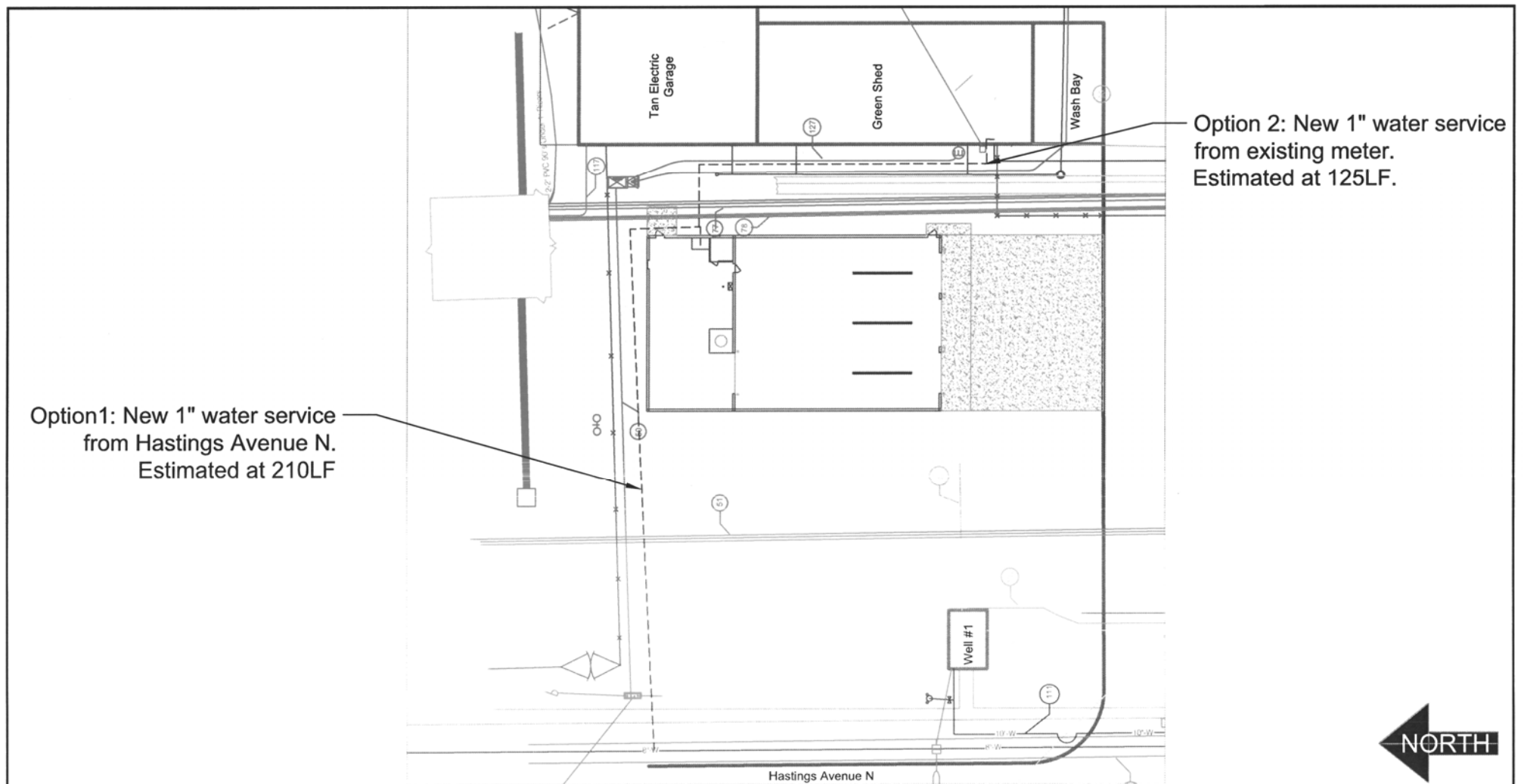
Firm

FARRIS CONSTRUCTION CO., INC.

Date

JUNE 17, 2021

**ALL ISSUED ADDENDUM(S) MUST BE ACKNOWLEDGED
& RETURNED WITH YOUR BID DOCUMENTS**



Option1: New 1" water service
from Hastings Avenue N.
Estimated at 210LF

Option 2: New 1" water service
from existing meter.
Estimated at 125LF.



Site Plan

Notes:

1. Contractor design, overall layout as shown.
2. Sanitary sewer located on north side of proposed building. Contractor responsible for designing and connecting sewer lines to the sewer main.
3. Water service to come from Hastings Avenue (option 1) or from existing service into the "Green Shed" after the meter (option 2).

Substations Garage



No. of Engineering: L. Vironen
 Checked By: SPS
 Drawn By: K. Miller

Design - Bid

Site Plan

Drawing No. X-XXX	Work Order CO-169	Date 5-25-21	Sheet No. 2 of 5
----------------------	----------------------	-----------------	---------------------

AIA[®] Document A310[™] – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Farris Construction Company Inc.
P O Box 2046
Hastings, NE 68902-2046

SURETY:

(Name, legal status and principal place of business)

Universal Surety Company
P.O. Box 80468
Lincoln, NE 68501

OWNER:

(Name, legal status and address)

City of Hastings
220 N Hastings Ave
Hastings, NE 68901

BOND AMOUNT: Five Percent of the Amount Bid (5%)

PROJECT:

(Name, location or address, and Project number, if any)

New 60' x 100' Substation Garage, HU 2021 06 FC-15

Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 17th day of June, 2021

(Witness)



(Witness)

Farris Construction Company Inc.

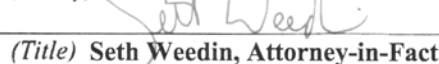
(Principal)



(Title)

Universal Surety Company

(Surety)



(Title) Seth Weed, Attorney-in-Fact

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

Init.

UNIVERSAL SURETY COMPANY

Lincoln, Nebraska

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That the **UNIVERSAL SURETY COMPANY**, a corporation of the State of Nebraska having its principal office in the City of Lincoln, Nebraska, pursuant to the following Bylaw, which was adopted by the Board of Directors of the said Company on July 23, 1981, to wit:

"Article V-Section 6. **RESIDENT OFFICERS AND ATTORNEYS-IN-FACT.** The President or any Vice President, acting with any Secretary or Assistant Secretary, shall have the authority to appoint Resident Vice Presidents and Attorneys-In-Fact, with the power and authority to sign, execute, acknowledge and deliver on its behalf, as Surety: Any and all undertakings of suretyship and to affix thereto the corporate seal of the corporation. The President or any Vice President, acting with any Secretary or Assistant Secretary, shall also have the authority to remove and revoke the authority of any such appointee at any time."

does hereby make, constitute and appoint

Robert T. Cirone or James M. King or Tamala J. Hurlbut or Jacob J. Buss
or Thomas L. King, Lincoln, Nebraska or Seth Weedon, Gretna, Nebraska

its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for and on its behalf, as Surety:
Any and all undertakings of suretyship

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its offices in Lincoln, Nebraska, in their own persons.

The following Resolution was adopted at the Regular Meeting of the Board of Directors of the **UNIVERSAL SURETY COMPANY**, held on July 23, 1981:

"RESOLVED, That the signatures of officers of the Company and the seal of the Company may be affixed by facsimile to any Power of Attorney executed in accordance with Article V-Section 6 of the Company Bylaws: and that any such Power of Attorney bearing such facsimile signatures, including the facsimile signature of a certifying Assistant Secretary and facsimile seal shall be valid and binding upon the Company with respect to any bond, undertaking or contract of suretyship to which it is attached."

All authority hereby conferred shall remain in full force and effect until terminated by the Company.

IN WITNESS WHEREOF, **UNIVERSAL SURETY COMPANY** has caused these presents to be signed by its President and its corporate seal to be hereunto affixed this 21st day of August, 20 20.

Carol J. Clark

UNIVERSAL SURETY COMPANY

Curtis L. Hartter



State of Nebraska } Secretary/Treasurer
County of } ss. Lancaster

By

President

On this 21st day of August, 20 20, before me personally came Curtis L. Hartter, to me known, who being by me duly sworn, did depose and say that (s)he resides in the County of Lancaster, State of Nebraska; that (s)he is the President of the **UNIVERSAL SURETY COMPANY**, the corporation described in and which executed the above instrument; that (s)he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; that (s)he signed (his) (her) name by like order; and that Bylaw, Article V-Section 6, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

Tara Martin



My Commission Expires February 16, 2022.

Notary Public

I, Philip C. Abel, Director of **UNIVERSAL SURETY COMPANY**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said **UNIVERSAL SURETY COMPANY**, which is still in full force and effect.

Signed and sealed at the City of Lincoln, Nebraska this 17th day of June, 20 21.

Philip C. Abel

Director





To: Noel Nienhueser
From: Keith Miller
Date: June 22, 2021
Subject: Bid Evaluation for Substations Garage with Work Room at NDS
Contract No. HU 2021-06 FC-15

On June 17, 2021 bids were opened for the 60'x100' Substations Building with Work Room at NDS. A summary of the bids is given below, various alternate options were bid but are not reflected in the base bid.

BIDDER	Bid Bond	Exceptions	Base Bid
Carmichael Construction, LLC	Yes	Yes	\$689,800.00
Farris Construction Co., Inc	Yes	Yes	\$620,416.00

The bid package was put out to bid on May 28, 2021. It was sent to seven contractors. In addition, the project was posted to the Hastings Utilities website and advertised in the Hastings Tribune.

Contract No. HU 2021-06 FC-15 is in the 2020/2021 Budget for \$400,000. This project consists of constructing a 60'x100' pre-engineered metal building complete with concrete, insulation, overhead doors, work lab, climate controls, utilities, and hardened room bathroom.

Previously, bids were opened for this project on May 12, 2021 for a 60'x120' building. There were three bidders in which the low bid was \$1,010,402.00. After receiving higher than expected bids, the building was relocated, downsized and simplified in order to bring the costs down while maintaining functionality.

For the proposed 60'x100' building, an exception was taken that imposes the price is subject to change on short notice and therefore the bid is valid for 15 days. Clarification was given that the bid price is valid until July 1, after that the project is subject to possible changes in material prices.

In the proposal, different features were offered as alternates to the base bid. After evaluating bids and alternate bids, it was determined to select some alternates as the benefits outweigh the costs. Included in alternate selection is item 1a. alternate end wall layout with overhead doors, item 5a.

substituting forced air heat with floor heat to improve efficiency and maintenance costs, and item 6a. constructing the bathroom to be a “hardened room” to provide a storm shelter. This brings the total contract amount to \$673,977.00.

Our recommendation is to accept the bid from Farris Construction for \$673,977.00, which is the low bid. Recent price increases over the past few months in building material have stretched the project’s budget while prices continue to rise. Having the option to quickly re-bid the project a second time we feel the alternate option will function just as effective as the original proposed building at a fraction of the total costs.

Construction is scheduled to start this summer with site work and concrete as soon as possible after notice to proceed. Building materials are estimated to be available sometime in the 1st quarter of 2022.

Cc: Lee Vrooman, Director of Engineering
Kevin Johnson, Manager of Utilities

AGREEMENT

IN WITNESS WHEREOF: The Parties of the First and Second Parts have hereto set their hands and seals on the day and year above written.

CITY OF HASTINGS

Party of the First Part

By: _____

Date: _____

ATTEST:

City Clerk

SEAL

CONTRACTOR

Party of the Second Part

James P. Farris

By: James P. Farris

Title: President

Date: June 22, 2021

APPROVED TO FORM:

City Attorney

Note: If executed by one other than President, Partner or the individual Owner, a Power-of-Attorney authorizing execution should accompany this Contract.

NOTE-- Bid Price is valid until JULY 1, 2021, after that the project is subject to possible changes on material prices.

JPF James Farris _____

Initials Name

Initials Name

AGREEMENT

THIS AGREEMENT, made and entered into this 28th day of June, 2021, by and between the City of Hastings, Party of the First Part, hereinafter called the "Purchaser" or "City", and Farris Construction Co., Inc. a corporation of (town) Hastings in the State of Nebraska, Party of the Second Part, hereinafter called the "Contractor".

WITNESSETH: THAT,

WHEREAS: The Purchaser has caused the necessary contract documents to be prepared for defining material, equipment, and/or labor to be supplied to the City of Hastings, and delivered complete as specified in the accompanying contract documents.

WHEREAS: The Purchaser has advertised for bids from Contractors, has received said bids, analyzed same and duly awarded a contract to the "Contractor", "Party of the Second Part", for material, equipment, and/or labor as hereinafter set forth and as stated more in detail in the Proposal and related contract documents to wit; Notice to Bidders, Instructions to Bidders, Specifications; all of which documents are attached hereto and made a part of this Contract.

NOW, THEREFORE: It is hereby agreed that for the sum of six hundred seventy-three thousand nine hundred seventy-seven and 00/cents. (\$ 673,977.00)

to be paid by the Purchaser, within Thirty (30) days after the acceptance of material, equipment, and/or labor by the Purchaser, to the Contractor, the Contractor agrees to furnish all materials, equipment, and/or labor as required by the accompanying specifications, and the aforesaid contract documents, for **New 60' x 100' Substations Garage, HU 2021-06 FC-15.**

All materials, equipment, and/or labor shall be in accordance with the accompanying contract documents and specifications which are as much a part of this Agreement as if repeated verbatim herein.

It is further agreed that the Contractor will start work promptly, furnish the necessary drawings promptly and complete the work in the number of days set forth in the Proposal.

Department: Administration
Staff Contact: Dave Ptak
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of moving Hastings City Council meetings, Hastings City Planning Commission meetings, and Hastings Utility Advisory Board meetings from the Hastings Public Library to Hastings City Hall commencing with all meetings beginning in July 2021

Names of People/Business affected by this action:

Citizens of Hastings, City employees

Why Council action is required:

Motions are required to be passed and adopted by the City Council

Type of action requested:

Motion

Suggested motion:

Motion to Approve moving Hastings City Council meetings, Hastings City Planning Commission meetings, and Hastings Utility Advisory Board meetings from the Hastings Public Library to Hastings City Hall commencing with all meetings beginning in July 2021

Deadlines associated with action:

July 1, 2021

Department head comments:

This was discussed at the June 21, 2021 Work Session and may be tabled if the results of the mold tests should be received and any possible remediation done before returning City meetings to City Hall

City Administrator comments:

Recommend approval; however, this item should be tabled if the City Council determines that the results of the mold tests should be received and any possible remediation done before returning City meetings to City Hall

Department: Administration
Staff Contact: Dave Ptak
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Applying for \$727,000 of CDBG Funds from the Nebraska Department of Economic Development to aid the expansion of Pacha Soap Co. in Hastings

Names of People/Business affected by this action:

Pacha Soap Co., HEDC, City of Hastings

Why Council action is required:

Council approval is necessary for the City to submit application for CDBG Funds to the Nebraska Department of Economic Development

Type of action requested:

Motion

Suggested motion:

Motion to approve applying for \$727,000 of CDBG Funds from the Nebraska Department of Economic Development to aid the expansion of Pacha Soap Co. in Hastings

Deadlines associated with action:

As soon as possible

Department head comments:

The Project involves Pacha Soap Co., a Delaware Corporation, doing business in Hastings, Nebraska, as a soap manufacturer with its production facility currently located at 317 South Elm Avenue in Hastings, Nebraska. Pacha Soap Co. proposes to purchase new equipment and inventory to ramp up production to be able to sell to new markets, "The Project." The total project cost is approximately \$1,440,000 of which \$1,160,000 is for equipment, and \$280,000 is for working capital and inventory. Funding includes private debt and Community Development Block Grant (CDBG) funding. Twenty-four (24) FTE jobs will be created as a result of this project, and at least 51% of these jobs will be held by or made available to Low to Moderate Income people. There will be no displacement of residents.

The project involves a Community Development Block Grant (CDBG) request for \$727,000 from the State of Nebraska Department of Economic Development to the City of Hastings, \$7,000 is for the City's costs of administration of the grant. A total of \$720,000 in CDBG funds will be conditionally granted by the City of Hastings to the Hastings Economic Development Corporation (HEDC), a Non-profit Development Corporation (NDO), with the HEDC then utilizing such

conditionally granted CDBG funds to make a performance-based loan to the Business for equipment and working capital associated with “The Project.” One half of the \$720,000 performance-based loan (\$360,000) maybe forgiven upon the business satisfying the national objective fulfilling job maintenance requirements. The City must be the applicant because CDBG funds are available to municipalities. The awarded funds are then “governed” by the yet to be drafted MOU that will ultimately be signed by the City, HEDC, Pacha and DED.

City Administrator comments:

Recommend approval. Here's how the CDBG Funds will be utilized:

- Federal Funds from HUD granted to the Nebraska Department of Economic Development (DED);
- DED then grants funds to the City of Hastings;
- The City must be the applicant because CDBG funds are available to municipalities.
- The awarded funds are then “governed” by the yet to be drafted MOU that will ultimately be signed by the City, HEDC, Pacha and DED.
- City Conditionally grants funds to the HEDC/NDO (need to make sure all documents in order to do so);
- HEDC NDO (Nonprofit Development Organization) loans money to the business (50% in a forgivable loan if job maintenance requirements met for 2 years and 50% in a 0% interest loan made to the business to be repaid)
- Business pays the loan back to HEDC NDO’s revolving loan fund;
- Upon confirmation that the funds have been de-federalized (National Objective of hiring 51% low-moderate income (LMI) employees), HEDC NDO can then reinvest the funds according to the HEDC NDO reuse plan approved by a Board made up of City, HEDC, and community members;
- If national objective not met City of Hastings is liable to pay the money back to the state; however, the State has never required a community to do per SCEDD.
- SCEDD would administer the program for compliance on behalf of the City

Department: City Attorney
Staff Contact:
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Resolution No. 2021-28 ratifying all actions taken by the City Council at its Council Meeting held June 14, 2021.

Names of People/Business affected by this action:

Public, City of Hastings.

Why Council action is required:

It is desirable to ratify all actions taken at the June 14, 2021 meeting of the City Council.

Type of action requested:

Resolution

Suggested motion:

Move approval.

Deadlines associated with action:

None

Department head comments:

Recommend approval.

City Administrator comments:

Recommend approval

RESOLUTION NO. 2021-28

WHEREAS, the Mayor and City Council of the City of Hastings, Nebraska met in regular session on June 14, 2021 at the Hastings Public Library; and

WHEREAS, Section 2-201 provides that meetings of the City Council shall be held at the Council Chamber in the City Building unless a different location is provided for by motion of the City Council; and

WHEREAS, a motion to move the June 14, 2021 to the Hastings Public Library was not approved in advance of the June 14, 2021 City Council meeting; and

WHEREAS, public notice of the time and place of the June 14, 2021 meeting at the Hastings Public Library was made as required by Nebraska Revised Statute 84-1411; and

WHEREAS, the Mayor and Council desire to ratify all actions taken by the Council at said meeting held on June 14, 2021.

NOW, THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby adopt the following resolution:

BE IT RESOLVED by the Mayor and Council of the City of Hastings, Nebraska, that all actions taken by the Council at its meeting on June 14, 2021, are hereby ratified.

PASSED AND APPROVED this 28th day of June, 2021.

ATTEST:

Corey Stutte, Mayor

Kimberly S. Jacobitz, City Clerk

[S E A L]

Approved as to form: _____
Clint Schukei, City Attorney

Department: Finance
Staff Contact: Roger Nash
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Ordinance No. 4670 Authorizing and Providing for the Issuance of Not To Exceed \$8,330,000 Aggregate Principal Amount of Combined Revenue Refunding Bonds of the City for the Purpose of Providing Funds, Together with Other Available Funds of the City, For the Payment and Redemption of Certain Outstanding Revenue Bonds Payable from the City's Gas, Sewer, and Water Utilities

Names of People/Business affected by this action:

Citizens of Hastings

Why Council action is required:

All ordinances are required to passed on three readings by State statute

Type of action requested:

Motion

Suggested motion:

Motion to approve Ordinance No. 4670 on First Reading and if successful move to suspend the rules and pass Ordinance No. 4670 on Second and Third Reading

Deadlines associated with action:

Closing is scheduled for August 5, 2021 and Ordinance needs to adopted at least 30 days prior to closing

Department head comments:

This Ordinance will result in substantial savings in interest costs on Combined Utility Revenue Bonds

City Administrator comments:

Recommend approval

CITY OF HASTINGS, NEBRASKA

**ORDINANCE NO. 4670
PASSED AND ADOPTED JUNE 28, 2021**

AUTHORIZING

**NOT TO EXCEED
\$8,330,000**

COMBINED UTILITIES REVENUE REFUNDING BONDS

ORDINANCE NO. 4670

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$8,330,000 AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITIES REVENUE REFUNDING BONDS OF THE CITY FOR THE PURPOSE OF PROVIDING FUNDS, TOGETHER WITH OTHER AVAILABLE FUNDS OF THE CITY, FOR THE PAYMENT AND REDEMPTION OF CERTAIN OUTSTANDING REVENUE BONDS PAYABLE FROM THE CITY'S GAS, SEWER AND WATER UTILITIES; PRESCRIBING THE FORM AND CERTAIN DETAILS OF THE BONDS AND PROVIDING FOR THE FIXING AND ESTABLISHING OF OTHER DETAILS OF THE BONDS; PRESCRIBING THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, AS FOLLOWS:

FINDINGS AND DETERMINATIONS

The Mayor and Council (the "**Council**") of the City of Hastings, Nebraska (the "**City**"), hereby find and determine that:

1. The City is a city of the first class and political subdivision duly organized and existing under the laws of the State of Nebraska (the "**State**"), and, pursuant to Chapter 16, Reissue Revised Statutes of Nebraska, as amended, owns and operates (a) a gas plant and distribution system (the "**Gas System**"), (b) a water works plant and water system (the "**Water System**"), and (c) a wastewater treatment plant and facilities and sanitary sewer system (the "**Sewer System**"), each of which is a revenue-producing facility as described in Sections 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended (the "**Act**"), serving the City and its inhabitants and others within its service area (collectively, the "**Combined Utilities**," as hereinafter more fully defined).

2. Pursuant to the Act and the ordinances set forth below, the City has heretofore issued and has outstanding on the date hereof the following bonds and notes (collectively, the "**Outstanding Bonds**") payable the revenues derived from the operation of the Combined Utilities, as indicated below:

(a) Combined Utility Revenue and Refunding Bonds, Series 2012, dated September 13, 2012, originally issued in the principal amount of \$16,535,000, currently outstanding in the principal amount of \$10,170,000, maturing and bearing interest as follows (the "**2012 Bonds**"):

<u>Maturity</u> <u>(October 15)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u>
2021	\$935,000	4.00%
2022	685,000	4.00
2023	710,000	4.00
2024	500,000	3.00
2024	200,000	4.00
2025	770,000	4.00
2026	800,000	4.00

2032	3,960,000	3.25
2032	1,610,000	4.00

The 2012 Bonds were issued pursuant to Ordinance No. 4327 of the City and are redeemable at the option of the City any time on or after October 15, 2022, at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date fixed for redemption. The City, pursuant to this Ordinance, authorizes the call for redemption the 2012 Bonds for payment and redemption on a date to be determined pursuant to Section 212 of this Ordinance (the “**Redemption Date**”).

(b) Promissory Note of the City to the Nebraska Department of Environment and Energy (formerly the Nebraska Department of Environmental Quality, “**NDEE**”), dated September 11, 2017, in the maximum drawable amount of \$7,000,000 under Loan Contract No. C317930, certain terms of which are being amended contemporaneously with the issuance of the Bonds authorized under this ordinance (as amended and supplemented, the “**NDEE Note**”). The NDEE Note is being amended and supplemented pursuant to an ordinance adopted contemporaneously with this ordinance (the “**NDEE Ordinance**”).

3. Since the 2012 Bonds were issued, the rates of interest available in the market have declined such that the City can effect a savings in interest costs by providing for payment and redemption of the 2012 Bonds (as called for redemption, the “**Refunded Bonds**”) through the issuance of combined utilities revenue refunding bonds of the City.

4. It is necessary, desirable, advisable and in the best interests of the City that the City provide for the payment and redemption of the Refunded Bonds by the issuance of combined utilities revenue bonds of the City (as further described herein, the “**Bonds**”) pursuant to the provisions of Sections 10-142 and 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended, the principal of and interest on such Bonds being payable solely from the revenues derived from the operation of the Combined Utilities.

5. Other than the Outstanding Bonds identified in Paragraph 2 above, there are presently no liens or pledges upon the revenues of the Gas System, Water System or Sewer System of the City.

6. It is hereby found and determined that it is necessary, desirable, advisable and in the best interest of the City and of its inhabitants at this time to authorize the issuance and delivery of combined utilities revenue bonds pursuant to the Act as herein provided to provide funds, together with available funds of the City, for the purposes of (a) providing for the payment of the Refunded Bonds and the redemption in full of the Refunded Bonds on the Redemption Date, and (b) paying certain costs of issuing the Bonds.

7. All conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds do exist and have been done and performed in regular and due time as provided by law.

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to the words and terms defined elsewhere herein, the following capitalized words and terms as used in this Ordinance shall have the following meanings:

“Act” means Sections 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended.

“Authorized Officers” mean, each individually, the Mayor, City Administrator and Finance Director of the City.

“Average Annual Debt Service” means the number determined by adding all of the principal and interest which will become due when computed to the absolute maturity of the Bonds and Parity Bonds, if any, then outstanding and all of the principal and interest of the Combined Utilities Revenue Bonds to be issued, and dividing such total by the number of years remaining that the longest bond of any such Combined Utilities Revenue Bonds (including the Combined Utilities Revenue Bonds to be issued) has to run to maturity.

“Bond Counsel” means Gilmore & Bell, P.C., Omaha, Nebraska, or other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable at the Maturity thereof or on any Interest Payment Date.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“Bonds” means the City’s Combined Utilities Revenue Refunding Bonds in the original principal amount of not to exceed **\$8,330,000** authorized and issued in one or more series pursuant to this Ordinance.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for the conduct of its banking operations.

“City” means the City of Hastings, Nebraska, and any successors or assigns.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department proposed or promulgated thereunder.

“Combined Utilities” means, collectively, the Gas System, the Water System and the Sewer System of the City.

“Combined Utilities Revenue Bonds” means collectively the Bonds, the Parity Bonds and all other revenue bonds which are payable out of, or secured by an interest in, the income and Revenues derived from the operation of the Combined Utilities.

“Consultant” means an independent engineer or engineering firm having a favorable reputation for skill and experience in the construction, financing and operation of public utilities and the preparation of management studies and financial feasibility studies in connection therewith, selected by the City for the purpose of carrying out the duties imposed on the Consultant by this Ordinance.

“Debt Service Fund” means the fund by that name created by **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on all

Combined Utilities Revenue Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company having full trust powers.

“Debt Service Reserve Fund” means the fund by that name created by **Section 501** hereof.

“Debt Service Reserve Requirement” means the amount determined pursuant to **Section 212** herein.

“Defaulted Interest” means interest on any Bond which is payable but not paid on any Interest Payment Date.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (A) not subject to redemption prior to maturity or (B) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal or redemption price of and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations serving as security for the obligations, plus any cash in the escrow fund, are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations serving as security for the obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in the highest rating category by Moody’s Investors Service, Inc. (presently “Aaa”) or Standard & Poor’s Ratings Group (presently “AAA”).

“Escrow Agent” means a bank or trust company to be determined pursuant to Section 212 of this Ordinance, and any successors and assigns.

“Escrow Agreement” means the document by that name between the City and the Escrow Agent, providing for the Escrow Agent to hold that portion of the proceeds of the Bonds and other funds of the City required for payment of principal of and interest on the Refunded Bonds and 2012 Bonds, as necessary, from the date of settlement of the Bonds to and including the Redemption Date.

“Expenses” means all reasonable and necessary expenses of operation, maintenance and repair of the Combined Utilities and keeping the Combined Utilities in good repair and working order (other than interest paid on Combined Utilities Revenue Bonds and depreciation and amortization charges during the period of determination), determined in accordance with generally accepted accounting principles, including, without limiting the generality of the foregoing, current maintenance charges, expenses of reasonable upkeep and repairs, salaries, wages, costs of materials and supplies, Paying Agent fees and expenses, annual audits, periodic Consultant’s reports, properly allocated share of charges for insurance, the cost of purchased water, gas and power, if any, obligations (other than for borrowed money or for rents payable under capital leases) incurred in the ordinary course of business, liabilities incurred by endorsement for collection or deposit of checks or drafts received in the ordinary course of business, short-term obligations incurred and payable within a particular fiscal year, other obligations or indebtedness incurred for the purpose of leasing (pursuant to a true or operating lease) equipment, fixtures, inventory or other personal property, and all other expenses incident to the operation of the Combined Utilities, but shall exclude all general administrative expenses of the City not related to the operation of the Combined Utilities.

“Gas System” means the entire gas plant and distribution system owned and operated by the City for the collection, storage and distribution of natural gas to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

“Insurance Consultant” means an individual or firm selected by the City qualified to survey risks and to recommend insurance coverage for entities engaged in operations similar to those of the Combined Utilities and having a favorable reputation for skill and experience in making such surveys and recommendations.

“Interest Payment Date” means the Stated Maturity of an installment of interest on any Bond.

“Maturity” when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for optional or mandatory redemption or otherwise.

“Net Revenues Available for Debt Service” means, for the period of determination, all Revenues less all Expenses as determined in accordance with generally accepted accounting principles.

“Original Purchaser” means the bank or other lending institution determined pursuant to Section 212 herein.

“Ordinance” means this Ordinance as from time to time amended in accordance with the terms hereof.

“Outstanding” means, when used with reference to Bonds, as of any particular date, all Bonds theretofore issued and delivered hereunder, except the following Bonds:

- (a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds deemed to be paid in accordance with the provisions of **Section 1101** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been registered and delivered hereunder.

“Parity Bonds” means the Bonds and the NDEE Note, together with any additional parity bonds or other long-term obligations payable out of the net income and revenues of the Combined Utilities hereafter issued or incurred in accordance with the provisions of this Ordinance and standing on a parity and equality with the Bonds with respect to the payment of principal and interest out of the net income and Revenues of the Combined Utilities, so long as any such bonds remain outstanding and unpaid or until provision is made for the payment and defeasance of such bonds.

“Parity Ordinances” means this Ordinance, the NDEE Ordinance and any other Ordinance under which any additional Parity Bonds are hereafter issued.

“Participants” means those financial institutions for whom the Securities Depository effects book-entry transfers and pledges of securities deposited with the Securities Depository, as such listing of Participants exists at the time of such reference.

“Paying Agent” means the treasurer of the City or a bank or trust company, to be determined pursuant to Section 212 of this Ordinance, and any successors and assigns.

“Paying Agent Agreement” means the Registrar and Paying Agent Agreement between the City and the Paying Agent, authorized by **Section 203** hereof.

“Permitted Investments” means any of the following securities and obligations, if and to the extent the same are at the time legal for investment of the City’s money held in the funds referred to in **Section 501** hereof:

- (a) United States Government Obligations;
- (b) bonds, notes or other obligations of any political subdivision of the State, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service;
- (c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company, or other financial institution organized under the laws of the United States of America or any state, that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such repurchase agreement and are held in a custodial or trust account for the benefit of the City;
- (d) obligations of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Corporation, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Farmers Home Administration and Federal Home Loan Mortgage Corporation;
- (e) certificates of deposit or time deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United States of America or any state, provided that such certificates of deposit or time deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a) through (c) above, inclusive, which

shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificates of deposit or time deposits; and

(f) any other securities or investments that are lawful for the investment of money held in such funds or accounts under the laws of the State.

“Person” means any natural person, corporation, partnership, firm, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the City and the Original Purchaser authorized by **Section 211** hereof.

“Qualified Financial Institution” means a bank, trust company, national banking association, insurance company or other financial services company or entity whose unsecured long-term debt obligations (in the case of a bank, trust company, national banking association or other financial services company or entity) or whose claims paying abilities (in the case of an insurance company) are rated in either of the two highest categories by a nationally recognized rating agency.

“Rebate Fund” means the fund by that name referred to in **Section 501** hereof.

“Record Date” for the interest payable on any Interest Payment Date means the **15th** day (whether or not a Business Day) next preceding such Interest Payment Date.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Replacement Bonds” means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 207** hereof.

“Revenue Fund” means the fund by that name created by **Section 501** hereof.

“Revenues” means all rates, rentals, fees and charges, earnings, income, revenues, and other monies, from any source derived by the City through its ownership and the operation of the Combined Utilities, including, without limiting the generality of the foregoing, (i) all income, fees, charges, receipts, profits and other moneys derived from the sale, furnishing or supplying of the services, facilities, commodities of the Combined Utilities; (ii) the earnings on and the income from the investment of any moneys held in funds under this Ordinance; (iii) the earnings on and the income from the investment of other moneys derived from the ownership or operation of the Combined Utilities to the extent that such earnings and income are allocated by or pursuant to law to the Combined Utilities; (iv) special assessment payments and payments in aid of construction; (v) the proceeds derived by the City directly or indirectly from the sale, lease or other disposition of all or an part of the Combined Utilities, and the proceeds of insurance and condemnation awards received with respect to the Combined Utilities; (vi) any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on Combined Utilities Revenue Bonds; and (vii) any other moneys of the City which are required by the provisions hereof to be applied to

the payment of Bonds; provided, however, that Revenues shall not include (A) customers', deposits or any other deposits subject to refund, until such deposits have become the property of the City, (B) earnings on and income derived from the investment of moneys or Defeasance Obligations being held irrevocably for the retirement of indebtedness of the Combined Utilities, or (C) moneys deposited with the City by employees for employee benefit purposes.

“Securities Depository” means, initially, The Depository Trust Company, New York, New York, and its successors and assigns.

“Sewer System” means the entire wastewater treatment plant and facilities and sanitary sewer system owned and operated by the City for the collection, treatment and disposal of sewage, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

“Special Record Date” means the date fixed by the Paying Agent pursuant to **Section 204** hereof for the payment of Defaulted Interest.

“State” means the State of Nebraska.

“Stated Maturity” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Ordinance as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“Surplus Fund” means the fund by that name created by **Section 501** hereof.

“Tax Certificate” means the Federal Tax Certificate executed and delivered by the City in connection with the issuance of any Tax-Exempt Bonds, as the same may be amended or supplemented in accordance with the provisions thereof.

“Tax-Exempt Bonds” means any Bonds which are designated as such pursuant to Section 212, and for which Bond Counsel delivers an opinion on the date of delivery of such Bonds that interest is excludable from gross income for federal income tax purposes.

“United States Government Obligations” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service, and such obligations are held in a custodial or trust account for the benefit of the City.

“Water System” means the entire waterworks plant and system owned and operated by the City for the production, storage, treatment and distribution of water, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

ARTICLE II

AUTHORIZATION OF BONDS

Section 201. Authorization of Bonds. The City is authorized and directed to issue the Bonds in the principal amount of not to exceed **\$8,330,000** (the “**Bonds**”), for the purposes of (a) providing a portion of the funds necessary to pay the principal of and interest on the Refunded Bonds to and including the Redemption Date, as applicable, (b) depositing funds, a surety or other suitable instrument into the Debt Service Reserve Fund (if any, as determined pursuant to Section 212 herein), and (c) paying certain costs of issuing the Bonds, as provided in this Ordinance.

Section 202. Description of Bonds. The Bonds shall consist of fully registered bonds, numbered from R-1 upward in order of issuance, in denominations of \$5,000 or any integral multiple thereof, and bearing a series designation of the calendar year in which the Bonds are issued. The Bonds shall be subject to registration, transfer and exchange as provided in **Section 205** hereof. All of the Bonds shall be dated the date of delivery thereof, shall become due and payable in the amounts on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in **Article III** hereof, and shall bear interest at the rates determined by the Authorized Officer in accordance with the provisions of **Section 212** hereof. The Bonds shall bear interest computed on the basis of a 360-day year of twelve 30-day months from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be in substantially the form set forth in **Exhibit A** attached hereto.

Section 203. Designation of Paying Agent. The Paying Agent is hereby designated as the City’s (a) paying agent for the payment of principal of and interest on the Bonds and (b) bond registrar with respect to the registration, transfer and exchange of Bonds (the “**Paying Agent**”). The City is hereby authorized to enter into the Bond Registrar and Paying Agent Agreement dated the date of the Bonds, between the City and the Paying Agent, in substantially the form approved by an Authorized Officer. The Mayor is authorized to execute the Registrar Agreement with such changes therein as such official deems appropriate, for and on behalf of and as the act and deed of the City.

The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to remove the Paying Agent and appoint a successor Paying Agent by (1) filing with the bank or trust company then performing such function a certified copy of the proceedings giving notice of the termination of such bank or trust company and appointing a successor, and (2) causing notice to be given by first class mail to each registered owner. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of the Paying Agent.

Each Paying Agent appointed hereunder shall at all times be a commercial banking association or corporation or trust company organized and in good standing and doing business under the laws of the United States of America or of the State, authorized under such laws to exercise trust powers and subject to supervision or examination by federal or state regulatory authority.

The Paying Agent shall be paid the usual fees and expenses for its services in connection therewith, which fees and expenses shall be paid as other Expenses are paid.

Section 204. Method and Place of Payment of Bonds. The principal or Redemption Price of and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity by check or draft to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the designated corporate trust office of the Paying Agent.

The interest payable on each Bond on any Interest Payment Date shall be paid to the registered owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to such registered owner at the address shown on the Bond Register.

Notwithstanding the foregoing provisions of this **Section 204**, any Defaulted Interest with respect to any Bond shall cease to be payable to the registered owner of such Bond on the relevant Record Date and shall be payable to the registered owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least **30** days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds, the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than **15** nor less than **10** days prior to the date of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed by first class mail, postage prepaid, to each registered owner of a Bond entitled to such notice at the address of such registered owner as it appears on the Bond Register not less than **10** days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and shall at least annually forward a copy or summary of such records to the City.

Section 205. Registration, Transfer and Exchange of Bonds. The City covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Paying Agent for the registration, transfer and exchange of Bonds as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this **Section 205**. Upon surrender of any Bond at the principal corporate trust office of the Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond or Bonds in any authorized denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange. Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Paying Agent, duly executed by the registered owner thereof or by the registered owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City shall pay the fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds

provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Paying Agent, are the responsibility of the registered owners of the Bonds. In the event any registered owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such registered owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such registered owner hereunder or under the Bonds.

The City and the Paying Agent shall not be required (a) to register the transfer or exchange of any Bond after notice calling such Bond or portion thereof for redemption has been given or during the period of **15** days next preceding the first mailing of such notice of redemption, or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 204** hereof.

The City and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on such Bond and for all other purposes. All payments so made to any such registered owner or upon the registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the registered owners (or a designated representative thereof) of **10%** or more in principal amount of the Bonds then Outstanding or any designated representative of such registered owners to be evidenced to the satisfaction of the Paying Agent.

Section 206. Execution, Authentication and Delivery of Bonds. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Paying Agent for authentication.

Each of the Bonds, including any Bonds issued in exchange or as substitution for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk, and shall have the official seal of the City affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form set forth in **Exhibit A** attached hereto, which shall be manually executed by an authorized officer or employee of the Paying Agent, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Ordinance or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Paying Agent. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to the Original Purchaser, upon payment of the purchase price of the Bonds plus accrued interest thereon to the date of their delivery.

Section 207. Mutilated, Destroyed, Lost and Stolen Bonds. If (a) any mutilated Bond is surrendered to the Paying Agent, or the City and the Paying Agent receive evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Paying Agent such security or indemnity as may be required by the Paying Agent, then, in the absence of notice to the Paying Agent that such Bond has been acquired by a bona fide purchaser, the City shall execute and, upon the City's request, the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City in its discretion may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this **Section 207**, the City may require the payment by the registered owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this **Section 207** shall constitute a replacement of the prior obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

Section 208. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent and applicable record retention laws. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

Sections 209-210. [RESERVED]

Section 211. Sale of Bonds. The Authorized Officers, or each individually, are hereby authorized to enter into the Bond Purchase and Interest Rate Agreement between the City and the Original Purchaser in substantially the form as approved by an Authorized Officer, under which the City agrees to sell the Bonds to the Original Purchaser at a purchase price and with such interest rate provisions within the limitations specified in **Section 212** hereof, plus accrued interest to the date of delivery, upon the terms and conditions set forth therein and with such changes therein as shall be approved by an Authorized Officer, which officer is hereby authorized to execute the Bond Purchase Agreement for and on behalf of the City, such officer's signature thereon being conclusive evidence of his or her approval thereof. The Bonds may be sold initially bearing interest which is not tax-exempt, with provisions to convert to tax-exempt rates at a future date as determined appropriate by an Authorized Officer, which may include replacement of bond certificates or other provisions determined appropriate.

Section 212. Authorization of Officers. (a) The Authorized Officers, or each individually, are hereby authorized and directed, in the exercise of his or her own independent judgment and absolute discretion, to hereafter, from time to time, specify, set, designate, determine, establish and appoint, as the case may be, and in each case in accordance with and subject to the provisions of this Ordinance, (1) the date of original issue of the Bonds, (2) the aggregate stated principal amount of Bonds to be issued, which shall in no event exceed \$8,330,000, (3) any original issue premium or original issue discount properly allocable to each maturity of the Bonds, (4) the principal payment dates for the Bonds and the principal amount of Bonds to mature on each of such dates, (5) the date of final maturity of the Bonds, which shall

in no event be later than December 15, 2032 (6) the date or dates upon which the Bonds shall be sold, (7) the rate or rates of interest to be carried by each maturity of the Bonds, provided the refunding of the Refunded Bonds results in aggregate present value savings, and the method by which interest rates may be adjusted, (8) the method by which such rate or rates of interest shall be calculated and the interest payment dates and record date for the Bonds, (9) whether or not the Bonds shall be subject to redemption prior to their stated maturity and, if subject to such prior redemption, (A) the provisions and procedures governing such prior redemption, (B) the nature of any notice to be given in the event of any such prior redemption, (C) the redemption price or prices payable upon such redemption (not to exceed 104%) and (D) the respective periods in which each redemption price shall be payable, (10) the amount and due date of each sinking fund installment for Bonds that are term Bonds, (11) the Paying Agent and Registrar for the Bonds, (12) whether a Debt Service Reserve Fund shall be established for the Bonds and, if so, the amount and nature of the Debt Service Reserve Requirement, which may be in the form of cash, a surety or other suitable instrument, (13) the price at which the Bonds shall be sold to the Original Purchaser and the identity of the Original Purchaser, (13) whether the Bonds shall be issued as Tax-Exempt Bonds or with taxable interest and any conversion provisions from taxable to tax-exempt determined appropriate, (14) the form, contents, terms and provisions of the Bond Purchase Agreement and the Paying Agent and Registrar Agreement (each as hereinafter defined), (15) the form and contents of any closing and other documentation executed and delivered by the City in connection with the authorization, issuance, sale and delivery of the Bonds, and in connection with any conversion of interest from taxable to tax-exempt during the term which the Bonds are outstanding, (16) any transfer restrictions relating to the Bonds, and (17) all of the other terms of the Bonds not otherwise determined or fixed by the provisions of this Resolution.

(b) The Authorized Officers, or each individually, are hereby authorized to call the 2012 Bonds for redemption on such date determined appropriate by an Authorized Officer in accordance with the ordinance which authorized the 2012 Bonds (the “**Redemption Date**”). The Authorized Officers, or each individually, are hereby authorized to designate, approve, execute and deliver, as the case may be the form, content, terms and provisions of any direction for call, notice of redemption, or other certification or action with respect to the payment and redemption of the Outstanding Bonds on the applicable redemption dates.

ARTICLE III

REDEMPTION OF BONDS

Section 301. (a) ***Optional Redemption by City.*** At the option of the City, Bonds or portions thereof may be called for redemption and payment prior to their Stated Maturity at any time on or after such dates of redemption and at the Redemption Prices determined by an Authorized Officer in accordance with the provisions of **Section 212** hereof.

(b) ***Mandatory Redemption.*** Any Bonds issued as “term bonds” shall be subject to mandatory redemption and payment prior to Stated Maturity pursuant to the mandatory redemption requirements of this Section at a Redemption Price equal to 100% of the principal amount thereof plus accrued interest to the Redemption Date.

At its option, to be exercised on or before the 45th day next preceding any mandatory redemption date, the City may: (1) deliver to the Paying Agent for cancellation term bonds subject to mandatory redemption on said mandatory Redemption Date, in any aggregate stated principal amount desired; or (2) furnish the Paying Agent funds, together with appropriate instructions, for the purpose of purchasing any term bonds subject to mandatory redemption on said mandatory Redemption Date from any Registered Owner thereof whereupon the Paying Agent shall expend such funds for such purpose to such extent as may be practical; or (3) receive a credit with respect to the mandatory redemption obligation of the City under this Section for any term bonds subject to mandatory redemption on such mandatory redemption date which, prior to such date, have been redeemed (other than through the operation of the mandatory

redemption requirements of this **Section 301(b))** and cancelled by the Paying Agent and not theretofore applied as a credit against any redemption obligation under this **Section 301(b)**. Each term bond so delivered or previously purchased or redeemed shall be credited at 100% of the principal amount thereof on the obligation of the City to redeem term bonds of the same Stated Maturity on such mandatory redemption date, and any excess of such amount shall be credited on future mandatory redemption obligations for term bonds of the same Stated Maturity in chronological order, and the principal amount of term bonds of the same Stated Maturity to be redeemed by operation of the requirements of this Section shall be accordingly reduced. If the City intends to exercise any option granted by the provisions of clauses (1), (2) or (3) above, the City will, on or before the 45th day next preceding each mandatory Redemption Date, furnish the Paying Agent a written certificate indicating to what extent the provisions of said clauses (1), (2) and (3) are to be complied with respect to such mandatory redemption payment.

Section 302. Selection of Bonds to Be Redeemed.

(a) The Paying Agent shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Paying Agent of written instructions of the City specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** hereof are met.

(b) Bonds shall be redeemed only in the principal amount of **\$5,000** or any integral multiple thereof. When less than all of the Outstanding Bonds are to be redeemed, such Bonds shall be redeemed in such principal amount and from the Stated Maturities selected by the City, and Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in **\$5,000** units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds when Bonds of denominations greater than **\$5,000** are then Outstanding, then for all purposes in connection with such redemption each **\$5,000** of face value shall be treated as though it were a separate Bond of the denomination of **\$5,000**. If it is determined that one or more, but not all, of the **\$5,000** units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such **\$5,000** unit or units, the registered owner of such Bond or the registered owner's duly authorized agent shall present and surrender such Bond to the Paying Agent (1) for payment of the Redemption Price and interest to the Redemption Date of such **\$5,000** unit or units of face value called for redemption, and (2) for exchange, without charge to the registered owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the registered owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as provided, such Bond shall, nevertheless, become due and payable on the Redemption Date to the extent of the **\$5,000** unit or units of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. Unless waived by any registered owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class mail at least **30** days prior to the Redemption Date, to the Original Purchaser of the Bonds and each registered owner of the Bonds to be redeemed at the address shown on the Bond Register.

All official notices of redemption shall be dated and shall contain the following information:

- (a) the Redemption Date;
- (b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal corporate trust office of the Paying Agent.

The failure of any registered owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on that date.

Official notice of redemption having been given as provided, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been redeemed shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

The Paying Agent is also directed to comply with any mandatory or voluntary standards established by the Securities and Exchange Commission then in effect for processing redemptions of municipal securities. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

So long as the Securities Depository is effecting book-entry transfers of the Bonds, the City or the Paying Agent shall provide the notices specified in this **Section 303** to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for Bonds. The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal or Redemption Price of and interest by a pledge of, the net income and revenues derived from the operation of the Combined Utilities, after providing for the costs of operation and maintenance thereof, including operating income, investment income, gifts, bequests, contributions, grants and other money made available to the City with respect to the Combined Utilities from sources other than funds raised by taxation. The City hereby pledges such net income and revenues

to the payment of the principal or Redemption Price of and interest on the Bonds. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Bonds, either as to principal, Redemption Price or interest.

The covenants and agreements of the City contained in this Ordinance and in the Bonds shall be for the equal benefit, protection and security of the registered owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal or Redemption Price of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Ordinance. The Bonds shall stand on a parity and be equally and ratably secured with respect to the payment of principal or Redemption Price and interest from the net income and revenues derived from the operation of the Combined Utilities and in all other respects with any Parity Bonds. The Bonds shall not have any priority with respect to the payment of principal, Redemption Price or interest from such net income and revenues or otherwise over the Parity Bonds and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from such net income and revenues or otherwise over the Bonds.

ARTICLE V

FUNDS; DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEY

Section 501. Establishment of Funds. There are hereby created or ratified and ordered to be established and maintained in the treasury of the City the following separate funds to be known respectively as follows:

- (a) Combined Utilities Revenue Fund (the “**Revenue Fund**”).
- (b) Debt Service Fund for Combined Utilities Revenue Refunding Bonds, Series 2020 (the “**Debt Service Fund**”).
- (c) Debt Service Reserve Fund for Combined Utilities Revenue Refunding Bonds, Series 2020 (the “**Debt Service Reserve Fund**”), but only to the extent required to be established pursuant to the determinations made under **Section 212** herein.
- (d) Combined Utilities Surplus Fund (the “**Surplus Fund**”).
- (e) Rebate Fund for Combined Utilities Revenue Refunding Bonds, Series 2020 (the “**Rebate Fund**”).

The funds referred to in **Sections 501(a)** through **(e)**, inclusive, hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain Outstanding within the meaning of this Ordinance.

Section 502. Deposit of Bond Proceeds and Other Money. The net proceeds received from the sale of the Bonds and other available money of the City, shall be deposited simultaneously with the delivery of the Bonds, as follows:

- (a) The accrued interest on the Bonds, if any, shall be deposited in the Debt Service Fund and applied in accordance with **Section 602(b)** hereof.

(b) If a Debt Service Reserve Fund is established hereunder, an amount or instrument equal to the Debt Service Reserve Requirement, from the proceeds of the Bonds or other available funds of the City, shall be deposited in the Debt Service Reserve Fund and applied in accordance with **Section 602(c)** hereof.

(c) Such amount from the proceeds of the Bonds which, together with other available funds of the City, will be sufficient to pay the principal of and interest on all of the outstanding 2012 Bonds to and including the final maturity of the 2012 Bonds, shall, on the date of delivery of the Bonds, be deposited with the Escrow Agent to be held pursuant to an Escrow Agreement, as authorized herein and in the form approved by an Authorized Officer.

(d) The remaining proceeds of the Bonds shall be used to pay the costs of issuing the Bonds.

ARTICLE VI

APPLICATION OF REVENUES

Section 601. Revenue Fund. The City covenants and agrees that from and after the delivery of the Bonds, and continuing as long as any of the Bonds remain Outstanding hereunder, all of the revenues derived and collected from the operation of the Combined Utilities shall as and when received be paid and deposited into the Revenue Fund. Such revenues shall be segregated and kept separate and apart from all other money, revenues, funds and accounts of the City and shall not be commingled with any other money, revenues, funds and accounts of the City. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance.

Section 602. Application of Money in Funds. The City covenants and agrees that from and after the delivery of the Bonds and continuing so long as any of the Bonds shall remain Outstanding, it will on the first day of each month administer and allocate all of the money then held in the Revenue Fund as follows:

(a) ***Operation and Maintenance.*** There shall first be paid and credited from month to month as a first charge against the Revenue Fund the Expenses of the Combined Utilities as the same become due and payable.

(b) ***Debt Service Fund.*** There shall next be paid and credited monthly to the Debt Service Fund, to the extent necessary to meet on each Bond Payment Date the payment of all interest on and principal of the Bonds, the following sums:

(1) Beginning on the first day of the month immediately following the month in which the Bonds are issued and continuing the first day of each month thereafter so long as any of the Bonds herein authorized remain outstanding and unpaid, an amount not less than the amount which, if the same amount were deposited each month, would be sufficient to pay the interest becoming due on the Bonds on the next succeeding Interest Payment Date.

(2) Beginning on the first day of the month immediately following the month in which the Bonds are issued and continuing the first day of each month thereafter so long as any of the Bonds herein authorized

remain outstanding and unpaid, an amount not less than the amount which, if the same amount were deposited each month, would be sufficient to pay the principal becoming due on the Bonds in the next succeeding Maturity.

(3) During the periods and in the amounts specified for the Parity Bonds in the Parity Ordinances.

The amounts required to be paid and credited to the Debt Service Fund pursuant to this **Section 602(b)** shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to the debt service funds established for the payment of principal and interest on Parity Bonds under the provisions of the Parity Ordinances.

Any amounts deposited in the Debt Service Fund as accrued interest or as capitalized interest in accordance with **Section 502(a)** hereof shall be credited against the City's payment obligations as set forth in this **Section 602(b)(1)**.

All amounts paid and credited to the Debt Service Fund shall be expended and used by the City for the sole purpose of paying the interest on and principal of the Bonds as and when the same become due at Maturity and on each Interest Payment Date.

If at any time the money in the Revenue Fund is insufficient to make in full the payments and credits at the time required to be made to the Debt Service Fund and on any Parity Bonds, the available money in the Revenue Fund shall be divided among such debt service funds in proportion to the respective principal amounts of such series of bonds at the time outstanding which are payable from the money in such debt service funds.

(c) ***Debt Service Reserve Fund.*** Except as hereinafter provided in this **Section 602(c)**, any amounts or instruments paid and credited to a Debt Service Reserve Fund established pursuant to **Section 212** herein, shall be expended and used by the City solely to prevent any default in the payment of interest on or principal of the Bonds on any Maturity date or Interest Payment Date if the money or instruments in the Debt Service Fund is insufficient to pay the interest on or principal of such Bonds as they become due. So long as any Debt Service Reserve Fund required to be established pursuant to Section 212 aggregates the Debt Service Reserve Requirement, no payments into such Fund shall be required, but if the City is ever required to expend and use a part of the money in such Fund for the purpose herein authorized and such expenditure reduces the amount of such Fund below the Debt Service Reserve Requirement, the City shall make monthly payments into such Fund after all payments and credits required at the time to be made under the provisions of **Sections 602(a)** and **(b)** have been made until such Fund shall again aggregate the Debt Service Reserve Requirement.

The amounts required to be paid and credited to the Debt Service Reserve Fund pursuant to this **Section 602(c)** shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to any debt service reserve funds established for the Parity Bonds under the provisions of the Parity Ordinances.

If a surety or other instrument is deposited to the Debt Service Reserve Fund, the Authorized Officers shall execute and deliver such documents and agreements determined necessary and appropriate for such surety or other instrument on behalf of the City and any such agreement executed and delivered in connection with the issuance of the Bonds shall have the same

force and effect as if fully set forth in this Ordinance with no further action required by the Mayor and Council.

Money in any Debt Service Reserve Fund may be used to call the Bonds for redemption and payment prior to their Stated Maturity, provided all of the Bonds at the time Outstanding are called for payment and funds are available to pay the same according to their terms. Money in the Debt Service Reserve Fund shall be used to pay and retire the last Outstanding Bonds unless such Bonds and all interest thereon are otherwise paid. Any amounts in any Debt Service Reserve Fund in excess of the Debt Service Reserve Requirement on any valuation date shall be transferred to the Debt Service Fund.

If at any time the money in the Revenue Fund is insufficient to make in full the payments and credits at the time required to be made to the Debt Service Reserve Fund and any debt service reserve fund established for any Parity Bonds, the available money in the Revenue Fund shall be divided among such debt service reserve funds in proportion to the respective principal amounts of such series of bonds at the time outstanding which are payable from the money in such debt service reserve funds.

(d) ***Surplus Fund.*** After all payments and credits required at the time to be made under the provisions of **Sections 602(a), (b) and (c)** hereof have been made, all money remaining in the Revenue Fund shall be paid and credited to the Surplus Fund. Money in the Surplus Fund may be expended and used for the following purposes as determined by the governing body of the City:

(1) Paying the cost of the operation, maintenance and repair of the Combined Utilities to the extent that may be necessary after the application of the money held in the Operation and Maintenance Fund under the provisions of **Section 602(a)** hereof;

(2) Paying the cost of extending, enlarging or improving the Combined Utilities;

(3) Preventing default in, anticipating payments into or increasing the amounts in the Debt Service Fund or the Debt Service Reserve Fund referred to in **Sections 602(b) and (c)** hereof, or any one of them, or establishing or increasing the amount of any debt service fund or debt service reserve fund created by the City for the payment of any Parity Bonds;

(4) Calling, redeeming and paying prior to Stated Maturity, or, at the option of the City, purchasing in the open market at the best price obtainable not exceeding the redemption price (if any Bonds are callable), the Bonds or any Parity Bonds, including principal or redemption price and interest;

(5) Any other lawful purpose in connection with the operation of the Combined Utilities and benefiting the Combined Utilities; or

(6) For the general governmental and municipal functions of the City; provided, however, that no such withdrawal from such Surplus Fund and payment into the General Fund of the City for the general governmental and municipal functions of the City shall be made to the extent such payment treated as an operating expense would reduce the Net Revenues Available for Debt Service for the preceding fiscal year (determined in accordance with generally accepted accounting principles applied on a consistent basis) to

less than 110% of the annual Debt Service Requirement upon the Bonds and all Parity Bonds in such fiscal year, or at a time when the City shall be in default in the performance of any such covenant or agreement.

(e) ***Deficiency of Payments into Funds.*** If at any time the revenues derived from the operation of the Combined Utilities are insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available revenues thereafter received from the operation of the Combined Utilities, such payments and credits being made and applied in the order hereinbefore specified in this **Section 602**.

Section 603. Transfer of Funds to Paying Agent. The Treasurer is hereby authorized and directed to withdraw from the Debt Service Fund, and, to the extent necessary to prevent a default in the payment of the principal of or interest on the Bonds, from the Debt Service Reserve Fund and the Surplus Fund as provided in **Section 602** hereof, sums sufficient to pay the principal of and interest on the Bonds as and when the same become due on any Bond Payment Date, and to forward such sums to the Paying Agent in a manner which ensures the Paying Agent will have available funds in such amounts on or before the Business Day immediately preceding each Bond Payment Date. If, through lapse of time, or otherwise, the registered owners of Bonds are no longer entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return such funds to the City. All money deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

Section 604. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 605. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the City to the registered owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the registered owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, such Bond. If any Bond is not presented for payment within four years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the City the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitations, thereafter be an unsecured obligation of the City, and the registered owner thereof shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the City shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 606. Application of Money in the Rebate Fund.

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to any Tax Certificate. All money in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Tax Certificate), for payment to the United States of America, and neither the City nor the registered owner of any Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this **Section 606(a)** and the Tax Certificate.

(b) The City shall periodically determine the arbitrage rebate under Section 148(f) of the Code in accordance with the Tax Certificate, and the City shall make payments to the United States of America at the times and in the amounts determined under the Tax Certificate. Any funds remaining in the Rebate Fund after redemption and payment of all of the Bonds and the interest thereon, and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be released to the City.

(c) Notwithstanding any other provision of this Ordinance, including in particular **Article XI** hereof, the obligation to pay arbitrage rebate to the United States of America and to comply with all other requirements of this **Section 606** and the Tax Certificate shall survive the defeasance or payment in full of the Bonds.

ARTICLE VII

DEPOSIT AND INVESTMENT OF MONEY

Section 701. Deposit and Investment of Money.

(a) Money in each of the funds and accounts created by and referred to in this Ordinance shall be deposited in a bank or banks located in the State that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the banks holding such deposits as provided by the laws of the State.

(b) Money held in any fund or account referred to in this Ordinance may be invested in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than the date when the money invested may be needed for the purpose for which such fund or account was created. All earnings on any investments held in any fund or account shall accrue to and become a part of such fund or account, provided that, during the period of construction of the extensions and improvements to the Combined Utilities, all earnings on the investment of such funds shall be credited to the Project Fund. All earnings on investments held in any Debt Service Reserve Fund shall accrue to and become a part of such Fund until the amount on deposit in such Fund shall aggregate the Debt Service Reserve Requirement; thereafter, all such earnings shall be credited to the Debt Service Fund. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations shall be valued at the lower of the cost or the market value thereof; provided, however, that investments held in any Debt Service Reserve Fund shall be valued at market value only. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City shall direct that such excess be paid and credited to the Debt Service Fund, provided that, during the period of acquisition and construction of the extensions and improvements to the Combined Utilities, such excess shall be paid and credited to the Project Fund.

(c) So long as any of the Parity Bonds remain outstanding and unpaid, any investments made pursuant to this **Section 701** shall be subject to any restrictions in the Parity Ordinance with respect to the funds and accounts created by and referred to in the Parity Ordinance.

ARTICLE VIII

GENERAL COVENANTS AND PROVISIONS

The City covenants and agrees with each of the registered owners of any of the Bonds that so long as any of the Bonds remain Outstanding and unpaid it will comply with each of the following covenants:

Section 801. Efficient and Economical Operation. The City will continuously own and will operate the Combined Utilities as revenue producing facilities in an efficient and economical manner and will keep and maintain the same in good repair and working order. The City will establish and maintain such rules and regulations for the use of the Combined Utilities as may be necessary to assure maximum utilization and most efficient operation of the Combined Utilities.

Section 802. Rate Covenant. The City in accordance with and subject to applicable legal requirements will fix, establish, maintain and collect such rates and charges for the use and services furnished by or through the Combined Utilities as will produce revenues sufficient to (a) pay the costs of the operation and maintenance of the Combined Utilities; (b) pay the principal of and interest on the Bonds as and when the same become due at the Maturity thereof or on any Interest Payment Date; and (c) enable the City to have in each fiscal year Net Revenues Available for Debt Service not less than 110% of the Debt Service Requirements for such fiscal year. The City will require the prompt payment of accounts for service rendered by or through the Combined Utilities and will promptly take whatever action is legally permissible to enforce and collect delinquent charges. The City will, from time to time as often as necessary, in accordance with and subject to applicable legal requirements, revise the rates and charges in such manner as may be necessary or proper so that the Net Revenues Available for Debt Service will be sufficient to cover the obligations under this **Section 802** and otherwise under the provisions of this Ordinance. If in any fiscal year Net Revenues Available for Debt Service are an amount less than as hereinbefore provided, the City will immediately employ a Consultant to make recommendations with respect to such rates and charges. A copy of the Consultant's report and recommendations shall be filed with the City Clerk and the Original Purchaser of the Bonds and shall be furnished to any registered owner of the Bonds requesting a copy of the same, at the cost of such registered owner. The City shall, to the extent feasible, follow the recommendations of the Consultant.

Section 803. Reasonable Charges for all Services. None of the facilities or services provided by the Combined Utilities will be furnished to any user without a reasonable charge being made therefor.

Section 804. Restrictions on Mortgage or Sale of Combined Utilities. The City will not mortgage, pledge or otherwise encumber the Combined Utilities or any part thereof, nor will it sell, lease or otherwise dispose of the Combined Utilities or any material part thereof; provided, however, the City may:

(a) sell at fair market value any portion of the Combined Utilities which has been replaced by other similar property of at least equal value, or which ceases to be necessary for the efficient operation of the Combined Utilities, and in the event of sale, the City will apply the proceeds to either (1) redemption of Outstanding Bonds in accordance with the provisions governing repayment of Bonds in advance of Stated Maturity, or (2) replacement of the property so disposed of by other property the revenues of which shall be incorporated into the Combined Utilities as hereinbefore provided;

(b) cease to operate, abandon or otherwise dispose of any property which has become obsolete, nonproductive or otherwise unusable to the advantage of the City;

(c) lease, (1) as lessor, any real or personal property which is unused or unimproved, or which has become obsolete, nonproductive or otherwise unusable to the advantage of the City, or which is being acquired as a part of a lease/purchase financing for the acquisition and/or improvement of such property; and/or (2) as lessee, with an option of the City to purchase, any real or personal property for the extension and improvement of the Combined Utilities. Property being leased as lessor and/or lessee pursuant to this subsection (c) shall not be treated as part of the Combined Utilities for purposes of this **Section 804** and may be mortgaged, pledged or otherwise encumbered;

(d) grant a security interest in equipment to be purchased with the proceeds of any loan, lease or other obligation undertaken in accordance with **Article IX** hereof; or

(e) sell, lease or convey all or substantially all of the Combined Utilities to another entity or enter into a management contract with another entity if:

(1) The transferee entity is a political subdivision organized and existing under the laws of the State, or instrumentality thereof, or an organization described in Section 501(c)(3) of the Code, and expressly assumes in writing the due and punctual payment of the principal or redemption price of and interest on all outstanding Combined Utilities Revenue Bonds according to their tenor, and the due and punctual performance and observance of all of the covenants and conditions of this Ordinance;

(2) If there remains unpaid any Combined Utilities Revenue Bond which bears interest that is not includable in gross income under the Code, the City receives an opinion of Bond Counsel, in form and substance satisfactory to the City, to the effect that under then existing law the consummation of such sale, lease or conveyance, whether or not contemplated on any date of the delivery of such Combined Utilities Revenue Bond, would not cause the interest payable on such Combined Utilities Revenue Bond to become includable in gross income under the Code;

(3) The City receives a certificate of the Consultant which demonstrates and certifies that immediately upon such sale or conveyance the transferee entity will not, as a result thereof, be in default in the performance or observance of any covenant or agreement to be performed or observed by it under this Ordinance;

(4) Such transferee entity possesses such licenses to operate the Combined Utilities as may be required if it is to operate the Combined Utilities; and

(5) The City receives an opinion of Bond Counsel, in form and substance satisfactory to the City, as conclusive evidence that any such sale, lease or conveyance, and any such assumption, is permitted by law and complies with the provisions of this **Section 804**.

Section 805. Insurance. The City will carry and maintain insurance with respect to the Combined Utilities and its operations against such casualties, contingencies and risks (including but not limited to property and casualty, fire and extended coverage insurance upon all of the properties forming a part of the Combined Utilities insofar as the same are of an insurable nature, public liability, business interruption or use and occupancy insurance, worker's compensation and employee dishonesty insurance), such insurance

to be of the character and coverage and in such amounts as would normally be carried by other enterprises engaged in similar activities of comparable size and similarly situated. In the event of loss or damage, the City, with reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or in paying the claims on account of which such proceeds were received, or if such reconstruction or replacement is unnecessary or impracticable, then the City will pay and deposit the proceeds of such insurance into the Revenue Fund. The City will annually review the insurance it maintains with respect to the Combined Utilities to determine that it is customary and adequate to protect its property and operations. The City may elect to be self-insured for all or any part of the foregoing requirements if (a) the City annually obtains a written evaluation with respect to such self-insurance program from an Insurance Consultant, (b) the evaluation is to the effect that the self-insurance program is actuarially sound, (c) unless the evaluation states that such reserves are not necessary, the City deposits and maintains adequate reserves for the self-insurance program with a corporate trustee, who may be the Paying Agent, and (d) in the case of workers' compensation, adequate reserves created by the City for such self-insurance program are deposited and maintained in such amount and manner as are acceptable to the State. The City shall pay any fees and expenses of such Insurance Consultant in connection therewith. The cost of all insurance obtained pursuant to the requirements of this **Section 805** shall be paid as an Expense out of the Revenues of the Combined Utilities.

Section 806. Books, Records and Accounts. The City will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the City) in which complete and correct entries will be made of all dealings and transactions of or in relation to the Combined Utilities. Such accounts shall show the amount of Revenues received from the Combined Utilities, the application of such Revenues, and all financial transactions in connection therewith. Such books shall be kept by the City according to standard accounting practices as applicable to the operation of facilities comparable to the Combined Utilities.

Section 807. Annual Budget. Prior to the commencement of each fiscal year, the City will cause to be prepared and filed with the City Clerk a budget setting forth the estimated receipts and expenditures of the Combined Utilities for the next succeeding fiscal year. Such annual budget shall be prepared in accordance with the requirements of the laws of the State and shall contain all information that is required by such laws.

Section 808. Annual Audit. Annually, promptly after the end of the fiscal year, the City will cause an audit to be made which includes the operating results of the Combined Utilities for the preceding fiscal year by a certified public accountant or firm of certified public accountants. Such annual audit may be integrated within the City's general audit.

Section 809. Right of Inspection. Any registered owner or owners of 10% of the principal amount of the Bonds then Outstanding shall have the right at all reasonable times to inspect the Combined Utilities and all records, accounts and data relating thereto, and shall be furnished all such information concerning the Combined Utilities and the operation thereof which the Original Purchaser or such registered owner or owners may reasonably request.

Section 810. Administrative Personnel. The City shall use its best efforts to employ at all times administrative personnel experienced and well qualified to operate the Combined Utilities. The City further agrees that such administrative personnel shall be employed in sufficient numbers to ensure that the Combined Utilities will be operated in a prudent and efficient manner, following procedures generally accepted within the utility industry in the United States of America.

Section 811. Performance of Duties and Covenants. The City will faithfully and punctually perform all duties, covenants and obligations with respect to the operation of the Combined Utilities now

or hereafter imposed upon the City by the Constitution and laws of the State and by the provisions of this Ordinance.

Section 812. Tax Covenants. With respect to any Bonds issued as Tax-Exempt Bonds, the City hereby covenants and agrees as follow:

(a) The City covenants that (1) it will comply with all applicable provisions of the Code, including Sections 103 and 141 through 150, necessary to maintain the exclusion from federal gross income of the interest on any Tax-Exempt Bonds, and (2) it will not use or permit the use of any proceeds of Tax-Exempt Bonds or any other funds of the City, nor take or permit any other action, or fail to take any action, which would adversely affect the exclusion from federal gross income of the interest on any Tax-Exempt Bonds. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with other applicable future law, in order to ensure that the interest on any Tax-Exempt Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City.

(b) The City covenants that (1) it will use the proceeds of any Tax-Exempt Bonds as soon as practicable for the purposes for which the Tax-Exempt Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Tax-Exempt Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Tax-Exempt Bonds to be “arbitrage bonds” within the meaning of Section 148(a) of the Code.

(c) The City covenants that it will pay or provide for the payment from time to time of all arbitrage rebate to the United States of America pursuant to Section 148(f) of the Code and the Tax Certificate for any Tax-Exempt Bonds. This covenant shall survive payment in full or defeasance of the Tax-Exempt Bonds. The Tax Certificate with respect to any Tax-Exempt Bonds may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from federal gross income of the interest on the Tax-Exempt Bonds.

(d) The City covenants that it will not use any portion of the proceeds of the Tax-Exempt Bonds, including any investment income earned on such proceeds, directly or indirectly, (1) in a manner that would cause any Tax-Exempt Bond to be a “private activity bond” within the meaning of Section 141(a) of the Code, or (2) to make or finance a loan to any Person.

(e) The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Tax-Exempt Bonds pursuant to **Article XI** of this Ordinance or any other provision of this Ordinance, until the final Maturity of all Bonds Outstanding.

Section 813. [RESERVED]

Section 814. Utility Coverage Provision. Each of the Gas System, Sewer System and Water System shall, individually and independent of the others, maintain Net Revenues Available for Debt Service not less than 125% of the Debt Service Requirements attributable to such system for each fiscal year. The provisions of this Section 814 are for the convenience of the City, are not for the benefit of any bondholder, and may be amended, modified, superseded, or removed at any time by action of the Mayor and City Council of the City.

ARTICLE IX

ADDITIONAL BONDS AND OBLIGATIONS

Section 901. Senior Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, the City will not issue any additional bonds or incur or assume any other debt obligations appearing as liabilities on the balance sheet of the City for the payment of money determined in accordance with generally accepted accounting principles including capital leases as defined by generally accepted accounting principles, payable out of the net income and revenues of the Combined Utilities or any part thereof which are superior to the Bonds.

Section 902. Parity Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, it will not issue any additional Parity Bonds payable out of the net income and revenues of the Combined Utilities or any part thereof which stand on a parity or equality with the Bonds (“**Parity Bonds**”) unless the following conditions are met:

(a) The City shall not be in default in the payment of principal of or interest on any Bonds or any Parity Bonds at the time outstanding or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Ordinance or any Parity Ordinance (unless such additional revenue bonds or obligations are being issued to provide funds to cure such default); and

(b) Based upon the most recent audited financial statement of the City, the Net Revenues Available for Debt Service derived by the City from the operation of the Combined Utilities, for the fiscal year immediately preceding the issuance of additional bonds shall have been equal to at least 125% of the Average Annual Debt Service with respect to all Combined Utilities Revenue Bonds of the City, including the Combined Utilities Revenue Bonds proposed to be issued. In the event that the Mayor and Council determine it necessary and advisable for the City to issue Parity Bonds and the audit for the fiscal year next preceding the date of authorization of such Parity Bonds is not yet available, the City may issue such Parity Bonds if the audit for the fiscal year immediately preceding such next preceding fiscal year shows that the Net Revenues Available for Debt Service derived by the City from the operation of the Combined Utilities for such fiscal year shall have been equal to 125% of the Average Annual Debt Service with respect to all Combined Utilities Revenue Bonds of the City, including the Combined Utilities Revenue Bonds proposed to be issued if the City Treasurer certifies that the unaudited books and records of the Combined Utilities for the fiscal year next preceding the date of authorization of such Parity Bonds do not show any variance in operating results which would be sufficient to evidence a reduction in debt service coverage below 125% of the Average Annual Debt Service of all Combined Utilities Revenue Bonds of the City, including the Combined Utilities Revenue Bonds proposed to be issued.

In the event any change in the rates, rentals and charges for the use and service of the Combined Utilities or any part thereof has been made during the preceding fiscal year or during the interval between the end of such fiscal year and the issuance of such Parity Bonds, or in the event the City shall covenant in the ordinance or resolution authorizing the issuance of such Parity Bonds to impose, effective upon the issuance of such Parity Bonds, higher rates, rentals and charges for such use and service, compliance with the provisions of this **Section 902** may be evidenced by a certificate of a Consultant or Certified Public Accountant or firm of independent Certified Public Accountants to be filed with the City Clerk prior to the issuance of any such Parity Bonds. Such certificate shall state fully the facts upon which such certificate is based, and if it is a certificate of the Consultant shall have attached thereto the certified financial statement for the fiscal year next

preceding the date of authorization of such Parity Bonds used by the Consultant in arriving at the conclusion stated in such certificate. The Consultant or independent Certified Public Accountant shall, in determining the Net Revenues Available for Debt Service 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 provided shall be conclusive evidence and the only evidence required to show compliance with the provisions and requirements of this **Section 902**. If the Council determines that the Net Revenues Available for Debt Service for the fiscal year next preceding the date of the authorization of such Parity Bonds, based upon a certified public accountant's report, comply without adjustment with the requirements of this **Section 902**, no certificate from a Consultant or firm of engineers or Certified Public Accountant or firm of independent Certified Public Accountants shall be required to evidence compliance with the provisions of this **Section 902**.

Additional revenue bonds of the City issued under the conditions set forth in this **Section 902** shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the net revenues of the Combined Utilities with the Bonds, and the City may make equal provision for paying such bonds and the interest thereon out of the Revenue Fund and may likewise provide for the creation of reasonable debt service funds and debt service reserve funds for the payment of such additional bonds and the interest thereon out of money in the Revenue Fund.

Section 903. Junior Lien Bonds and Other Obligations. Nothing in this **Section 903** contained shall prohibit or restrict the right of the City to issue additional revenue bonds or other revenue obligations for any lawful purpose in connection with the operation of the facility and benefiting the Combined Utilities and to provide that the principal of and interest on such revenue bonds or obligations shall be payable out of the revenues of the Combined Utilities, provided at the time of the issuance of such additional revenue bonds or obligations the City is not in default in the performance of any covenant or agreement contained in this Ordinance (unless such additional revenue bonds or obligations are being issued to provide funds to cure such default), and provided further that such additional revenue bonds or obligations shall be junior and subordinate to the Bonds so that if at any time the City shall be in default in paying either interest on or principal of the Bonds, or if the City is in default in making any payments required to be made by it under the provisions of **Sections 602(a), (b) and (c)** hereof, the City shall make no payments of either principal of or interest on such junior and subordinate revenue bonds or obligations until such default or defaults be cured. In the event of the issuance of any such junior and subordinate revenue bonds or obligations, the City, subject to the provisions of this Ordinance, may make provision for paying the principal of and interest on such revenue bonds or obligations out of money in the Revenue Fund.

Section 904. Refunding Bonds. The City shall have the right, without complying with the provisions of **Section 902** hereof, to refund any of the Bonds under the provisions of any law then available, and the refunding bonds so issued shall enjoy complete equality of pledge with any of the Bonds which are not refunded, if any, upon the revenues of the Combined Utilities; provided, however, that if only a portion of the Bonds are refunded and if such Bonds are refunded in such manner that the refunding bonds bear a higher average rate of interest or become due on a date earlier than that of the Bonds which are refunded, then such Bonds may be refunded without complying with the provisions of **Section 902** hereof only by and with the written consent of the registered owners of a majority in principal amount of the Bonds not refunded.

ARTICLE X

DEFAULT AND REMEDIES

Section 1001. Remedies Upon Default. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the registered owners of the Bonds, and the registered owner or owners of not less than 10% in aggregate principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all registered owners of Bonds similarly situated:

- (a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such registered owner or owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State;
- (b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and
- (c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the registered owners of the Bonds.

Section 1002. Limitation on Rights of Registered Owners. No one or more registered owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all registered owners of such Outstanding Bonds.

Section 1003. Remedies Cumulative. No remedy conferred herein upon the registered owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the registered owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any registered owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the registered owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any registered owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such registered owner, then, and in every such case, the City and the registered owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the registered owners shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1004. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

ARTICLE XI

DEFEASANCE

Section 1101. Defeasance. When any or all of the Bonds or the interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate with respect to the Bonds so paid and discharged. Bonds or the interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of such Bonds, in trust for and irrevocably appropriated thereto, money and/or Defeasance Obligations which, together with the interest to be earned thereon, will be sufficient for the payment of the principal or Redemption Price of such Bonds, and/or interest to accrue on such Bonds to the Stated Maturity or Redemption Date, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to the Stated Maturity thereof, (a) the City shall have elected to redeem such Bonds, and (b) either notice of such redemption shall have been given, or the City shall have given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Paying Agent to redeem such Bonds in compliance with **Section 302(a)** hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or the interest payments thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective registered owners of the Bonds, and such money shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 1201. Amendments. The rights and duties of the City and the registered owners, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by Ordinance of the City with the written consent of the registered owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such registered owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;
- (c) permit the creation of a lien on the revenues of the Combined Utilities prior or equal to the lien of the Bonds or Parity Bonds;
- (d) permit preference or priority of any Bonds over any other Bonds; or
- (e) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by Ordinance duly adopted by the governing body of the City at any time in any respect with the written consent of the registered owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any registered owners, the City may amend or supplement this Ordinance for the purpose of (a) curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the registered owners, or (b) amending or eliminating the provisions of **Section 814** herein.

Every amendment or modification of the provisions of the Bonds or of this Ordinance shall be expressed in an ordinance adopted by the governing body of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. A certified copy of every such amendatory or supplemental Ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk, shall be made available for inspection by the registered owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Ordinance or of this Ordinance will be sent by the City Clerk to any such registered owner or prospective registered owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the Ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the registered owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance made hereunder which affects the duties or obligations of the Paying Agent under this Ordinance.

Section 1202. Notices, Consents and Other Instruments by Registered Owners. Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the registered owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such registered owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution; and

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the registered owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the registered owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the registered owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned

which have been pledged in good faith shall not be disregarded as provided if the pledgee establishes to the satisfaction of the registered owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

Section 1203. Electronic Transactions. The transactions described herein may be conducted and this Ordinance and related documents may be sent, received and stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1204. Further Authority. The officers of the City, including the Mayor and City Clerk, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1205. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1206. Governing Law. This Ordinance shall be governed by and constructed in accordance with the applicable laws of the State.

Section 1207. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Mayor and Council and approval by the Mayor and publication in pamphlet form as provided by law.

PASSED AND ADOPTED this 28th day of June, 2021.

CITY OF HASTINGS, NEBRASKA

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

Approved as to form: _____
City Attorney

EXHIBIT A TO ORDINANCE

(FORM OF BONDS)

UNITED STATES OF AMERICA
STATE OF NEBRASKA

Registered
No. R-_____

Registered
\$_____

CITY OF HASTINGS, NEBRASKA

COMBINED UTILITIES REVENUE REFUNDING BOND
SERIES 2021

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated Date of Bonds</u>
%	_____, 20__	_____, 2021

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

The **CITY OF HASTINGS, NEBRASKA**, a city of the first class and a political subdivision of the State of Nebraska (the “City”), for value received, promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Maturity Date shown above, and to pay interest thereon, but solely from the source and in the manner herein specified, at the Interest Rate per annum shown above (computed on the basis of a **360**-day year consisting of **twelve 30**-day months) from the Dated Date shown above or from the most recent interest payment date to which interest has been paid or duly provided for, payable on April 15 and October 15 in each year, beginning _____, 20__, until such principal amount has been paid.

The principal or redemption price of this Bond shall be paid at maturity by check or draft or upon earlier redemption to the person in whose name this Bond is registered at the maturity or redemption date thereof, upon presentation and surrender of this Bond at the principal corporate trust office of _____, in the City of _____, Nebraska (the “**Paying Agent**”). The interest payable on this Bond on any interest payment date shall be paid to the person in whose name this Bond is registered on the Bond Register at the close of business on the Record Date for such interest by check or draft mailed by the Paying Agent to such registered owner at the address shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such registered owner.

This Bond is one of a duly authorized series of bonds of the City designated “**Combined Utilities Revenue Refunding Bonds, Series 2021**,” aggregating the principal amount of \$_____ (the

“Bonds”), issued by the City for the purpose of providing the funds necessary, together with other available funds of the City, for the payment and redemption of the City’s outstanding \$ _____ Combined Utility Revenue and Refunding Bonds, Series 2012, dated September 13, 2012, which bonds were originally issued for the purpose of financing or refinancing the costs of additions, extensions and improvements to the City’s Gas System, Sewer System and Water System under the authority of and in full compliance with the Constitution and laws of the State of Nebraska, including particularly Sections 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended, and pursuant to Ordinance No. _____ duly adopted by the governing body of the City (herein called the **“Ordinance”**). Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

At the option of the City, Bonds or portions thereof maturing on _____ 20__ and thereafter may be called for redemption and payment prior to maturity at any time on or after the _____ anniversary of the date of original issuance, in whole at any time or in part in such principal amounts and from such maturity or maturities as the City, in its sole and absolute discretion may determine (Bonds of less than a full maturity to be selected in multiples of **\$5,000** principal amount in such equitable manner as the Paying Agent shall designate) at redemption price equal to 100% of the principal amount, plus accrued interest thereon to the redemption date.

The Bonds maturing _____ 15, 20__, and _____ 15, 20__ are subject to redemption prior to maturity in part by lot by operation of a mandatory sinking fund in each of the years and in the principal amounts set forth in the Ordinance, upon payment of such principal amount thereof plus accrued interest to such date of redemption, but without premium. Selection of any Bonds or portions thereof to be redeemed shall be in the sole discretion of the Paying Agent.

Notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by first class mail at least **30** days prior to the redemption date, to the original purchaser(s) of the Bonds and each registered owner of each of the Bonds to be redeemed at the address shown on the Bond Register. Notice of redemption having been given as provided, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City defaults in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the revenues derived from the operation of the Combined Utilities, and the taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. Under the conditions set forth in the Ordinance, the City has the right to issue additional parity bonds and other obligations payable from the same source and secured by the same revenues as the Bonds and the outstanding Parity Bonds, all as described in the Ordinance; provided, however, that such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Ordinance.

The City hereby covenants and agrees with the registered owner of this Bond that it will keep and perform all covenants and agreements contained in the Ordinance, and will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the Combined Utilities, as will produce revenues sufficient to pay the costs of operation and maintenance of the Combined Utilities, pay the principal of and interest on the Bonds as and when the same become due, and provide reasonable and adequate reserve funds. Reference is made to the Ordinance for a description of the covenants and agreements made by the City with respect to the collection, segregation and application of the revenues of

the Combined Utilities, the nature and extent of the security for the Bonds, the rights, duties and obligations of the City with respect thereto, and the rights of the registered owners thereof.

The Bonds are issuable in the form of fully registered Bonds without coupons in the denomination of **\$5,000** or any integral multiple thereof.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Paying Agent duly executed by the registered owner or the registered owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and that before the issuance of the Bonds, provision has been duly made for the collection and segregation of the revenues of the Combined Utilities and for the application of the same as provided in the Ordinance.

IN WITNESS WHEREOF, the **CITY OF HASTINGS, NEBRASKA**, has executed this Bond by causing it to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed hereto or imprinted hereon.

CERTIFICATE OF AUTHENTICATION

CITY OF HASTINGS, NEBRASKA

By: _____
Mayor

Registration Date: _____

Treasurer of the City of Hastings, Paying Agent

(Seal)
ATTEST:

By: _____
City Treasurer

By: _____
City Clerk

ASSIGNMENT

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

Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee

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

Dated: _____

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

Signature Guaranteed By:

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

By: _____
Title: _____

Department: Finance
Staff Contact: Roger Nash
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Ordinance No. 4671 to Amend Ordinance No. 4514 Adopted by the City Council and Approved by the Mayor on July 24, 2017, to Adjust Interest Rates and Fees for an Outstanding Promissory Note and to Amend the Loan Agreement with the Nebraska Department of Environment and Energy, formerly known as the Nebraska Department of Environmental Quality (NDEE Project No. C317930)

Names of People/Business affected by this action:

Citizens of Hastings

Why Council action is required:

Ordinances are required to be approved on three readings pursuant to State statute

Type of action requested:

Ordinance

Suggested motion:

Move to approve Ordinance No. 4671 on First Reading and if successful move to suspend the rules and adopt Ordinance No. 4671 on Second and Third Reading

Deadlines associated with action:

As soon as possible

Department head comments:

This ordinance lowers the interest rate on the loan the City has with the Department of Environment and Energy (NDEE) for funds used for the Utility Department's ASR project

City Administrator comments:

Recommend approval

CITY OF HASTINGS, NEBRASKA

ORDINANCE NO. 4671

PASSED AND ADOPTED JUNE 28, 2021

AMENDING ORDINANCE NO. 4514

ORDINANCE NO. 4671

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA AMENDING ORDINANCE NO. 4514 ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR ON JULY 24, 2017 TO ADJUST INTEREST RATES AND FEES FOR CERTAIN A OUTSTANDING PROMISSORY NOTE; APPROVING THE EXECUTION AND DELIVERY OF AMENDMENT TO THE LOAN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY, FORMERLY KNOWN AS THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEE PROJECT NO. C317930); REPEALING ALL SECTIONS OF ORDINANCE NO. 4514 AND REPLACING ALL SUCH SECTIONS; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA, AS FOLLOWS:

FINDINGS AND DETERMINATIONS

The Mayor and City Council (the “**Council**”) of the City of Hastings, Nebraska (the “**City**”), hereby find and determine as follows:

1. The City is a city of the first class and political subdivision duly organized and existing under the laws of the State of Nebraska (the “**State**”), and, pursuant to Chapter 16, Reissue Revised Statutes of Nebraska, as amended, owns and operates (a) a gas plant and distribution system (the “**Gas System**”), (b) a water works plant and water system (the “**Water System**”) and (c) wastewater treatment plant and facilities and sanitary sewer system (the “**Sewer System**”), each of which is a revenue-producing facility as described in Sections 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”), serving the City and its inhabitants and others within its service area (collectively, the “**Combined Utilities**,” as hereinafter more fully defined).

2. The City has undertaken to acquire, construct, improve, extend, equip, and furnish certain improvements to the Combined Utilities, including, but not limited to, the acquisition, construction, improvement, repair, rehabilitation or extension thereof (collectively, the “**Project**”).

3. Pursuant to the Act and the ordinances set forth below, the City has heretofore issued and has outstanding on the date hereof the following bonds and notes (collectively, the “**Outstanding Bonds**”) payable the revenues derived from the operation of the Combined Utilities, as indicated below:

(a) Combined Utilities Revenue Refunding Bond, Series 2017, in the form of and evidenced by a single promissory note (the “**NDEE Note**”) of the City to the Nebraska Department of Environment and Energy (formerly the Nebraska Department of Environmental Quality, “**NDEE**”), dated September 11, 2017, in the maximum drawable amount of \$7,000,000 under Loan Contract No. C317930 (the “**Loan Contract**”), authorized by Ordinance No. 4514 adopted July 24, 2017 (the “**2017 Ordinance**”)

(b) Combined Utility Revenue and Refunding Bonds, Series 2012, dated September 13, 2012, originally issued in the principal amount of \$16,535,000, currently outstanding in the principal amount of \$10,170,000, maturing and bearing interest as follows (the “**2012 Bonds**”):

<u>Maturity</u> <u>(October 15)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u>
2021	\$935,000	4.00%
2022	685,000	4.00
2023	710,000	4.00
2024	500,000	3.00
2024	200,000	4.00
2025	770,000	4.00
2026	800,000	4.00
2032	3,960,000	3.25
2032	1,610,000	4.00

The 2012 Bonds were issued pursuant to Ordinance No. 4327 of the City and are being refunded contemporaneously with the execution and delivery of the Amendment by the issuance of the City's refunding bonds in the principal amount of not to exceed \$8,330,000 payable from the Combined Utilities and issued under the Act and pursuant to an ordinance passed and approved contemporaneously with this Ordinance.

4. Other than the Outstanding Bonds identified in Paragraph 2 above, there are presently no liens or pledges upon the revenues of the Gas System, Water System or Sewer System of the City.

5. Since the dates of adoption and approval of the 2017 Ordinance, NDEE has approved "Amendment No. 01 to Loan Agreement (Governmental Borrower) Between Nebraska Department of Environment and Energy and City of Hastings, Nebraska NDEE Project No. C317930" (the "**Amendment**") to adjust the interest rate and fees for the Loan Contract and NDEE Note such that the City can realize savings in debt service on the NDEE Note.

6. It is necessary, desirable, advisable and in the best interest of the City and its inhabitants to enter into the Amendment with NDEE and to amend and restate the provisions of Ordinance 4514 in its entirety, and all conditions, acts and things required by law to exist or to be done precedent to the Amendment do exist and have been done as required by law.

Section 1. Ordinance 4514 of the City is hereby amended and restated in its entirety. All sections of Ordinance 4514 are hereby repealed and replaced with the following:

FINDINGS AND DETERMINATIONS

The Mayor and Council (the "**Council**") of the City of Hastings, Nebraska (the "**City**"), hereby find and determine that:

1. The City is a city of the first class and political subdivision duly organized and existing under the laws of the State of Nebraska (the "**State**"), and, pursuant to Chapter 16, Reissue Revised Statutes of Nebraska, as amended, owns and operates (a) a gas plant and distribution system (the "**Gas System**"), (b) a water works plant and water system (the "**Water System**") and (c) wastewater treatment plant and facilities and sanitary sewer system (the "**Sewer System**"), each of which is a revenue-producing facility as described in Sections 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended (the "**Act**"), serving the City and its inhabitants and others within its service area (collectively, the "**Combined Utilities**," as hereinafter more fully defined).

2. Pursuant to the Act and the ordinances set forth below, the City has heretofore issued and has outstanding on the date hereof the following bonds and notes (collectively, the “**Outstanding Bonds**”) payable the revenues derived from the operation of the Combined Utilities, as indicated below:

Combined Utility Revenue and Refunding Bonds, Series 2012, dated September 13, 2012, originally issued in the principal amount of \$16,535,000, currently outstanding in the principal amount of \$10,170,000, which shall be refunded contemporaneously with entering into the Amendment (defined below) through the issuance of not to exceed \$8,330,000 of Combined Utilities Revenue Refunding Bonds, Series 2021 (the “**Refunding Bonds**” and together with the NDEE Note described herein, the “**Outstanding Bonds**”). The Refunding Bonds are being authorized pursuant to an ordinance adopted on June 28, 2021 (the “**Refunding Ordinance**”).

3. The Nebraska Department of Environment and Energy (“**NDEE**”) approved a project designated as NDEE Project No. C317930 relating to the acquisition, construction, improvement, repair, rehabilitation or extension of the City’s Water System (the “**Project**”) for which the estimated total cost is not less than \$7,000,000 and NDEE agreed to lend the City funds in such amount (the “**NDEE Loan**”) and in such connection has agreed to accept the NDEE Note (as defined and described below) payable from the revenues of the Combined Utilities.

4. In connection with the NDEE Loan the City approved, executed and delivered an agreement entitled “Loan Agreement (Governmental Borrower) between the Nebraska Department of Environmental Quality and the City of Hastings, Nebraska NDEQ Project No. C317930” (the “**Original Loan Contract**”) and it is now necessary for the City to approve, execute and deliver an amendment to the Original Loan Contract entitled “Amendment No. 01 to Loan Agreement (Governmental Borrower) Between Nebraska Department of Environment and Energy and City of Hastings, Nebraska NDEE Project No. C317930” (the “**Amendment**” and together with the Original Loan Contract, the “**Loan Contract**”) and it is necessary and advisable for the City to approve the execution and delivery of said Loan Contract and the “Note” described therein for the borrowed amount of up to \$7,000,000, which Note shall evidence, be and constitute the “**NDEE Note**” or “**Bonds**” described herein.

5. Other than the Outstanding Bonds identified in Paragraph 2 above, there are presently no liens or pledges upon the revenues of the Gas System, Water System or Sewer System of the City.

6. To satisfy the borrowing requirements described in this section, it is necessary for the City to issue its Combined Utilities Revenue Bond, Series 2017 (Water Project), in the total principal amount of up to \$7,000,000 (referred to herein as the “**Bonds**” or the “**NDEE Note**”).

7. All conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds do exist and have been done and performed in regular and due time as provided by law.

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to the words and terms defined elsewhere herein, the following capitalized words and terms as used in this Ordinance shall have the following meanings:

“Act” means Sections 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended.

“Authorized Officers” mean, each individually, the Mayor, City Administrator and Finance Director of the City.

“Average Annual Debt Service” means the number determined by adding all of the principal and interest which will become due when computed to the absolute maturity of the Bonds and Parity Bonds, if any, then outstanding and all of the principal and interest of the Combined Utilities Revenue Bonds to be issued, and dividing such total by the number of years remaining that the longest bond of any such Combined Utilities Revenue Bonds (including the Combined Utilities Revenue Bonds to be issued) has to run to maturity.

“Bond Counsel” means Gilmore & Bell, P.C., Omaha, Nebraska, or other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing selected by the City.

“Bond Payment Date” means any date on which principal of or interest on any Bond is payable at the Maturity thereof or on any Interest Payment Date.

“Bond Register” means the books for the registration, transfer and exchange of Bonds kept at the office of the Paying Agent.

“Bonds” or **“NDEE Note”** means the City’s Combined Utilities Revenue Refunding Bond, Series 2017, in the form of and evidenced by a single promissory note with such NDEE Note to be substantially in such form and to have such payment terms as are set forth in Attachment F to the Loan Contract.

“Business Day” means a day other than a Saturday, Sunday or holiday on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for the conduct of its banking operations.

“City” means the City of Hastings, Nebraska, and any successors or assigns.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations of the Treasury Department proposed or promulgated thereunder.

“Combined Utilities” means, collectively, the Gas System, the Water System and the Sewer System of the City.

“Combined Utilities Revenue Bonds” means collectively the Bonds, the Parity Bonds and all other revenue bonds which are payable out of, or secured by an interest in, the income and Revenues derived from the operation of the Combined Utilities.

“Consultant” means an independent engineer or engineering firm having a favorable reputation for skill and experience in the construction, financing and operation of public utilities and the preparation of management studies and financial feasibility studies in connection therewith, selected by the City for the purpose of carrying out the duties imposed on the Consultant by this Ordinance.

“Debt Service Fund” means the fund by that name created by **Section 501** hereof.

“Debt Service Requirements” means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on all Combined Utilities Revenue Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company having full trust powers.

“Debt Service Reserve Fund” means the fund by that name created by **Section 501** hereof.

“Debt Service Reserve Requirement” shall be \$0.

“Defeasance Obligations” means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (A) not subject to redemption prior to maturity or (B) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal or redemption price of and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations serving as security for the obligations, plus any cash in the escrow fund, are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations serving as security for the obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) the obligations are rated in the highest rating category by Moody's Investors Service, Inc. (presently "Aaa") or Standard & Poor's Ratings Group (presently "AAA").

"Expenses" means all reasonable and necessary expenses of operation, maintenance and repair of the Combined Utilities and keeping the Combined Utilities in good repair and working order (other than interest paid on Combined Utilities Revenue Bonds and depreciation and amortization charges during the period of determination), determined in accordance with generally accepted accounting principles, including, without limiting the generality of the foregoing, current maintenance charges, expenses of reasonable upkeep and repairs, salaries, wages, costs of materials and supplies, Paying Agent fees and expenses, annual audits, periodic Consultant's reports, properly allocated share of charges for insurance, the cost of purchased water, gas and power, if any, obligations (other than for borrowed money or for rents payable under capital leases) incurred in the ordinary course of business, liabilities incurred by endorsement for collection or deposit of checks or drafts received in the ordinary course of business, short-term obligations incurred and payable within a particular fiscal year, other obligations or indebtedness incurred for the purpose of leasing (pursuant to a true or operating lease) equipment, fixtures, inventory or other personal property, and all other expenses incident to the operation of the Combined Utilities, but shall exclude all general administrative expenses of the City not related to the operation of the Combined Utilities.

"Gas System" means the entire gas plant and distribution system owned and operated by the City for the collection, storage and distribution of natural gas to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

"Insurance Consultant" means an individual or firm selected by the City qualified to survey risks and to recommend insurance coverage for entities engaged in operations similar to those of the Combined Utilities and having a favorable reputation for skill and experience in making such surveys and recommendations.

"Interest Payment Date" means the Stated Maturity of an installment of interest on any Bond.

"Maturity" when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for optional or mandatory redemption or otherwise.

"Net Revenues Available for Debt Service" means, for the period of determination, all Revenues less all Expenses as determined in accordance with generally accepted accounting principles.

"Ordinance" means this Ordinance as from time to time amended in accordance with the terms hereof.

“Outstanding” means, when used with reference to Bonds, as of any particular date, all Bonds theretofore issued and delivered hereunder, except the following Bonds:

(a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of **Section 1101** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been registered and delivered hereunder.

“Parity Bonds” means the NDEE Note and the Refunding Bonds, together with any additional parity bonds or other long-term obligations payable out of the net income and revenues of the Combined Utilities hereafter issued or incurred in accordance with the provisions of this Ordinance and standing on a parity and equality with the Bonds with respect to the payment of principal and interest out of the net income and Revenues of the Combined Utilities, so long as any such bonds remain outstanding and unpaid or until provision is made for the payment and defeasance of such bonds.

“Parity Ordinances” means this Ordinance and the Refunding Ordinance, and any other Ordinance under which any additional Parity Bonds are hereafter issued.

“Paying Agent” means the treasurer of the City, and any successors and assigns.

“Permitted Investments” means any of the following securities and obligations, if and to the extent the same are at the time legal for investment of the City’s money held in the funds referred to in **Section 501** hereof:

(a) United States Government Obligations;

(b) bonds, notes or other obligations of any political subdivision of the State, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service;

(c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company, or other financial institution organized under the laws of the United States of America or any state, that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such repurchase agreement and are held in a custodial or trust account for the benefit of the City;

(d) obligations of the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Financing Bank, the Federal Intermediate Credit Corporation, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Farmers Home Administration and Federal Home Loan Mortgage Corporation;

(e) certificates of deposit or time deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United

States of America or any state, provided that such certificates of deposit or time deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a) through (c) above, inclusive, which shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificates of deposit or time deposits; and

(f) any other securities or investments that are lawful for the investment of money held in such funds or accounts under the laws of the State.

“Person” means any natural person, corporation, partnership, firm, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

“Redemption Date” when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

“Redemption Price” when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

“Revenue Fund” means the fund by that name created by **Section 501** hereof.

“Revenues” means all rates, rentals, fees and charges, earnings, income, revenues, and other monies, from any source derived by the City through its ownership and the operation of the Combined Utilities, including, without limiting the generality of the foregoing, (i) all income, fees, charges, receipts, profits and other moneys derived from the sale, furnishing or supplying of the services, facilities, commodities of the Combined Utilities; (ii) the earnings on and the income from the investment of any moneys held in funds under this Ordinance; (iii) the earnings on and the income from the investment of other moneys derived from the ownership or operation of the Combined Utilities to the extent that such earnings and income are allocated by or pursuant to law to the Combined Utilities; (iv) special assessment payments and payments in aid of construction; (v) the proceeds derived by the City directly or indirectly from the sale, lease or other disposition of all or an part of the Combined Utilities, and the proceeds of insurance and condemnation awards received with respect to the Combined Utilities; (vi) any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay interest on Combined Utilities Revenue Bonds; and (vii) any other moneys of the City which are required by the provisions hereof to be applied to the payment of Bonds; provided, however, that Revenues shall not include (A) customers', deposits or any other deposits subject to refund, until such deposits have become the property of the City, (B) earnings on and income derived from the investment of moneys or Defeasance Obligations being held irrevocably for the retirement of indebtedness of the Combined Utilities, or (C) moneys deposited with the City by employees for employee benefit purposes.

“Sewer System” means the entire wastewater treatment plant and facilities and sanitary sewer system owned and operated by the City for the collection, treatment and disposal of sewage, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all

extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

“**State**” means the State of Nebraska.

“**Stated Maturity**” when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Ordinance as the fixed date on which the principal of such Bond or such installment of interest is due and payable.

“**Surplus Fund**” means the fund by that name created by **Section 501** hereof.

“**United States Government Obligations**” means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service, and such obligations are held in a custodial or trust account for the benefit of the City.

“**Water System**” means the entire waterworks plant and system owned and operated by the City for the production, storage, treatment and distribution of water, to serve the needs of the City and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City.

ARTICLE II

AUTHORIZATION OF BONDS

Section 201. Authorization of NDEE Note. (a) To provide for the payment of the costs of the Project, the City shall enter into a Loan Agreement (Governmental Borrower) between the NDEE and the City (NDEE Project No. C317930) (the “**Original Loan Contract**”) as supplemented and amended by Amendment No. 01 to such Loan Agreement (the “**Amendment**”, and together with the Original Loan Contract, the “**Loan Contract**”) in substantially the form set forth in Exhibit A to this Ordinance, which exhibit is by such reference incorporated herein as if fully set forth; and

(b) There shall be and there is hereby ordered issued the City’s Combined Utilities Revenue Bond, Series 2017, in the principal amount of not to exceed \$7,000,000, in the form of and evidenced by a single promissory note (referred to herein as the “**NDEE Note**” or “**Bonds**”) with such NDEE Note to be substantially in such form and to have such payment terms as are set forth in Attachment F to the Loan Contract.

(c) The terms and conditions of the NDEE Note, the Loan Contract and the Project are hereby approved and the Mayor, City Administrator and City Clerk are hereby authorized to execute and deliver the NDEE Note and the Loan Contract for and on behalf of the City in substantially the form approved but with such changes from the forms

presented and attached hereto as such officers shall deem appropriate for and on behalf of the City.

(d) The Mayor, City Administrator and Clerk and any other officers of the City are hereby further authorized to take such further actions and to execute such certificates and other documents as shall be deemed necessary or appropriate by any of them in connection with the issuance and delivery of the NDEE Note and the Loan Contract.

(e) For all purposes of this ordinance, the NDEE Note shall constitute a revenue bond of the City of Hastings as authorized by Sections 18-1803 to 18-1805, R.R.S. Neb. 2012, as amended, and shall be included within the terms “bond” and “combined revenue bond” where such inclusion is appropriate.

ARTICLE III

[RESERVED]

ARTICLE IV

SECURITY

Section 401. Security. The NDEE Note is a special obligation of the City payable solely from, and secured as to the payment of principal or Redemption Price of and interest by a pledge of, the net income and revenues derived from the operation of the Combined Utilities, after providing for the costs of operation and maintenance thereof, including operating income, investment income, gifts, bequests, contributions, grants and other money made available to the City with respect to the Combined Utilities from sources other than funds raised by taxation. The City hereby pledges such net income and revenues to the payment of the principal or Redemption Price of and interest on the NDEE Note. The NDEE Note shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the NDEE Note, either as to principal, Redemption Price or interest.

The covenants and agreements of the City contained in this Ordinance and in the NDEE Note shall be for the equal benefit, protection and security of the registered owner of the NDEE Note. The NDEE Note shall stand on a parity and be equally and ratably secured with respect to the payment of principal or Redemption Price and interest from the net income and revenues derived from the operation of the Combined Utilities and in all other respects with any Parity Bonds. The NDEE Note shall not have any priority with respect to the payment of principal, Redemption Price or interest from such net income and revenues or otherwise over the Parity Bonds and the Parity Bonds shall not have any priority with respect to the payment of principal or interest from such net income and revenues or otherwise over the NDEE Note.

ARTICLE V

FUNDS; DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEY

Section 501. Establishment of Funds. There are hereby created or ratified and ordered to be established and maintained in the treasury of the City the following separate funds to be known respectively as follows:

- (a) Combined Utilities Revenue Fund (the “**Revenue Fund**”).
- (b) Debt Service Fund for NDEE Note (the “**Debt Service Fund**”).
- (c) Debt Service Reserve Fund for NDEE Note (the “**Debt Service Reserve Fund**”), which shall not be funded.
- (d) Combined Utilities Surplus Fund (the “**Surplus Fund**”).

The funds referred to in **Sections 501(a) through (d)**, inclusive, hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain Outstanding within the meaning of this Ordinance.

Section 502. Deposit of Proceeds and Other Money. The net proceeds of the NDEE Note shall be applied to pay costs of the Project as set forth in the Loan Contract.

ARTICLE VI

APPLICATION OF REVENUES

Section 601. Revenue Fund. The City covenants and agrees that from and after the delivery of the NDEE Note, and continuing as long as any of the NDEE Note remains Outstanding hereunder, all of the revenues derived and collected from the operation of the Combined Utilities shall as and when received be paid and deposited into the Revenue Fund. Such revenues shall be segregated and kept separate and apart from all other money, revenues, funds and accounts of the City and shall not be commingled with any other money, revenues, funds and accounts of the City. The Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Ordinance.

Section 602. Application of Money in Funds. The City covenants and agrees that from and after the delivery of the NDEE Note and continuing so long as any of the NDEE Note shall remain Outstanding, it will on the first day of each month administer and allocate all of the money then held in the Revenue Fund as follows:

- (a) ***Operation and Maintenance.*** There shall first be paid and credited from month to month as a first charge against the Revenue Fund the Expenses of the Combined Utilities as the same become due and payable.

(b) ***Debt Service Fund.*** There shall next be paid and credited monthly to the Debt Service Fund, to the extent necessary to meet on each Bond Payment Date the payment of all interest on and principal of the NDEE Note, the following sums:

(1) Beginning on the first day of the month immediately following the month in which the NDEE Note is issued and continuing the first day of each month thereafter so long as any of the NDEE Note herein authorized remain outstanding and unpaid, an amount not less than the amount which, if the same amount were deposited each month, would be sufficient to pay the interest becoming due on the NDEE Note on the next succeeding Interest Payment Date.

(2) Beginning on the first day of the month immediately following the month in which the NDEE Note is issued and continuing the first day of each month thereafter so long as any of the NDEE Note herein authorized remain outstanding and unpaid, an amount not less than the amount which, if the same amount were deposited each month, would be sufficient to pay the principal becoming due on the NDEE Note in the next succeeding Maturity.

(3) During the periods and in the amounts specified for the Parity Bonds in the Parity Ordinances.

The amounts required to be paid and credited to the Debt Service Fund pursuant to this **Section 602(b)** shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to the debt service funds established for the payment of principal and interest on Parity Bonds under the provisions of the Parity Ordinances.

Any amounts deposited in the Debt Service Fund as accrued interest or as capitalized interest in accordance with **Section 502(a)** hereof shall be credited against the City's payment obligations as set forth in this **Section 602(b)(1)**.

All amounts paid and credited to the Debt Service Fund shall be expended and used by the City for the sole purpose of paying the interest on and principal of the NDEE Note as and when the same become due at Maturity and on each Interest Payment Date.

If at any time the money in the Revenue Fund is insufficient to make in full the payments and credits at the time required to be made to the Debt Service Fund and on any Parity Bonds, the available money in the Revenue Fund shall be divided among such debt service funds in proportion to the respective principal amounts of such series of bonds at the time outstanding which are payable from the money in such debt service funds.

(c) ***Debt Service Reserve Fund.*** Except as hereinafter provided in this **Section 602(c)**, any amounts or instruments paid and credited to a Debt Service Reserve Fund established pursuant to **Section 212** herein, shall be expended and used by the City solely to prevent any default in the payment of interest on or principal of the NDEE Note on any Maturity date or Interest Payment Date if the money or instruments in the Debt Service Fund is insufficient to pay the interest on or principal of such NDEE Note as they become due. So long as any Debt Service Reserve Fund required to be established pursuant to Section 212 aggregates the Debt Service Reserve Requirement, no payments into such Fund shall be required, but if the City is ever required to expend and use a part of the money in such Fund for the purpose herein authorized and such expenditure reduces the amount

of such Fund below the Debt Service Reserve Requirement, the City shall make monthly payments into such Fund after all payments and credits required at the time to be made under the provisions of **Sections 602(a) and (b)** have been made until such Fund shall again aggregate the Debt Service Reserve Requirement.

The amounts required to be paid and credited to the Debt Service Reserve Fund pursuant to this **Section 602(c)** shall be made at the same time and on a parity with the amounts at the time required to be paid and credited to any debt service reserve funds established for the Parity Bonds under the provisions of the Parity Ordinances.

If a surety or other instrument is deposited to the Debt Service Reserve Fund, the Authorized Officers shall execute and deliver such documents and agreements determined necessary and appropriate for such surety or other instrument on behalf of the City and any such agreement executed and delivered in connection with the issuance of the NDEE Note shall have the same force and effect as if fully set forth in this Ordinance with no further action required by the Mayor and Council.

Money in any Debt Service Reserve Fund may be used to call such bonds for redemption and payment prior to their Stated Maturity, provided all of the bonds at the time Outstanding are called for payment and funds are available to pay the same according to their terms. Money in the Debt Service Reserve Fund shall be used to pay and retire the last Outstanding Bonds unless such bonds and all interest thereon are otherwise paid. Any amounts in any Debt Service Reserve Fund in excess of the Debt Service Reserve Requirement on any valuation date shall be transferred to the Debt Service Fund.

If at any time the money in the Revenue Fund is insufficient to make in full the payments and credits at the time required to be made to the Debt Service Reserve Fund and any debt service reserve fund established for any Parity Bonds, the available money in the Revenue Fund shall be divided among such debt service reserve funds in proportion to the respective principal amounts of such series of bonds at the time outstanding which are payable from the money in such debt service reserve funds.

(d) **Surplus Fund.** After all payments and credits required at the time to be made under the provisions of **Sections 602(a), (b) and (c)** hereof have been made, all money remaining in the Revenue Fund shall be paid and credited to the Surplus Fund. Money in the Surplus Fund may be expended and used for the following purposes as determined by the governing body of the City:

(1) Paying the cost of the operation, maintenance and repair of the Combined Utilities to the extent that may be necessary after the application of the money held in the Operation and Maintenance Fund under the provisions of **Section 602(a)** hereof;

(2) Paying the cost of extending, enlarging or improving the Combined Utilities;

(3) Preventing default in, anticipating payments into or increasing the amounts in the Debt Service Fund or the Debt Service Reserve Fund referred to in **Sections 602(b) and (c)** hereof, or any one of them, or establishing or increasing the amount of any debt service fund or debt service reserve fund created by the City for the payment of any Parity Bonds;

(4) Calling, redeeming and paying prior to Stated Maturity, or, at the option of the City, purchasing in the open market at the best price obtainable not exceeding the redemption price (if any bonds are callable), the bonds or any Parity Bonds, including principal or redemption price and interest;

(5) Any other lawful purpose in connection with the operation of the Combined Utilities and benefiting the Combined Utilities; or

(6) For the general governmental and municipal functions of the City; provided, however, that no such withdrawal from such Surplus Fund and payment into the General Fund of the City for the general governmental and municipal functions of the City shall be made to the extent such payment treated as an operating expense would reduce the Net Revenues Available for Debt Service for the preceding fiscal year (determined in accordance with generally accepted accounting principles applied on a consistent basis) to less than 110% of the annual Debt Service Requirement upon the NDEE Note and all Parity Bonds in such fiscal year, or at a time when the City shall be in default in the performance of any such covenant or agreement.

(e) ***Deficiency of Payments into Funds.*** If at any time the revenues derived from the operation of the Combined Utilities are insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available revenues thereafter received from the operation of the Combined Utilities, such payments and credits being made and applied in the order hereinbefore specified in this **Section 602**.

Section 603. Transfer of Funds to Paying Agent. The Treasurer is hereby authorized and directed to withdraw from the Debt Service Fund, and, to the extent necessary to prevent a default in the payment of the principal of or interest on the NDEE Note, from the Debt Service Reserve Fund and the Surplus Fund as provided in **Section 602** hereof, sums sufficient to pay the principal of and interest on the NDEE Note as and when the same become due on any Bond Payment Date, and to forward such sums to the Paying Agent in a manner which ensures the Paying Agent will have available funds in such amounts on or before the Business Day immediately preceding each Bond Payment Date. If, through lapse of time, or otherwise, the registered owners of the NDEE Note are no longer entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return such funds to the City. All money deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

Section 604. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

ARTICLE VII

DEPOSIT AND INVESTMENT OF MONEY

Section 701. Deposit and Investment of Money.

(a) Money in each of the funds and accounts created by and referred to in this Ordinance shall be deposited in a bank or banks located in the State that are members of the Federal Deposit Insurance Corporation. All such deposits shall be continuously and adequately secured by the banks holding such deposits as provided by the laws of the State.

(b) Money held in any fund or account referred to in this Ordinance may be invested in Permitted Investments; provided, however, that no such investment shall be made for a period extending longer than the date when the money invested may be needed for the purpose for which such fund or account was created. All earnings on any investments held in any fund or account shall accrue to and become a part of such fund or account, provided that, during the period of construction of the extensions and improvements to the Combined Utilities, all earnings on the investment of such funds shall be credited to the Project Fund. All earnings on investments held in any Debt Service Reserve Fund shall accrue to and become a part of such Fund until the amount on deposit in such Fund shall aggregate the Debt Service Reserve Requirement; thereafter, all such earnings shall be credited to the Debt Service Fund. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations shall be valued at the lower of the cost or the market value thereof; provided, however, that investments held in any Debt Service Reserve Fund shall be valued at market value only. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City shall direct that such excess be paid and credited to the Debt Service Fund, provided that, during the period of acquisition and construction of the extensions and improvements to the Combined Utilities, such excess shall be paid and credited to the Project Fund.

(c) So long as any of the Parity Bonds remain outstanding and unpaid, any investments made pursuant to this **Section 701** shall be subject to any restrictions in the Parity Ordinance with respect to the funds and accounts created by and referred to in the Parity Ordinance.

ARTICLE VIII

GENERAL COVENANTS AND PROVISIONS

The City covenants and agrees with each of the registered owners of any of the NDEE Note that so long as the NDEE Note remains Outstanding and unpaid it will comply with each of the following covenants:

Section 801. Efficient and Economical Operation. The City will continuously own and will operate the Combined Utilities as revenue producing facilities in an efficient and economical manner and will keep and maintain the same in good repair and working order. The City will establish and maintain such rules and regulations for the use of the Combined Utilities as may be necessary to assure maximum utilization and most efficient operation of the Combined Utilities.

Section 802. Rate Covenant. The City in accordance with and subject to applicable legal requirements will fix, establish, maintain and collect such rates and charges for the use and services furnished by or through the Combined Utilities as will produce revenues sufficient to (a) pay the costs of the operation and maintenance of the Combined Utilities; (b) pay the principal of and interest on the NDEE Note as and when the same become due at the Maturity thereof or on any Interest Payment Date; and (c) enable the City to have in each fiscal year Net Revenues Available for Debt Service not less than 110% of the Debt Service Requirements for such fiscal year. The City will require the prompt payment of accounts for service rendered by or through the Combined Utilities and will promptly take whatever action is legally permissible to enforce and collect delinquent charges. The City will, from time to time as often as necessary, in accordance with and subject to applicable legal requirements, revise the rates and charges in such manner as may be necessary or proper so that the Net Revenues Available for Debt Service will be sufficient to cover the obligations under this **Section 802** and otherwise under the provisions of this Ordinance. If in any fiscal year Net Revenues Available for Debt Service are an amount less than as hereinbefore provided, the City will immediately employ a Consultant to make recommendations with respect to such rates and charges. A copy of the Consultant's report and recommendations shall be filed with the City Clerk and the NDEE and shall be furnished to any registered owner of the NDEE Note requesting a copy of the same, at the cost of such registered owner. The City shall, to the extent feasible, follow the recommendations of the Consultant.

Section 803. Reasonable Charges for all Services. None of the facilities or services provided by the Combined Utilities will be furnished to any user without a reasonable charge being made therefor.

Section 804. Restrictions on Mortgage or Sale of Combined Utilities. The City will not mortgage, pledge or otherwise encumber the Combined Utilities or any part thereof, nor will it sell, lease or otherwise dispose of the Combined Utilities or any material part thereof; provided, however, the City may:

(a) sell at fair market value any portion of the Combined Utilities which has been replaced by other similar property of at least equal value, or which ceases to be necessary for the efficient operation of the Combined Utilities, and in the event of sale, the City will apply the proceeds to either (1) redemption of Outstanding Bonds in accordance with the provisions governing repayment of the bonds in advance of Stated Maturity, or (2) replacement of the property so disposed of by other property the revenues of which shall be incorporated into the Combined Utilities as hereinbefore provided;

(b) cease to operate, abandon or otherwise dispose of any property which has become obsolete, nonproductive or otherwise unusable to the advantage of the City;

(c) lease, (1) as lessor, any real or personal property which is unused or unimproved, or which has become obsolete, nonproductive or otherwise unusable to the advantage of the City, or which is being acquired as a part of a lease/purchase financing for the acquisition and/or improvement of such property; and/or (2) as lessee, with an option of the City to purchase, any real or personal property for the extension and improvement of the Combined Utilities. Property being leased as lessor and/or lessee pursuant to this subsection (c) shall not be treated as part of the Combined Utilities for purposes of this **Section 804** and may be mortgaged, pledged or otherwise encumbered;

(d) grant a security interest in equipment to be purchased with the proceeds of any loan, lease or other obligation undertaken in accordance with **Article IX** hereof; or

(e) sell, lease or convey all or substantially all of the Combined Utilities to another entity or enter into a management contract with another entity if:

(1) The transferee entity is a political subdivision organized and existing under the laws of the State, or instrumentality thereof, or an organization described in Section 501(c)(3) of the Code, and expressly assumes in writing the due and punctual payment of the principal or redemption price of and interest on all outstanding Combined Utilities Revenue Bonds according to their tenor, and the due and punctual performance and observance of all of the covenants and conditions of this Ordinance;

(2) If there remains unpaid any Combined Utilities Revenue Bond which bears interest that is not includable in gross income under the Code, the City receives an opinion of Bond Counsel, in form and substance satisfactory to the City, to the effect that under then existing law the consummation of such sale, lease or conveyance, whether or not contemplated on any date of the delivery of such Combined Utilities Revenue Bond, would not cause the interest payable on such Combined Utilities Revenue Bond to become includable in gross income under the Code;

(3) The City receives a certificate of the Consultant which demonstrates and certifies that immediately upon such sale or conveyance the transferee entity will not, as a result thereof, be in default in the performance or observance of any covenant or agreement to be performed or observed by it under this Ordinance;

(4) Such transferee entity possesses such licenses to operate the Combined Utilities as may be required if it is to operate the Combined Utilities; and

(5) The City receives an opinion of Bond Counsel, in form and substance satisfactory to the City, as conclusive evidence that any such sale, lease or conveyance, and any such assumption, is permitted by law and complies with the provisions of this **Section 804**.

Section 805. Insurance. The City will carry and maintain insurance with respect to the Combined Utilities and its operations against such casualties, contingencies and risks (including but not limited to property and casualty, fire and extended coverage insurance upon all of the properties forming a part of the Combined Utilities insofar as the same are of an insurable nature, public liability, business interruption or use and occupancy insurance, worker's compensation and employee dishonesty insurance), such insurance to be of the character and coverage and in such amounts as would normally be carried by other enterprises engaged in similar activities of comparable size and similarly situated. In the event of loss or damage, the City, with reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or in paying the claims on account of which such proceeds were received, or if such reconstruction or replacement is unnecessary or impracticable, then the City will pay and deposit the proceeds of such insurance into the Revenue Fund. The City will annually review the insurance it maintains with respect to the Combined Utilities to determine that it is customary and adequate to protect its property and operations. The City may elect to be self-insured for all or any part of the foregoing requirements if (a) the City annually

obtains a written evaluation with respect to such self-insurance program from an Insurance Consultant, (b) the evaluation is to the effect that the self-insurance program is actuarially sound, (c) unless the evaluation states that such reserves are not necessary, the City deposits and maintains adequate reserves for the self-insurance program with a corporate trustee, who may be the Paying Agent, and (d) in the case of workers' compensation, adequate reserves created by the City for such self-insurance program are deposited and maintained in such amount and manner as are acceptable to the State. The City shall pay any fees and expenses of such Insurance Consultant in connection therewith. The cost of all insurance obtained pursuant to the requirements of this **Section 805** shall be paid as an Expense out of the Revenues of the Combined Utilities.

Section 806. Books, Records and Accounts. The City will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the City) in which complete and correct entries will be made of all dealings and transactions of or in relation to the Combined Utilities. Such accounts shall show the amount of Revenues received from the Combined Utilities, the application of such Revenues, and all financial transactions in connection therewith. Such books shall be kept by the City according to standard accounting practices as applicable to the operation of facilities comparable to the Combined Utilities.

Section 807. Annual Budget. Prior to the commencement of each fiscal year, the City will cause to be prepared and filed with the City Clerk a budget setting forth the estimated receipts and expenditures of the Combined Utilities for the next succeeding fiscal year. Such annual budget shall be prepared in accordance with the requirements of the laws of the State and shall contain all information that is required by such laws.

Section 808. Annual Audit. Annually, promptly after the end of the fiscal year, the City will cause an audit to be made which includes the operating results of the Combined Utilities for the preceding fiscal year by a certified public accountant or firm of certified public accountants. Such annual audit may be integrated within the City's general audit.

Section 809. Right of Inspection. Any registered owner or owners of 10% of the principal amount of the NDEE Note then Outstanding shall have the right at all reasonable times to inspect the Combined Utilities and all records, accounts and data relating thereto, and shall be furnished all such information concerning the Combined Utilities and the operation thereof which NDEE or such registered owner or owners may reasonably request.

Section 810. Administrative Personnel. The City shall use its best efforts to employ at all times administrative personnel experienced and well qualified to operate the Combined Utilities. The City further agrees that such administrative personnel shall be employed in sufficient numbers to ensure that the Combined Utilities will be operated in a prudent and efficient manner, following procedures generally accepted within the utility industry in the United States of America.

Section 811. Performance of Duties and Covenants. The City will faithfully and punctually perform all duties, covenants and obligations with respect to the operation of the Combined Utilities now or hereafter imposed upon the City by the Constitution and laws of the State and by the provisions of this Ordinance.

Section 812. Tax Covenants. The Mayor and Council hereby expressly declare the intent and understanding that interest on the NDEQ Note shall not be excludable from gross income under the terms of Section 103 of the Internal Revenue Code of 1986, as amended, and the City as issuer shall not file any information report with respect to the issuance of the NDEQ Note pursuant to Section 149(e) of said Code.

Section 813. [RESERVED]

Section 814. Utility Coverage Provision. Each of the Gas System, Sewer System and Water System shall, individually and independent of the others, maintain Net Revenues Available for Debt Service not less than 125% of the Debt Service Requirements attributable to such system for each fiscal year. The provisions of this Section 814 are for the convenience of the City, are not for the benefit of any bondholder, and may be amended, modified, superseded, or removed at any time by action of the Mayor and City Council of the City.

ARTICLE IX

ADDITIONAL BONDS AND OBLIGATIONS

Section 901. Senior Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, the City will not issue any additional bonds or incur or assume any other debt obligations appearing as liabilities on the balance sheet of the City for the payment of money determined in accordance with generally accepted accounting principles including capital leases as defined by generally accepted accounting principles, payable out of the net income and revenues of the Combined Utilities or any part thereof which are superior to the Bonds.

Section 902. Parity Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain Outstanding, it will not issue any additional Parity Bonds payable out of the net income and revenues of the Combined Utilities or any part thereof which stand on a parity or equality with the Bonds and the Refunding Bonds (“**Parity Bonds**”) unless the following conditions are met:

(a) The City shall not be in default in the payment of principal of or interest on any Bonds or any Parity Bonds at the time outstanding or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Ordinance or any Parity Ordinance (unless such additional revenue bonds or obligations are being issued to provide funds to cure such default); and

(b) Based upon the most recent audited financial statement of the City, the Net Revenues Available for Debt Service derived by the City from the operation of the Combined Utilities, for the fiscal year immediately preceding the issuance of additional bonds shall have been equal to at least 125% of the Average Annual Debt Service with respect to all Combined Utilities Revenue Bonds of the City, including the Combined Utilities Revenue Bonds proposed to be issued. In the event that the Mayor and Council determine it necessary and advisable for the City to issue Parity Bonds and the audit for the fiscal year next preceding the date of authorization of such Parity Bonds is not yet available, the City may issue such Parity Bonds if the audit for the fiscal year immediately preceding such next preceding fiscal year shows that the Net Revenues Available for Debt Service derived by the City from the operation of the Combined Utilities for such fiscal

year shall have been equal to 125% of the Average Annual Debt Service with respect to all Combined Utilities Revenue Bonds of the City, including the Combined Utilities Revenue Bonds proposed to be issued if the City Treasurer certifies that the unaudited books and records of the Combined Utilities for the fiscal year next preceding the date of authorization of such Parity Bonds do not show any variance in operating results which would be sufficient to evidence a reduction in debt service coverage below 125% of the Average Annual Debt Service of all Combined Utilities Revenue Bonds of the City, including the Combined Utilities Revenue Bonds proposed to be issued.

In the event any change in the rates, rentals and charges for the use and service of the Combined Utilities or any part thereof has been made during the preceding fiscal year or during the interval between the end of such fiscal year and the issuance of such Parity Bonds, or in the event the City shall covenant in the ordinance or resolution authorizing the issuance of such Parity Bonds to impose, effective upon the issuance of such Parity Bonds, higher rates, rentals and charges for such use and service, compliance with the provisions of this **Section 902** may be evidenced by a certificate of a Consultant or Certified Public Accountant or firm of independent Certified Public Accountants to be filed with the City Clerk prior to the issuance of any such Parity Bonds. Such certificate shall state fully the facts upon which such certificate is based, and if it is a certificate of the Consultant shall have attached thereto the certified financial statement for the fiscal year next preceding the date of authorization of such Parity Bonds used by the Consultant in arriving at the conclusion stated in such certificate. The Consultant or independent Certified Public Accountant shall, in determining the Net Revenues Available for Debt Service 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 provided shall be conclusive evidence and the only evidence required to show compliance with the provisions and requirements of this **Section 902**. If the Council determines that the Net Revenues Available for Debt Service for the fiscal year next preceding the date of the authorization of such Parity Bonds, based upon a certified public accountant's report, comply without adjustment with the requirements of this **Section 902**, no certificate from a Consultant or firm of engineers or Certified Public Accountant or firm of independent Certified Public Accountants shall be required to evidence compliance with the provisions of this **Section 902**.

Additional revenue bonds of the City issued under the conditions set forth in this **Section 902** shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the net revenues of the Combined Utilities with the Bonds, and the City may make equal provision for paying such bonds and the interest thereon out of the Revenue Fund and may likewise provide for the creation of reasonable debt service funds and debt service reserve funds for the payment of such additional bonds and the interest thereon out of money in the Revenue Fund.

Section 903. Junior Lien Bonds and Other Obligations. Nothing in this **Section 903** contained shall prohibit or restrict the right of the City to issue additional revenue bonds or other revenue obligations for any lawful purpose in connection with the operation of the facility and benefiting the Combined Utilities and to provide that the principal of and interest on such revenue bonds or obligations shall be payable out of the revenues of the Combined Utilities, provided at the time of the issuance of such additional revenue bonds or obligations the City is not in default in the performance of any covenant or agreement contained in this Ordinance (unless such additional revenue bonds or obligations are being

issued to provide funds to cure such default), and provided further that such additional revenue bonds or obligations shall be junior and subordinate to the Bonds so that if at any time the City shall be in default in paying either interest on or principal of the Bonds, or if the City is in default in making any payments required to be made by it under the provisions of **Sections 602(a), (b) and (c)** hereof, the City shall make no payments of either principal or interest on such junior and subordinate revenue bonds or obligations until such default or defaults be cured. In the event of the issuance of any such junior and subordinate revenue bonds or obligations, the City, subject to the provisions of this Ordinance, may make provision for paying the principal of and interest on such revenue bonds or obligations out of money in the Revenue Fund.

Section 904. Refunding Bonds. The City shall have the right, without complying with the provisions of **Section 902** hereof, to refund any of the Bonds under the provisions of any law then available, and the refunding bonds so issued shall enjoy complete equality of pledge with any of the Bonds which are not refunded, if any, upon the revenues of the Combined Utilities; provided, however, that if only a portion of the Bonds are refunded and if such Bonds are refunded in such manner that the refunding bonds bear a higher average rate of interest or become due on a date earlier than that of the Bonds which are refunded, then such Bonds may be refunded without complying with the provisions of **Section 902** hereof only by and with the written consent of the registered owners of a majority in principal amount of the Bonds not refunded.

ARTICLE X

DEFAULT AND REMEDIES

Section 1001. Remedies Upon Default. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the registered owners of the Bonds, and the registered owner or owners of not less than 10% in aggregate principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all registered owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such registered owner or owners against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State;

(b) by suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the registered owners of the Bonds.

Section 1002. Limitation on Rights of Registered Owners. No one or more registered owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings

at law or in equity shall be instituted, had and maintained for the equal benefit of all registered owners of such Outstanding Bonds.

Section 1003. Remedies Cumulative. No remedy conferred herein upon the registered owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the registered owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies consequent thereon. No delay or omission of any registered owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the registered owners of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. If any suit, action or proceedings taken by any registered owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to such registered owner, then, and in every such case, the City and the registered owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the registered owners shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1004. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

ARTICLE XI

DEFEASANCE

Section 1101. Defeasance. When any or all of the Bonds or the interest payments thereon have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate with respect to the Bonds so paid and discharged. Bonds or the interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Ordinance if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full trust powers, at or prior to the Stated Maturity or Redemption Date of such Bonds, in trust for and irrevocably appropriated thereto, money and/or Defeasance Obligations which, together with the interest to be earned thereon, will be sufficient for the payment of the principal or Redemption Price of such Bonds, and/or interest to accrue on such Bonds to the Stated Maturity or Redemption Date, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments; provided, however, that if any such Bonds shall be redeemed prior to the Stated Maturity thereof, (a) the City shall have elected to redeem such Bonds, and (b) either notice of such redemption shall have been given, or the City shall have given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Paying Agent to redeem such Bonds in compliance with **Section 302(a)** hereof. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on

behalf of the City, for the purpose of paying and discharging any of the Bonds or the interest payments thereon, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective registered owners of the Bonds, and such money shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or other bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 1201. Amendments. The rights and duties of the City and the registered owners, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by Ordinance of the City with the written consent of the registered owners of not less than a majority in principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such registered owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;

(c) permit the creation of a lien on the revenues of the Combined Utilities prior or equal to the lien of the Bonds or Parity Bonds;

(d) permit preference or priority of any Bonds over any other Bonds;
or

(e) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by Ordinance duly adopted by the governing body of the City at any time in any respect with the written consent of the registered owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any registered owners, the City may amend or supplement this Ordinance for the purpose of (a) curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the registered owners, or (b) amending or eliminating the provisions of **Section 814** herein.

Every amendment or modification of the provisions of the Bonds or of this Ordinance shall be expressed in an ordinance adopted by the governing body of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a

part of this Ordinance. A certified copy of every such amendatory or supplemental Ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk, shall be made available for inspection by the registered owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Ordinance or of this Ordinance will be sent by the City Clerk to any such registered owner or prospective registered owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the Ordinance of the City hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the registered owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance made hereunder which affects the duties or obligations of the Paying Agent under this Ordinance.

Section 1202. Notices, Consents and Other Instruments by Registered Owners. Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the registered owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such registered owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution; and

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the registered owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the registered owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the registered owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as provided if the pledgee establishes to the satisfaction of the registered owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

Section 1203. Electronic Transactions. The transactions described herein may

be conducted and this Ordinance and related documents may be sent, received and stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 1204. Further Authority. The officers of the City, including the Mayor and City Clerk, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 1205. Severability. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1206. Governing Law. This Ordinance shall be governed by and constructed in accordance with the applicable laws of the State.

Section 1207. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Mayor and Council and approval by the Mayor and publication in pamphlet form as provided by law.

Section 3. The officers of the City, including the Mayor, City Administrator and City Clerk, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. If any section or other part of this Ordinance, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 5. All documents, agreements, certificates, and instruments related to the Amendment shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 6. This Ordinance shall be governed by and constructed in accordance with the applicable laws of the State of Nebraska.

Section 7. This Ordinance shall take effect and be in full force from and after its passage by the Mayor and Council and approval by the Mayor and publication in pamphlet form as provided by law.

PASSED AND ADOPTED this 28th day of June, 2021.

CITY OF HASTINGS, NEBRASKA

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

Approved as to form:

City Attorney

Department: Administration
Staff Contact: Clint Schukei
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Ordinance No. 4672 adopting the City of Hastings' Purchasing Code

Names of People/Business affected by this action:

City of Hastings Departments and citizens of Hastings

Why Council action is required:

Ordinances are required to be adopted on three readings by the City Council on three readings

Type of action requested:

Ordinance

Suggested motion:

Move to approve Ordinance No. 4672 on First Reading and if successful move to suspend the rules and adopt Ordinance No. 4672 on Second and Third Reading

Deadlines associated with action:

None pending, but as soon as possible

Department head comments:

The Committee of Department Heads was put together to develop a purchasing ordinance for the City of Hastings. The ordinance has been revised and reviewed by the Committee, Department Heads, and the City Council at its June Work Session on June 21

City Administrator comments:

Recommend approval

ORDINANCE NO. 4672

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA TO ENACT AS CHAPTER 7 TO THE OFFICIAL CITY CODE A PURCHASING CODE FOR THE CITY OF HASTINGS; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; TO PROVIDE FOR WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRAKA:

Section 1. There is hereby enacted a Chapter 7 to the Official City Code of the City of Hastings, Nebraska, to read as follows:

CHAPTER 7 PURCHASING

Article I – Purchasing

Sec. 7-101. Title.

This article shall be known and may be cited as the "Purchasing Ordinance of the City of Hastings."

Sec. 7-102. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Bid shall mean and include all bids and proposals.

City is the City of Hastings, Nebraska.

Contractual services shall mean and include all telephone, gas, water, electric light and power service, towel and cleaning service, insurance, lessee for all grounds, building, office or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery, and other City-owned property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition.

Supplies shall mean and include all supplies, materials, and equipment.

Using agency is any department, agency, commission, bureau, or other unit in the City government using supplies or procuring contractual services as provided for in this article.

Sec. 7-103. Formal contract procedure.

(a) When the estimated cost of supplies, equipment or contractual services exceeds forty thousand dollars (\$40,000.00), no formal contract for purchase or sale shall be authorized until the contract, if any, has been reviewed by the City attorney, and without prior approval of the City Council. All supplies, equipment, and contractual services in this category shall be purchased or sold by formal written contract, from the lowest responsible and responsive bidder, after due notice inviting bids.

(b) The municipal electric utility may enter into a contract for the enlargement or improvement of its electric system or for the purchase of equipment used for such enlargement or improvement if the price of the same is under one hundred twenty thousand dollars (\$120,000.00).

(c) Notice inviting bids shall be published once in at least one official newspaper in the City and at least seven (7) days preceding the last day set for the receipt of bids. The notice shall include a general description of the articles to be purchased or sold, and shall state where bid blanks and specifications may be secured, and the date, time and place for opening bids.

(d) When deemed necessary bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to a return of surety required by the bid specifications. Successful bidder shall forfeit his or her bid deposit upon failure on his or her part to enter a contract within ten (10) days after being notified of the award.

(e) Bids shall be sealed and submitted to the City Clerk as directed in the request for bid and shall be identified as bids on the envelope. Bids shall be opened in public on the date and at the time and place stated in the public notices. A tabulation of all bids received shall be available for public inspection.

(1) The City Council shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

(2) The City shall not accept the bid of a contractor who is in default on the payment of taxes, licenses, or other monies due the City.

(f) Contracts shall be awarded to the lowest responsible and responsive bidder. In determining "lowest responsible bidder," in addition to price, the following shall be considered:

(1) The ability, and skill of the bidder to perform the contract required;

(2) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts;

- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
- (6) The life-cost of the personal property in relation to the purchase price and specific use of the item;
- (7) The performance of the personal property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;
- (8) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;
- (9) The information furnished by each bidder when deemed applicable concerning life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis;
- (10) Such other information as may be secured having a bearing on the decision to award the contract.

A "responsive bidder" shall be defined as a person or company who has submitted a bid which conforms in all material respects to the "Invitation for Bids".

(g) When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared and filed with other papers relating to the transaction.

(h) No contract in excess of thirty thousand dollars (\$30,000.00) for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, works on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property shall be awarded by the City Council until an estimate of the cost shall be made by the City engineer and submitted to the Council.

(i) The electric utility shall not enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is over one hundred twenty thousand dollars (\$120,000.00).

(j) Except in the case of tie bids, there shall be neither formal, or tacit local vendor's preference policies. The City shall neither impose nor condone any bidding or procurement policies that result in exclusionary or anti-competitive bidding or violate state or federal antitrust laws. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. Where there is no local bidder or when two (2) or more local bidders are equal, the award of the contract shall be by drawing lots in public to one of the tie bidders.

(k) The City, whenever applicable, may purchase supplies, equipment, or services without the necessity of using the formal bid requirements as set forth in this section by either:

- (1) Purchasing under a State of Nebraska contract; or
- (2) Purchasing the same supplies, equipment, or services from another vendor at or below the purchase price of a State of Nebraska contract; or
- (3) Purchasing under a contract or agreement compliant with the Interlocal Cooperation Act where the acquisition cost of the item being purchased has been established through a public procurement process; or
- (4) Purchasing under a contract or agreement with a Joint Public Agency where the cost of the item being purchased has been established through a public procurement process; or
- (5) Purchasing where the entire cost of the supplies, or services is one hundred percent (100%) funded by a donation to the City for said supplies, equipment, or services, and the following criteria are met:
 - a) the project utilizing said supplies, equipment, or services has been approved by the City in advance of the donation to the City, and
 - b) the donor has requested that particular supplies, equipment, or services be acquired by the City with the donated funds, and
 - c) the City, before accepting the donation, has considered the criteria set forth in subsection (f) of this section and has declared that, having considered the criteria set forth in subsection (f), it is in the best interest of the City; or
- (6) Purchasing used equipment with prior authorization of the Council; or
- (7) Purchasing items that are available only from a single source; or
- (8) Purchasing parts and labor needed for maintenance and repairs, or
- (9) Purchasing consumables and fuels.

Sec. 7-104. Informal bidding.

(a) When the estimated cost of supplies, equipment or contractual services is less than forty thousand dollars (\$40,000.00), or less than one hundred twenty thousand dollars (\$120,000.00) in the event of a purchase by the municipal utility for its electric system, the purchase shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed for the award of formal contracts and shall be referred to as open market purchases.

(b) All open market purchases in an amount greater than ten thousand dollars (\$10,000.00) but less than forty thousand dollars (\$40,000.00) or in the event of a purchase by the municipal utility for its electric system is greater than ten thousand dollars (\$10,000.00), but less than one hundred twenty thousand dollars (\$120,000.00), shall, whenever possible or practicable, be based on at least three (3) competitive bids, and shall be awarded to the "lowest responsible and responsive

bidder," in accordance with the same criteria established in this article for the formal contract procedure.

(c) All open market purchases of ten thousand dollars (\$10,000.00) or less may be made by utilizing open monthly purchase orders or by purchasing from available sources without the necessity of a bid.

(d) Open market bids may be solicited by direct mail request to prospective vendors, by public notice on bulletin board, by telephone, by facsimile transmission, by electronic mail or other electronic means.

(e) The respective department head or his/her designee shall keep a record of all open market orders, and the bids submitted in competition thereon, and such records shall also be open to public inspection.

(f) The City, whenever applicable, may purchase supplies, equipment, or services without the necessity of using the informal bid requirements as set forth in this section by either:

- (1) Purchasing under a State of Nebraska contract; or
- (2) Purchasing the same supplies, equipment, or services from another vendor at or below the purchase price of a State of Nebraska contract; or
- (3) Purchasing under a contract or agreement compliant with the Interlocal Cooperation Act where the acquisition cost of the item being purchased has been established through a public procurement process; or
- (4) Purchasing under a contract or agreement with a Joint Public Agency where the cost of the item being purchased has been established through a public procurement process; or
- (5) Purchasing where the entire cost of the supplies, or services is one hundred percent (100%) funded by a donation to the City for said supplies, equipment, or services, and the following criteria are met:
 - a) the project utilizing said supplies, equipment, or services has been approved by the City in advance of the donation to the City, and
 - b) the donor has requested that particular supplies, equipment, or services be acquired by the City with the donated funds, and
 - c) the City, before accepting the donation, has considered the criteria set forth in subsection 7-103 (f) of this section and has declared that, having considered the criteria set forth in subsection 7-103 (f), it is in the best interest of the City; or
- (6) Purchasing used equipment with prior authorization of the Council. or

- (7) Purchasing items that are available only from a single source, or
- (8) Purchasing parts and labor needed for maintenance and repairs, or
- (9) Purchasing consumables and fuels.

Sec. 7-105. Emergency purchases.

(a) In the event of an emergency which requires immediate purchase of supplies or contractual services, the City administrator shall be empowered to authorize the purchase by open market procedure as herein set forth, at the lowest obtainable price, any supplies or contractual services.

(b) An "emergency" shall be defined as any event which interrupts the normal administration of municipal services, thereby jeopardizing the life, health or convenience of citizens.

(c) Should an emergency situation arise on a weekend or holiday, any purchase necessary shall be made by the department.

(d) A report of the circumstances of an emergency purchase shall be filed by the department head with the City administrator.

Sec. 7-106. Inspection and testing.

(a) The respective department head or his/her designee shall inspect, or supervise the inspection of, all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

(b) The respective department head or his/her designee may require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the respective department head or his/her designee shall have the authority, to make use of laboratory facilities of any agency of the City government or any outside laboratory.

Sec. 7-107. Surplus stock, and real property.

All agencies and departments shall submit to the City Clerk at such time and in such form as he or she shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

The respective department heads shall have the authority to sell or dispose of all surplus supplies and equipment of less than forty thousand dollars (\$40,000.00) in value which have become unsuitable or unnecessary for public use. The respective department heads shall sell or dispose of the property by any method which is most advantageous to the City, including offering it first to other City departments, or subsequently by auction, sealed bid, private or public sale, or trade-in for other property. All sales of any one piece of equipment or supplies of forty thousand dollars (\$40,000.00) or more in value shall require the prior approval of the Mayor and City Council.

Any sale of surplus real estate shall be sold or disposed of as directed by the City Administrator.

Sec. 7-108. Prescribed authority structures.

Insofar as the sale or purchasing procedures of this policy are concerned, the following authority structure shall apply:

- (1) Every City employee shall requisition for supplies, equipment or services only with the approval of the employee's department head or duly authorized representative;
- (2) After obtaining the approval of the department head, the employee shall follow the procedures of the sale or purchase as specified in this article;
- (3) No City employee shall circumvent that prescribed authority structure of this policy without permission of the City administrator.

Sec. 7-109. Exceptions.

This policy shall not apply to construction contracts for special improvement districts nor to state or federally funded programs that mandate a different contracting procedure, nor to contracts for legal services.

Sec. 7-110. Contract and agreement approval and signing.

- (a) Contracts and agreements for supplies, equipment materials, and contractual services which exceed forty thousand dollars (\$40,000.00), or in the event of a purchase by the municipal utility for electric supplies, electrical equipment, electrical materials and electrical contractual services which exceeds one hundred twenty thousand dollars (\$120,000.00) shall be approved by the City Council and signed by the Mayor unless:
 - (1) The amount of the expenditure or contract is less than any amount budgeted for the subject supplies, equipment, materials or contractual subjects in which case the contract or agreement need not be approved by the City Council, but shall be signed by the Mayor.
- (b) Multiple year contracts and agreements for supplies, equipment, materials and contractual services exceeding forty thousand dollars (\$40,000.00) over the life of the contract or agreement, or in the event of a purchase by the municipal utility for electric supplies, electrical equipment, electrical materials and electrical contractual services exceeding one hundred twenty thousand dollars (\$120,000.00) over the life of the contract or agreement shall be approved by the City Council and signed by the Mayor.
- (c) Contracts and agreements for supplies, equipment, materials and contractual services not exceeding forty thousand dollars (\$40,000.00), or in the event of a purchase by the municipal utility of supplies, equipment, materials and contractual services not exceeding one hundred twenty thousand dollars (\$120,000.00) may be signed by department heads.

(d) Other contracts, agreements, memorandums of understanding and other similar documents not described in this section shall be signed by the Mayor or by his or her designee.

SECTION 2. That any ordinance passed and approved prior to the passage of this ordinance, and in conflict with its provision, is hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

(S E A L)

APPROVED AS TO FORM:

City Attorney

Department: Administration
Staff Contact: Dave Ptak
Council Meeting Date: 6/28/2021

AGENDA ITEM SUMMARY SHEET

Description of Item:

Approval of Resolution No. 2021-35 authorizing SCEDD to provide grant application assistance for a Community Development Block Grant for the Pacha Soap Co.'s proposed business expansion project.

Names of People/Business affected by this action:

Pacha Soap Co., HEDC, City of Hastings

Why Council action is required:

The City Council is required to pass Resolutions to be effective

Type of action requested:

Resolution

Suggested motion:

Move to approve Resolution No. 2021-35 authorizing SCEDD to provide grant application assistance for a Community Development Block Grant for the Pacha Soap Co.'s proposed business expansion project.

Deadlines associated with action:

As soon as possible

Department head comments:

This Resolution is a companion item to the request for approval of the CDBG application to NDED for Pacha Soap Co.

City Administrator comments:

Recommend approval

RESOLUTION NO. 2021-35

**REQUEST FOR THE SOUTH CENTRAL ECONOMIC DEVELOPMENT DISTRICT,
INC. TO ASSIST WITH A CDBG APPLICATION
FOR A 2021 ECONOMIC DEVELOPMENT PROJECT**

WHEREAS, the City of Hastings is within a member county of the South Central Economic Development District, Inc. (SCEDD); and

WHEREAS, Pacha Soap, Co. would like to apply for CDBG funds for a proposed business expansion and the City of Hastings would be the required applicant to apply for a Community Development Block Grant (CDBG) to assist with said proposed Pacha expansion; and

WHEREAS, the City of Hastings desires to have grant application assistance for this Community Development Block Grant provided by SCEDD; and

WHEREAS, SCEDD provides this service for no fee to member counties of the South Central Economic Development District, Inc.

WHEREAS, the City of Hastings agrees to accept full responsibility for following all grant guidelines and fulfilling all grant requirements (outlined in a future Memorandum of Understanding to be executed by the City, Hastings Economic Development Corporation, Pacha Soap, Co., and the Nebr. Dept. of Economic Development) and agrees to provide a local point of contact to work with SCEDD in the fulfillment of said services;

NOW THEREFORE, in consideration of the foregoing recitals the Mayor and City Council of the City of Hastings hereby adopt the following Resolution:

BE IT RESOLVED, by the Mayor and City Council of the City of Hastings, that the City of Hastings requests and authorizes SCEDD to provide grant application assistance for this Community Development Block Grant for the Pacha Soap Co. proposed business expansion project.

PASSED THIS 28th day of June, 2021.

ATTEST:

Mayor

City Clerk

(S E A L)

Approved as to form:

City Attorney