

VILLAGE BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 15, 2022

Rupe called the Public Hearing to order at 5:30 PM in the Ceresco Community Room. Board Members had been given the agenda and supporting documents. Notices were posted at the Village Office, Ceresco Post Office, and CerescoBank and the Wahoo Newspaper. Rupe pointed out the Open Meeting Law Act posted on the wall of the Community Room. Answering roll call: Rupe, Ubben and Custer. Ruble entered the meeting at 5:34 PM. Eggleston entered the meeting at 5:36 PM. Also present: Bobby Harris, Rick Whitesell, Richard Ostransky, Harvey Mintzmeyer, Pat Jicka, Larry Wendt and Joan Lindgren.

The Pledge of Allegiance was recited.

Rupe moved to open the Public Hearing at 5:30 PM 1) To request a Text Amendment to amend the Ceresco Zoning Ordinances, in particular Section 5.05.03 Permitted Conditional Uses to include mining and extraction of minerals or raw material in the Transitional Agricultural District, and to add Section 7.23 Sand and Gravel, Mineral, Stone, Rock and Soil Extraction and Quarries in the Transitional Agricultural District.

TEXT AMENDMENTS AS FOLLOWS:

Section 5.05.03 Permitted Conditional Uses:

19. Mining and extraction of minerals, or raw materials, which are extracted from any portion of the district shall include but not limited to the following conditions:
- a. Located at least fifty (50) feet from the right of way line on a public road;
 - b. That access to a public road shall not be situated in such a way as to cause real or potential traffic hazards;
 - c. That such operation shall not be closer than one half mile of any R-1, R-2 or R-3 zoning district;
 - d. That a sound barrier be required when a residential structure is located within three hundred (300) feet;
 - e. Any application shall include an operation and maintenance plan;
 - f. A plan for suitable reclamation shall be provided with the application that would return the land to a condition compatible with the surrounding area;
 - g. These requirements do not apply to such agricultural activities as terracing, leveling or other minor grading activities but does not apply to sale of soil, grading or spreading of stock waste or grading in a Flood District; and
 - h. Provisions under 7.23.

Section 7.23 Sand and Gravel, Mineral, Stone, Rock and Soil Extraction and Quarries

The following criteria shall be required prior to any conditional use permit being approved:

- 7.23.01 The conditional use permit shall include a grading map showing contours, proposed excavation contours and proposed final grade contours;
- 7.23.02 The conditional use permit shall be required to meet any standards established by the State of Nebraska or the federal government;
- 7.23.03 The conditional use permit shall identify the effect of the extraction on the groundwater table of the adjoining properties;
- 7.23.04 The conditional use permit shall identify proposed vehicle equipment storage areas;
- 7.23.05 Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in character of runoff onto adjacent land;
- 7.23.06 The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility;
- 7.23.07 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;
- 7.23.08 Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land; Sound barrier required when within three hundred (300) feet of a residence permitted in the district;
- 7.23.09 Within one year after completion of the excavation on any portion of the site, the

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topography and soils shall be stabilized and the land graded, seeded and sodded so as to prevent erosion and siltation, and to protect the health, safety and general welfare of the public.

2) To request a Text Amendment to amend the Ceresco Zoning Ordinance, in particular 7.12.03 Parking Requirements.

Ubben seconded. Voting Yeas: Rupe, Ubben and Custer. Nays: none. Motion carried.

Bobby Harris with Glen-Gery and Rick Whitesell with Sioux City Brick were present to review a request for a Text Amendment to amend the Ceresco Zoning Ordinances, in particular Section 5.05.03 Permitted Conditional Uses to include mining and extraction of minerals or raw material in the Transitional Agricultural District, and to add Section 7.23 Sand and Gravel, Mineral, Stone, Rock and Soil Extraction and Quarries in the Transitional Agricultural District.

Harris reviewed they are trying to purchase property from the Ostransky Trust. Harris said their attorney has reviewed the text amendments and they are good with the text amendment. He mentioned the sound barrier and noted they will keep the top soil. Terracon Engineering Group is being used for the project.

Pat Jicka questioned the which road was going to be used. Harris said he contacted Andy Nordstrom with the County and plans to rock County Road 17, which is a minimum maintenance road. Jicka said it is a Precinct Road, and Arnold Heyen should be contacted. Jicka questioned mining on the east side of the highway. Harris stated they have no intentions to move on the east side of the highway.

There was no Planning Commission recommendation at this time for the Text Amendment to amend the Ceresco Zoning Ordinance, in particular 7.12.03 Parking Requirements. No action taken.

Rupe moved to close the Public Hearing at 5:44 PM. Custer seconded. Voting Yeas: Rupe, Custer, Ruble, Eggleston and Ubben. Nays: none. Motion carried.

The Planning Commission recommendation was to approve and recommend to the Village Board the Text Amendment to Section 5.05.03 Permitted Conditional Uses to add 19. Mining and extraction of minerals, or raw materials in the Transitional Agricultural District and to add Section 7.23 Sand and Gravel, Mineral, Stone, Rock and Soil Extraction and Quarries as written.

Ubben moved to accept the recommendation by the Planning Commission to progress with this agreement with Glen-Gery on developing this mining operation at said location under these guidelines. Eggleston seconded. Voting Yeas: Ubben, Eggleston, Custer and Rupe. Nays: Ruble. Motion carried.

Lindgren noted the Planning Commission will meet the week of March 7th, with the Village Board holding a Public Hearing for the Conditional Use Permit at the March 15th meeting.

Lindgren reviewed the Planning Commission took no action on the Text Amendment to amend the Ceresco Zoning Ordinance, in particular 7.12.03 Parking Requirements, and will meet at a later time to review.

Rupe recessed the meeting until the 6:00 PM Public Hearing.

Rupe moved to open the Public Hearing at 6:00 PM to receive comment on the facts and circumstances justifying creation of the following Street Improvement Districts in the Village:

Street Improvement District No. 2021-1, the outer boundaries of which include, in addition to the street to be improved, all the property abutting on such street to be improved and within which district, the

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following streets shall be constructed and paved with concrete, together with all necessary bridge repair and replacement, subgrade preparation, excavation, storm sewers, pavement markings, seeding and other appurtenances and accessories: **Elm Street from 1st Street to Highway 77.**

Street Improvement District No. 2021-2, the outer boundaries of which include, in addition to the street to be improved, all the property abutting on such street to be improved and within which district, the following streets shall be constructed and paved with concrete, together with all necessary bridge repair and replacement, subgrade preparation, excavation, storm sewer pipe, pavement markings, seeding and other appurtenances and accessories: **Main Street from 1st Street to Highway 77.**

Street Improvement District No. 2021-3, the outer boundaries of which include, in addition to the street to be improved, all the property abutting on such street to be improved and within which district, the following streets shall be constructed and paved with concrete, together with all necessary subgrade preparation, excavation, seeding and other appurtenances and accessories: **Main Street from Precinct Road to 3rd Street.**

Street Improvement District No. 2021-4, the outer boundaries of which include, in addition to the street to be improved, all the property abutting on such street to be improved and within which district, the following streets shall be constructed and paved with concrete, together with all necessary subgrade preparation, excavation, seeding and other appurtenances and accessories: **3rd Street from Main Street to Cameron Street.**

Eggleston seconded. Voting Yeas: Rupe, Eggleston, Ruble, Custer and Ubben. Nays: none. Motion carried.

Those present at the 6:00 PM Public Hearing: Bobby Harris, Rick Whitesell, Richard Ostransky, Harvey Mintzmeyer, Pat Jicka, Larry Wendt, Jay Spearman, Steve Anderson, Brian Roland, Dustin Gushard, Lynn Maxson and Joan Lindgren. Julie Ogden attended the Regular meeting.

Jay Spearman reviewed the Public Hearing is for the creation of the Street Improvement Districts 2021-1 through 4 is to hear public comment. He asked to move the Resolution and Ordinance to the end of the meeting when Ogden arrives. The estimated cost of the Bond Anticipation Notes (BANS) right now are \$704,358.20, with a Bond amount of \$715,000.00.

There were no written or verbal comments or objections received regarding the Street Improvement Districts.

Rupe moved to close the Public Hearing at 6:03 PM. Ruble seconded. Voting Yeas: Rupe, Ruble, Ubben, Custer and Eggleston. Nays: none. Motion carried.

Rupe moved to table Resolution 2022-3 and Ordinance 2022-2 until the end of the meeting after we've spoken with Julie Ogden of JEO. Ubben seconded. Voting Yeas: Rupe, Ubben, Custer, Ruble and Eggleston. Nays: none. Motion carried.

Rupe moved to the Regular meeting agenda items.

Eggleston moved to approve the January 18, 2022 minutes as presented. Ruble seconded. Voting Yeas: Eggleston, Ruble, Custer, Ubben and Rupe. Voting Nays: none. Motion carried.

Roland: 1) The grinder at the wwtp is in and working. 2) A corp stop break near Highway 77 and Elm was repaired. Roland noted there were pits in the main. 3) The scheduled pump maintenance was discussed. Ubben noted Taylor Sewer and Drain will submit a bid. 4) The return pump bid from Electric Pump was reviewed. Rupe asked that Roland try to get another bid. Ubben suggested a Lincoln company. Rupe noted she spent a couple hours at the sewer plant with Roland and suggested Ruble, Eggleston and Custer to also. 5) Rupe reviewed the 2 and 10 Year Plan. Eggleston and Ubben will work with Roland on the Plan. Roland would like

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to see the focus on manholes and valves. 6) Repairing the sewer inlet at 704 Spruce was reviewed. Roland will try and grind the wires down and follow up with Ubben and Rupe.

Gushard: 1) The NDEE Inspection Report was reviewed. Gushard noted the items were picked up prior to receiving the letter. 2) There was no update for 300 W Beech and it was tabled. 3) Crack Sealing was discussed. 4) Clean Up Day is set for June 11th from 8 AM to Noon. 5) Gushard reviewed Hass has been hauling the compost pile out. 6) Gushard recommended the Village continue the Liberty Lawn Agreement do to fertilizer double or tripling in price, and it may be difficult to get. He also recommended making a plan to haul the compost out sooner. 7) A resident's concern of big trucks driving in the residential area to get to the Hunter Subdivision was reviewed. Information to stay on Main Street to 3rd Street will be given from the office when building permits are issued, and calling subcontractors, if necessary.

Roland reviewed in the future towns will need to deal with the lead and copper, including galvanized, piping issues. On Saturday, he plans to freeze the water line at 105 Pine for repairs, and there is a concern of the type of pipes. If lead, copper or galvanized piping is found, the town will need to replace from the main all the way to the house.

Ubben reviewed the library radon levels went back up slightly, and the company that did the mitigation project put in a stronger fan. If the fan doesn't work, the dirt under the library may need to be sealed.

Gushard reviewed the Stream Stabilization Project. He has started cutting the sucker trees.

Barking dog concerns from residents were reviewed. Swanson hasn't brought any documentation in. Anderson asked about the unlicensed vehicle on Laura Lane. Ubben will contact the residents. Anderson noted the Crime Commission has accepted the Police Policies.

Rupe moved to approve the Building Inspector Report. Ruble seconded. Voting Yeas: Rupe, Ruble, Custer, Ubben and Eggleston. Nays: none. Motion carried.

Lindgren reviewed the Treasurer's Report has been updated with the accountant's suggestion to only have the pooled cash together.

Rupe moved to accept the Treasurer's Report as presented. Ruble seconded. Voting Yeas: Rupe, Ruble, Eggleston, Ubben and Custer. Nays: none. Motion carried.

The JEO claim was discussed. Lindgren reviewed there may be \$10,000 in grant money from the Soybean Board to help with bridge costs.

Custer moved to approve the JEO claim for \$17,281.25. Ubben seconded. Voting Yeas: Custer, Ubben, Ruble and Eggleston. Nays: None. Abstain: Rupe. Motion carried.

Claims were reviewed. **Rupe moved to approve the claims, additional claims, payroll claims and payroll summary as presented. Eggleston seconded. Voting Yeas: Rupe, Eggleston, Ubben, Custer and Ruble. Nays: none. Motion carried.** The approved claims are as follows: ABPA Region 12 \$90.00/wat; AFLAC \$268.92/ins; Ameritas Life \$31.44/ins; Bromm, Lindahl, ET AL \$527.00/gen; Card Services \$534.59/st, lib, gen; Carquest \$143.94/st, prk; Cash \$65.03/wat, sew, gen, trash, comp; Ceresco 60+ \$100.00/gen; Baker & Taylor \$249.70/lib; Delta Dental \$170.65/ins; DEMCO \$102.24/lib; Diana Krause \$75.00/gen; First National Bank of Omaha \$1,210.58/lib, gen, prk; Frontier Coop \$2,016.44/fuel; Hydro Optimization & Automation Solutions \$252.59/sew; Jackson Services \$140.85/gen, sew, wat, fire, prk, st; Lancaster County Mutual Aid \$100.00/fire; Melissa Willis \$50.00/gen; Menards \$192.91/st, gen; Midwest Laboratories \$180.05/sew; Municipal Supply of Omaha \$162.31/wat; Nebraska Department of Revenue \$1,110.75/wat; NDEE \$115.00/wat; Nebraska Sports \$489.00/pol; OPPD \$5,402.23/electric; Pest Solutions 365 \$120.00/gen; Sam's Club \$163.41/lib; Sandy Tvrdy \$325.00/gen; Shaffer Communications \$47.25/fire; The Library Store \$70.49/lib; U.S. Post Office \$80.00/postage; Utility Service Co \$3,567.43/wat; Verizon \$178.56/phones; Wahoo/Waverly Advertising \$518.80/gen, st; Waste Connections of NE \$5,417.17/trash;

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Windstream \$398.80/phones; Allied Benefit Systems, LLC \$2,552.72/ins; MWG Administrators \$499.52/ins; Electric Pump \$27,000.00/ARPA/sew; Payroll Liabilities: American Funds Investment \$599.54; United States Treasury \$4,884.82; Payroll \$16,634.83, Nebraska Department of Labor \$35.55, Nebraska Department of Revenue \$1,338.57

Ruble moved to approve the ARPA claim for \$27,000.00 to Electric Pump as presented. Rupe seconded. Voting Yeas: Ruble, Rupe, Ubben Eggleston and Custer. Nays: none. Motion carried.

Lynn Maxson was present for the Tree Board and said one tree will need to be replaced along the highway. The trees will also need to be watered. Two more trees may need to be removed along the highway and replaced.

No Library Report.

Custer reviewed we didn't get the grant for the splash pad, but she and Dave Henke of JEO, and several people who would like to give in-kind donations, will be meeting next week. Vortex representatives will also attend to see if a smaller splash pad with sprinklers could be built, so we can move forward.

Custer reviewed that Richard Novak wants a long term agreement for the CYRA, and they have purchased a portable mound for their use only. Discussion held. Last years agreement will be sent to Novak for review.

The Raymond Central ballfield agreement was discussed. The drainage off the ballfield was discussed. Ubben suggested a drainage channel. The school will be contacted for a new agreement.

Lindgren reviewed that Justin Maxson would like to get the new air packs as soon as possible, and has asked that the Board consider a loan program to purchase all 13 air packs. Mike Eden with the Rural Board has been contacted and he suggested an Interlocal Agreement for the purchase. Eden will be contacted for regarding the status of the agreement.

Rupe hasn't heard back from the forestry regarding grants for a generator. Lindgren will follow up.

Lindgren will look into past emergency plans for next meeting.

Lindgren will do further research on the comp time updates.

Custer moved to accept the Personnel Policy updates for group health insurance plans as written. Eggleston seconded. Voting Yeas: Custer, Eggleston, Ubben, Rupe and Ruble. Nays: none. Motion carried.

Eggleston reviewed the Stream Stabilization project. Gushard has started and it already looks good.

Lindgren reviewed 1) Her schedule will include being gone for track meets, 2) Attending a conference on February 28th and March 1st in Lincoln, and 3) Denial of the Waste Grant due to not enough bids were received.

Julie Ogden was present to review the bids received for the 2022 Ceresco Bridge Repairs project. Six bids were received, and M.E. Collins was the low bidder with a total of \$120,503.20. Collins would like to do the approach repair on Main Street early in the spring and come back later to do Elm Street. Collins was under the engineer's estimate by \$4,000.00. Ogden reviewed bids for painting underneath the bridges. The Main Street cost for tenting, blasting and painting is \$14,000. The life of the bridge deck repair is probably 10-15 years, which is probably the life of the structures as well. The estimated cost for one box culvert is \$400,000 - 450,000. Ogden's recommendation is to move forward with the bridge repairs.

Eggleston questioned if the painting would increase the longevity of the bridges. Ogden said it would provide rust protection, but it may not give any extra time beyond the 10-15 years.

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Ubben shared concerns of the railing rusting away on the Elm Street bridge. Ogden will speak with M.E. Collins regarding this issue. Discussion held.

Rupe moved to accept the bid from M.E. Collins Contracting Co. for the total of \$120,503.20 Ruble seconded. Voting Yeas: Rupe, Ruble, Eggleston, Custer and Ubben. Nays: none. Motion carried.

Ogden reviewed the town is needing to seal streets and will look at the condition of the streets for discussion at the March meeting.

Discussion returned to Ordinance 2022-2: An Ordinance to issue Bond Anticipation Notes for the construction phase of the street improvement projects. Spearman reviewed the current estimates are \$704,358.20, with a bond anticipation amount of \$715,000.00. We know what the bridge projects will cost, along with the Main Street project, but not the cost of the 3rd Street Project. It could come in higher than expected. Spearman expects to go out for the bond anticipation notes the first part of March. The end maturity date is set for 12/15/2023. Spearman suggested changing the original \$690,000.00 listed in Ordinance 2022-2 to \$800,000.00. They will only issue what is necessary for the project, and can call the notes early if the projects are done sooner. Ogden thinks 12/15/2023 for the completion date should work.

WHEREUPON, the Chair announced that the introduction of Resolution 2022-3 was now in order.

Resolution 2022-3 was introduced by Chairperson Rupe and is set forth in full as follows, to wit:

BE IT RESOLVED BY THE CHAIRPERSON AND VILLAGE BOARD OF THE VILLAGE OF CERESCO, NEBRASKA AS FOLLOWS:

The Chairperson and Village Board hereby find and determine:

That an Ordinance creating Street Improvement District No. 2021-1, Street Improvement District No. 2021-2, Street Improvement District No. 2021-3 and Street Improvement District No. 2021-4 in the Village of Ceresco, Nebraska, was previously adopted by the Chairperson and Village Board; that notice has been given in accordance with law to the owners of record title of the property directly abutting the streets to be improved in said District, advising said owners of their right to provide comment and objection regarding the creation of the Districts, and that after such notice and a hearing, it is appropriate for the Village to confirm the ordinance creating said Districts.

Accordingly, the Village will commence construction of improvements in Street Improvement District No. 2021-1, Street Improvement District No. 2021-2, Street Improvement District No. 2021-3, and Street Improvement District No. 2021-4 and will complete such improvements at public cost without a levy of special assessments on the lots and parcels of land abutting on or adjacent to the streets in the District.

WHEREUPON, Chairperson Rupe moved that said Resolution No. 2022-3 be approved. Board Member Eggleston seconded this motion. No further discussion was required.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Rupe, Eggleston, Ubben, Custer and Ruble. Nays: none.

WHEREUPON, the Chair declared that the Motion having been approved by a majority of the votes cast, said Resolution 2022-3 is approved and adopted.

WHEREUPON, the Chair announced that the introduction of Ordinances was now in order.

Ordinance 2022-2 was introduced by Chairperson Rupe and is set forth in full as follows, to wit: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2022, IN THE AMOUNT OF NOT TO EXCEED EIGHT HUNDRED

THOUSAND DOLLARS (\$800,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENTS WITHIN THE VILLAGE OF CERESCO, NEBRASKA AND NECESSARY APPURTENANCES THERETO; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE CHAIRPERSON AND VILLAGE BOARD OF THE VILLAGE OF CERESCO, NEBRASKA:

Section 1. The Chairperson and Village Board (the "Board") of the Village of Ceresco, Nebraska (the "Village"), hereby find and determine:

(a) That the Village has by ordinance authorized certain street improvements in the Village designated as Street Improvement District No. 2021-1, Street Improvement District No. 2021-2, Street Improvement District No. 2021-3, and Street Improvement District No. 2021-4 (the "Districts") and has authorized the construction of certain street improvements in the Districts pursuant to Sections 17-509 to 17-520, R.R.S. Nebraska 2012, and all actions and other required facts and conditions for the authorization of the Districts and the construction of improvements therein have occurred as required by law;

(b) That it is necessary and appropriate to construct, and the Village is constructing, the street improvements in the Districts;

(c) That for this purpose the Village will issue its general obligation various purpose bonds or other bonds after further determination as to the total remaining costs of the improvements and after finding an appropriate market for said bonds and that the total costs of such improvements, including the cost of issuance of the Notes authorized herein, are presently estimated to be in excess of \$800,000; and

(d) That the Village is authorized to issue warrants to pay the costs of said improvements and, pending permanent financing by the issuance of bonds, it is necessary and desirable in order to provide temporary financing, to issue bond anticipation notes in lieu of issuing warrants, and all conditions exist for the issuance of Street Improvement Bond Anticipation Notes, Series 2022, in the amount of not to exceed \$800,000 pursuant to Section 10-137, R.R.S. Nebraska 2012.

Section 2. Notes to be designated Street Improvement Bond Anticipation Notes, Series 2022 (the "Notes"), in the aggregate principal amount of not to exceed \$800,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the Village Treasurer prior to delivery, are hereby authorized to be issued. The Notes shall be dated as of their date of delivery and shall mature on the date, be issued in the principal amount and shall bear interest at the rate per annum as determined in the Note Purchase Agreement (the "Agreement") signed by the Chairperson or Village Clerk (each an "Authorized Officer", and together, the "Authorized Officers") on behalf of the Village and agreed to by Piper Sandler & Co. (the "Underwriter"), which Agreement may also set the pricing terms and the terms pursuant to which the Notes may be redeemed prior to maturity, all within the following limitations:

- (a) the aggregate principal amount of the Notes shall not exceed \$800,000;
- (b) the true interest cost (TIC) of the Notes shall not exceed 2.00%;
- (c) the Underwriter's discount shall not exceed 1.00%; and
- (d) the Notes shall mature no later than April 1, 2024.

The Authorized Officers are authorized to establish the final terms for the Notes and arrange for issuance of the Notes without further action by the Board, provided, however, that the authority of the Authorized Officers to act without further action by the Board shall lapse if not exercised on or before

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December 31, 2022. Interest on the Notes shall be payable semi-annually on the dates set forth in the Agreement. In accordance with the date for optional redemption established in the Agreement, the Village may thereafter select the Notes to be redeemed for optional redemption in its sole discretion. Any Notes to be redeemed in part shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Note or Notes evidencing the unredeemed principal thereof. Notice of redemption of any Note called for redemption shall be given at the direction of the Village by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first-class, postage prepaid, sent to the registered owner of such Note at such owner's registered address. Such notice shall designate the Note or Notes to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Note or Notes are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Note partially redeemed, such notice shall specify the portion of the principal amount of such Note to be redeemed. If any Note or an interest payment thereon is not paid at maturity or due date, the Note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. Said Notes shall be delivered to the Underwriter upon receipt of payment for said Notes, at the purchase price therefor agreed to in the Agreement in accordance with the authorization granted to the Authorized Officers. Said Notes are sold to the purchaser subject to the opinion of independent bond counsel that said Notes are lawfully issued; that said Notes constitute a valid obligation of the Village; and that under existing laws and regulations, the interest on said Notes is exempt from both Nebraska state and federal income taxes. Said purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the Village as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository (as defined herein) at closing.

Section 3. Said Notes shall be dated the date of their delivery, be executed on behalf of the Village by being signed by the Chairperson and the Village Clerk, both of which signatures may be facsimile signatures, and shall have the Village seal impressed on each Note. After being executed by the Chairperson and Village Clerk, said Notes shall be delivered to the Paying Agent and Registrar who shall register each Note in the name of its initial registered owner as designated by the initial purchaser. Each Note shall be authenticated on behalf of the Village by the Paying Agent and Registrar. The Notes shall be issued initially as "book-entry only" notes using the services of The Depository Trust Company (the "Depository"), with one typewritten Note per maturity being issued to the Depository. In such connection said officers of the Village are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository (including any blanket letter previously delivered), for and on behalf of the Village, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

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

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

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

(iii) the payment to any Note Participant, any Beneficial Owner, or any other person, other than the Depository, of any amount with respect to the Notes. The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the

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Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note, except as provided in below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the Village, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes, or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

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

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

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

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

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

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

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

Section 4. All Notes authorized by this Ordinance shall be fully registered Notes pursuant to Section 10-135 R.R.S. Nebraska 2012. The Village Treasurer in Ceresco, Nebraska is hereby designated as Paying Agent and

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Registrar for the Notes, provided that the Chairperson may, in his or her discretion, appoint some bank with trust powers or trust company to serve as Paying Agent and Registrar under the terms of this Ordinance as may be determined from time to time. The Authorized Officers, or either of them, are authorized, on behalf of the Village, to enter into an agreement with said Paying Agent and Registrar for the provisions of such services. Said Paying Agent and Registrar shall keep and maintain for the Village books for the registration and transfer of the Notes at the Paying Agent and Registrar's office. The names and registered addresses of the initial registered owner or owners of the Notes shall be recorded in such books prior to the issuance thereof. Any Note may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of the Note for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer and will deliver at such office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Note or Notes of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Notes by this Ordinance, one Note may be transferred for several such Notes of the same interest rate and maturity and for a like aggregate principal amount, and several such Notes may be transferred for one or several such Notes, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Note, the surrendered Note or Notes shall be canceled and destroyed. All Notes issued upon transfer of the Notes so surrendered shall be valid obligations of the Village evidencing the same obligations as the Notes surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Notes upon transfer of which they were delivered. The Village Treasurer is hereby authorized and directed to transfer, from any monies of the Village available for the purpose, funds required to pay interest and principal on the Notes when and as the same become due, to the Paying Agent and Registrar on or before each interest and principal payment date. Payment of interest, except for payment of interest at maturity or upon redemption, shall be mailed to the registered owners of the Notes as of the record date for each interest payment date. The record date for each interest payment date shall be the close of business on the fifteenth day (whether or not a business day) immediately preceding each interest payment date. The principal, together with accrued interest then due, shall be payable at maturity or on redemption prior to maturity upon presentation and surrender of each Note at the office of the Paying Agent and Registrar. The Village and the Paying Agent and Registrar shall not be required to transfer Notes during any period from any record date until its immediately following interest payment date or to transfer any Notes called for redemption for a period of thirty days next preceding any date fixed for redemption prior to maturity.

Section 5. The fully registered Street Improvement Bond Anticipation Notes, Series 2022, shall be in substantially the following form:

VILLAGE OF CERESCO, NEBRASKA
STREET IMPROVEMENT BOND ANTICIPATION NOTE
SERIES 2022

No.

\$

Interest Rate

%

Maturity Date

Date of Delivery CUSIP No.
_____, 2022

Registered Owner: _____

Principal Amount: _____

The Village of Ceresco, Nebraska, hereby promises to pay to the registered owner specified above the sum specified above on the maturity date specified above, together with interest thereon from the date of delivery hereof until maturity (or earlier redemption) at the rate per annum specified above, payable on _____ and _____ of each year, beginning _____, 2022. The interest hereon shall be paid on each interest payment date by the Village Treasurer, as Paying Agent and Registrar, by wire transfer, check or draft mailed to the registered owner hereof determined as of the fifteenth day (whether or not a business day) immediately preceding each interest payment date, at such owner's registered address as it appears on the books of registration

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as maintained by said Paying Agent and Registrar. The principal of this note and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the Paying Agent's office in Ceresco, Nebraska. If this note or any interest installment hereon is not paid upon maturity or due date, the note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. This note and interest accruing hereon shall be payable from funds received by the Village from the issuance and sale of its general obligation various purpose bonds or other bonds and is optional for payment on _____, 20__, or at any time thereafter at par plus accrued interest. This note is one of an issue of \$ _____ in total principal amount issued pursuant to an ordinance duly adopted by the Village (the "Ordinance"). All the provisions and agreements of said Ordinance are by reference made a part of this instrument and all such agreements accrue to the registered owner of this note. This note shall not be a debt of the Village of Ceresco, Nebraska within the meaning of any constitutional, statutory or charter limitation upon the creation of general obligation indebtedness of said Village and said Village shall not be liable for the payment of the principal thereof out of any money of the Village other than from proceeds of the issuance of general obligation bonds, as aforesaid, or other funds of the Village available to pay interest on said note or a portion of the cost of the project so as to reduce the required financing.

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

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

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

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

IN WITNESS WHEREOF, the Chairperson and Board of the Village of Ceresco, Nebraska, have caused this note to be executed on behalf of the Village by being signed by the Chairperson and Clerk of the Village, both of which signatures may be facsimile signatures, and by causing the official seal of the Village to be affixed hereto all as of the date of delivery shown above.

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VILLAGE OF CERESCO, NEBRASKA

By: (Do not sign)
Chairperson

ATTEST:

(Do not sign)
Village Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes authorized by an ordinance passed and approved by the Chairperson and Board of the Village of Ceresco, Nebraska as described in said notes.

(do not sign)
Village Treasurer, as Paying Agent
and Registrar

(FORM OF ASSIGNMENT)

For value received _____ hereby sells, assigns and transfers unto _____ the within note and hereby irrevocably constitutes and appoints _____, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: _____
Registered Owner

SIGNATURE GUARANTEED
By _____

Authorized Officer

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

Section 6. Notice of the call of any of said Notes for payment prior to maturity shall be sufficient if it has been communicated at least thirty days prior to the redemption date by any means by or on behalf of the Village to the registered owner of each of the Notes to be redeemed.

Section 7. Additional Street Improvement Bond Anticipation Notes can be authorized if deemed necessary by the Board by appropriate ordinance.

Section 8. The proceeds received from the sale of the Notes shall be used to pay project costs as set out in Section 1 hereof.

Section 9. The Village covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its general obligation various purpose bonds or other bonds. The Village further covenants and agrees to issue and sell its general obligation various purpose bonds or other bonds in a sufficient amount and at such time as will enable it to take up and pay

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off the Notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 10. The Village of Ceresco, Nebraska, hereby covenants to the purchasers and holders of the Notes hereby authorized that it will make no use of the proceeds of said Note issue, including monies held in any sinking fund for the payment of said Notes, which would cause said Notes to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said Note issue. The Village hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Notes with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The Village hereby designates the Notes as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar year 2022 in an amount in excess of \$10,000,000.

Section 11. The Notes are hereby sold to Piper Sandler & Co. (the "Initial Purchaser") upon the terms set forth in the Agreement approved by the Authorized Officers and the Village Treasurer is authorized to deliver the Notes to the Initial Purchaser upon receipt of said amount plus accrued interest to date of payment. The Notes are sold to the Initial Purchaser subject to the opinion of Rembolt Ludtke LLP, as Initial Purchaser's bond counsel that the Notes are lawfully issued; that the Notes constitute a valid obligation of the Village; and that under existing laws and regulations the interest on the Notes is exempt from both Nebraska state and federal income taxes. Such purchaser and its agents, representatives and counsel (including Initial Purchaser's bond counsel) are hereby authorized to take such actions on behalf of the Village as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository (as defined herein) at closing. The proceeds of the Notes shall be applied upon receipt for the purposes described in Section 1 hereof. The Village may also pay costs of issuance from the proceeds of the Notes.

Section 12. In order to promote compliance with certain federal tax and securities laws relating to the notes herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

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

ISSUER NAME: VILLAGE OF CERESCO, NEBRASKA

COMPLIANCE OFFICER (BY TITLE): VILLAGE CLERK

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings");
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):
 - (i) covenants, certifications, and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
 - (ii) Form 8038 series filed with the Internal Revenue Service;
 - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
 - (iv) covenants, agreements, instructions, or memoranda with respect to rebate or private use;
 - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
 - (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

Arbitrage Yield Restrictions and Rebate Matters. The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code")

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and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

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

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

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

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

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

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.
4864-3414-7597, v. 1

WHEREUPON, Chairperson Rupe moved to approve Ordinance 2022-2 with the amounts to reflect not to exceed \$800,00.00. Board Member Ruble seconded. Yeas: Rupe, Ruble, Eggleston, Custer and Ubben. Nays: none. Motion carried.

WHEREUPON, Chairperson Rupe moved to rescind the vote on Ordinance 2022-2. Board Member Eggleston seconded. Yeas: Rupe, Eggleston, Ruble, Custer and Ubben. Nays: none. Motion carried.

WHEREUPON, Chairperson Rupe moved that the statutory rules in regard to the passage and adoption of Ordinance 2022-2 be suspended so that said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Board Member Custer seconded this motion. The Chair put the question and instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion to suspend the rules: Yeas: Rupe, Custer, Eggleston, Ruble and Ubben. Nays: none.

WHEREUPON, the motion having been carried by affirmative votes of no less than three-fourths (3/4ths) of the total members of the Board, the Chair declared the statutory rules in regard to the passage and approval of ordinances be suspended so that Ordinance 2022-2 might be read by title and then moved for final passage at the same meeting.

Chairperson Rupe moved that said Ordinance 2022-2 be approved and passed and its title agreed to, with the amount reflecting not to exceed \$800,000.00. Board Member Ruble seconded this motion.

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The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion: Yeas: Rupe, Ruble, Custer, Eggleston and Ubben. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2022-2 of the Village of Ceresco, Saunders County, Nebraska having been read by title, the rules having been suspended, and having been duly approved and its title agreed to by the affirmative vote of no less than a majority of the members of the Board, duly passed and adopted as an Ordinance of the Village of Ceresco, Nebraska.

Ordinance 2021-8 now comes on for second reading. **AN ORDINANCE OF THE VILLAGE OF CERESCO, NEBRASKA, PROVIDING FOR PERMIT FEES TO OPERATE ALL-TERRAIN AND UTILITY TYPE VEHICLES IN THE VILLAGE OF CERESCO, AND TO PROVIDE AN EFFECTIVE DATE.**

WHEREUPON, Board member Eggleston moved that said Ordinance 2021-8 be approved upon its second reading and its title agreed to. Ruble seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Eggleston, Ruble, Ubben, Custer and Rupe. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2021-8 be approved on its second reading and its title agreed to and that the third reading of Ordinance 2021-8 be on the next Agenda of a meeting of the Board of Trustees.

Ordinance 2021-9 now comes on for second reading. **AN ORDINANCE OF THE VILLAGE OF CERESCO, NEBRASKA, TO AMEND THE GOLF CAR VEHICLE ORDINANCES IN THE VILLAGE, AND PROVIDE AN EFFECTIVE DATE.**

Discussion held.

WHEREUPON, Chairperson Rupe moved that said Ordinance 2021-9 be approved upon its second reading and its title agreed to. Ubben seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Rupe, Ubben, Custer, Eggleston and Ruble. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2021-9 be approved on its second reading and its title agreed to and that the third reading of Ordinance 2021-9 be on the next Agenda of a meeting of the Board of Trustees.

Ordinance 2022-3 was introduced by Chairperson Rupe and is set forth in full as follows, to wit: **AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO AMEND ORDINANCE NO. 2020-2 OF THE VILLAGE OF CERESCO, NEBRASKA, KNOWN AND CITED AS THE ZONING ORDINANCE OF THE VILLAGE OF CERESCO, NEBRASKA, BY ADDING SECTION 7.23 FOR REGULATION OF SAND AND GRAVEL, MINERAL, STONE, ROCK AND SOIL EXTRACTION AND QUARRIES, AND AMENDING SUBSECTION 5.05.03 TO PROVIDE A PERMITTED CONDITIONAL USE IN TRANSITIONAL AGRICULTURE ZONING DISTRICT FOR MINING AND EXTRACTION OF MINERALS, TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF CERESCO, NEBRASKA, ARE HEREBY AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF CERESCO, NEBRASKA, AND**

SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE ZONING ORDINANCE OF THE VILLAGE OF CERESCO, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Ordinance No. 2020-2 of the Village of Ceresco, Nebraska, is cited and known as the Zoning Ordinance of the Village of Ceresco, Nebraska, and,

WHEREAS, the Planning Commission for the Village of Ceresco held a public hearing to consider a text amendment to Subsection 5.05 Permitted Conditional Uses and an addition of text as Section 7.23 regarding Mining and Extraction of Minerals, and after a public hearing, made recommendation to the Board of Trustees to adopt and add said text amendments, and,

WHEREAS, the Chair and Board of Trustees of the Village of Ceresco, Nebraska, has held a public hearing regarding said amendments, and,

WHEREAS, it is in the best interests of the citizens of the Village of Ceresco, Nebraska, that said amendments and additions be adopted,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF CERESCO, NEBRASKA, AS FOLLOWS:

Section 1. That the findings herein and above made should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

Section 2. That Section 7.23 of the Zoning Ordinance of the Village of Ceresco, Nebraska, shall be added to read as follows:

Section 7.23 Sand and Gravel, Mineral, Stone, Rock and Soil Extraction and Quarries
The following criteria shall be required prior to any conditional use permit being approved:

7.23.01 The conditional use permit shall include a grading map showing contours, proposed excavation contours and proposed final grade contours;

7.23.02 The conditional use permit shall be required to meet any standards established by the State of Nebraska or the federal government;

7.23.03 The conditional use permit shall identify the effect of the extraction on the groundwater table of the adjoining properties;

7.23.04 The conditional use permit shall identify proposed vehicle equipment storage areas;

7.23.05 Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in character of runoff onto adjacent land;

7.23.06 The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility;

7.23.07 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;

7.23.08 Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational

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land; Sound barrier required when within three hundred (300) feet of a residence permitted in the district;

7.23.09 Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized and the land graded, seeded and sodded so as to prevent erosion and siltation, and to protect the health, safety and general welfare of the public

Section 3. That subsection 5.05.03 of the Zoning Ordinance of the Village of Ceresco, Nebraska, shall be amended to read as follows:

5.05.03 Permitted Conditional Uses:

1. Radio, television and wireless communication towers and transmitters, as per Section 7.11.
2. Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
3. Wastewater treatment facilities.
4. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
5. Home occupations, as per Section 7.10.
6. Veterinarians' offices and hospitals, and boarding kennels.
7. Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
8. Commercial Wind energy systems on tracts of more than ten (10) acres.
9. Campgrounds.
10. Hospital.
11. Kennels and stables.
12. Nursing and Retirement Homes.
13. Water reservoir.
14. Grain Storage
15. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
16. Storage and distribution of anhydrous ammonia, but not within 1,320 feet of any residential district.
17. The application of liquid waste provided that the following minimal conditions are met:
 - a. Said application is through process of knifing,
 - b. Said application shall not exceed proper agronomic rates,
 - c. Said application shall not occur during months when the ground is frozen,
 - d. Said application shall not occur prior to 48-hours notice to all residents within a quarter mile;
 - e. Said application shall not occur on days where site is directly in line with the community based on wind directions.
18. The application of animal and/or human waste in a solid or sludge form shall not be allowed.
19. Mining and extraction of minerals, or raw materials, which are extracted from any portion of the district shall include but not limited to the following conditions:
 - a. Located at least fifty (50) feet from the right of way line on a public road;
 - b. That access to a public road shall not be situated in such a way as to cause real or potential traffic hazards;
 - c. That such operation shall not be closer than one half mile of any R-1, R-2 or R-3 zoning district;

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- d. That a sound barrier be required when a residential structure is located within three hundred (300) feet;
- e. Any application shall include an operation and maintenance plan;
- f. A plan for suitable reclamation shall be provided with the application that would return the land to a condition compatible with the surrounding area;
- g. These requirements do not apply to such agricultural activities as terracing, leveling or other minor grading activities but does not apply to sale of soil, grading or spreading of stock waste or grading in a Flood District; and
- h. Provisions under 7.23.

That the Chair and the appropriate Department, whether one or more, of the Village of Ceresco, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 4. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 5. That should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Chair and Board of Trustees of the Village of Ceresco, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 6. That this Ordinance shall be published within the first 15 days after its passage and approval either in pamphlet form or by posting in three public places in the Village of Ceresco, Nebraska, and shall be in full force and take effect on the 15th day from and after its passage, approval, and publication, as provided herein.

Section 7. That it is the intention of the Chair and Board of Trustees of the Village of Ceresco, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Zoning Ordinance of the Village of Ceresco, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Board Member Ubben moved that the statutory rules in regard to the passage and adoption of Ordinance 2022-3 be suspended so that said ordinance might be introduced, read by title, and then moved for final passage at the same meeting. Chairperson Rupe seconded said motion. The Chair put the question and instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion to suspend the rules: Yeas: Ubben, Rupe, Custer and Eggleston. Nays: Ruble.

WHEREUPON, the motion having been carried by affirmative votes of no less than three-fourths (3/4ths) of the total members of the Board, the Chair declared the statutory rules in regard to the passage and approval of ordinances be suspended so that Ordinance 2022-3 might be read by title and then moved for final passage at the same meeting.

Chairperson Rupe moved that said Ordinance 2022-3 be approved and passed and its title agreed to. Board Member Eggleston seconded this motion.

Discussion held. Ruble voiced concerns of environmental impact and the town not receiving any benefit from the business.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion: Yeas: Rupe, Eggleston, Custer and Ubben. Nays: Ruble.

WHEREUPON, the Chair declared said Ordinance 2022-3 of the Village of Ceresco, Saunders County, Nebraska having been read by title, the rules having been suspended, and having been duly approved and

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its title agreed to by the affirmative vote of no less than a majority of the members of the Board, duly passed and adopted as an Ordinance of the Village of Ceresco, Nebraska.

The Jackson Services contract renewal was reviewed.

Rupe moved to approve Jackson Services contract as presented. Custer seconded. Voting Yeas: Rupe, Custer, Ubben, Ruble and Eggleston. Nays: none. Motion carried.

Custer moved to appointment Larry Wendt to the vacancy on the Planning Commission for 2021-2023. Eggleston seconded. Voting Yeas: Custer, Eggleston, Ubben, Ruble and Rupe. Nays: none. Motion carried.

Custer reviewed a request from the Ceresco Days Association for \$1,500.00 towards the 2022 fireworks display.

Custer reviewed a request from the Ceresco Days Association for a liquor license and street closings for the beer garden and parade. The only difference from last year is keeping Elm Street closed. Discussion held. Jicka questioned if the bridge would be open for Ceresco Days. Lindgren will contact Ogden regarding the bridge project and Ceresco Days.

Ruble moved to approve the liquor license for the beer garden during Ceresco Days for Friday, July 8th from 3 pm - midnight and Saturday July 9th from noon - midnight. Eggleston seconded. Voting Yeas: Ruble, Eggleston, Custer, Ubben and Rupe. Nays: none. Motion carried.

Ubben moved to approve the street closing for the beer garden from 3:00 PM Friday, July 8th to 10:00 AM, Sunday, July 10th on Elm Street from 1st Street to just east of 209 Elm, and also to close for the parade on Friday, July 8th from 5:00 PM until the parade ends: 1st Street from Elm - Spruce, Spruce from 1st - 2nd, 2nd from Main - Oak, Oak from 2nd - 1st, and 1st from Oak - Elm. Eggleston seconded. Voting Yeas: Ubben, Eggleston, Custer, Ruble and Rupe. Nays: none. Motion carried.

Eggleston moved that the Village contribute \$1,500.00 for the Ceresco Days fireworks display. Ruble seconded. Voting Yeas: Eggleston, Ruble, Custer, Ubben and Rupe. Nays: none. Motion carried.

Custer noted she is on the focus group for Raymond Central, and reviewed the last meeting she attended.

Rupe moved to adjourn the meeting at 8:19 PM. Ruble seconded. Voting Yeas: Rupe, Ruble, Custer, Eggleston and Ubben. Nays: none. Motion carried.

Antonia Rupe, Chair
Joan Lindgren, Clerk