

PLATTSMOUTH CITY COUNCIL
May 19, 2014

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:00 o'clock p.m. on May 19, 2014 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan and Doug Derby. Council Members Absent: Wanda Wiemer. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Treasurer Roger Davis and City Attorney Roger Johnson.

Notice of this meeting was given in advance by publication in the Plattsmouth Journal. Proof of publication along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. All proceedings hereafter shown were taken while the convened meeting was open to the public.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

ITEM 5-CITIZEN DELEGATION

No one spoke at Citizen Delegation

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

Motion by Brookhouser, seconded by Tilson to approve the Consent Agenda with additional claims as presented.

- A Consider approval of the May 5, 2014 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report
as of 5/19/2014

Vendor Name Amount

Payroll Claim

Pay Date: 5/16/14
Com Ctr 8847.23

EMS 7641.22
General 15615.48
Library 6716.4
Park and Cemetery 3395.2
Police 36626.29
Senior 2088.47
Street 11294.53
Water and Sewer 12942.79

105167.61

VARIOUS

AMERITAS LIFE INSURANCE CORP 13119.42
COLLECTION SERVICES CENTER 186
EYE MED VISION CARE 282.27
FRATERNAL ORDER OF POLICE 180
INTERNAL REVENUE SERVICE 26472.51
NEBRASKA DEPARTMENT OF REVENUE 3605.75
UNITED STATES LIFE INSURANCE CO 176.01

Department : 01 - GENERAL ADMINISTRATION

ASSOCIATION OF STATE FLOODPLAIN MANAGERS INC 60
CASS COUNTY REGISTER OF DEEDS 10
CHARTER BUSINESS 130
COMPUTER CABLE CONNECTION 4848.34
HEARTLAND TECHNOLOGY SOLUTIONS 12340.2
HIGGINS HARDWARE 78.35
JOHN BAXTER 50
KATHRYN SHARP 125
KONICA MINOLTA PREMIER FINANCE 296.16
MICROFILM IMAGING SYSTEMS 75
PAYLESS OFFICE PRODUCTS 19.99
R O YOUKER INC 2037.23
RDG PLANNING & DESIGN 3200
SCHNEIDER AGENCY 70903
SHELL FLEET PLUS 84.11
THE COLUMBUS TELEGRAM 558.47
VERIZON WIRELESS 83.23
WASTE CONNECTIONS OF NEBRASKA INC 48.5
WELCH LAW FIRM LLC 1440
WINDSTREAM 311.21
WIREBUILT CO 75

Department : 02 - HUMANE/CODE ENFORCEMENT

PLATTSMOUTH ANIMAL HOSPITAL PC 109.7
SHELL FLEET PLUS 227.61
VERIZON WIRELESS 40.01

Department : 03 - EMS
FOUR STAR LAUNDRY 15.52
IDEAL PURE WATER 19
KATHRYN SHARP 200
KONICA MINOLTA PREMIER FINANCE 34.98
MATHESON TRI-GAS INC 281.06
METRO BILLING SERVICES 722
SHELL FLEET PLUS 580.43
VERIZON WIRELESS 254.2
WASTE CONNECTIONS OF NEBRASKA INC 14.58
WINDSTREAM 158.9

Department : 04 - POLICE
BARONI ENTERPRISES 11.47
CASS COUNTY EMERGENCY MANAGEMENT AGENCY 130
CASS COUNTY SHERIFF 3509
DAVID WALKER 25
JEFF HENRY CHEVROLET 123.48
JONATHAN HARDY 89.99
KONICA MINOLTA PREMIER FINANCE 197.6
PAYLESS OFFICE PRODUCTS 89.81
RYAN CRICK 34.24
SHELL FLEET PLUS 2244.79
VERIZON WIRELESS 120.05
WARGA BROADCASTING LLC 300
WINDSTREAM 311.77

Department : 05 - STREET
CINTAS CORPORATION #749 367.98
MULLENAX AUTO SUPPLY 184.97
PLATTSMOUTH STATE BANK 70675
PROFESSION WASTE WATER SERVICES 75
SHELL FLEET PLUS 991.66
VERIZON WIRELESS 126.08
WASTE CONNECTIONS OF NEBRASKA INC 117.66
WINDSTREAM 109.27

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 1041.43
CENTER POINT LARGE PRINT 216.9
HEARTLAND TECHNOLOGY SOLUTIONS 2056.7
KONICA MINOLTA PREMIER FINANCE 197.6
NEBRASKA LIBRARY COMMISSION 20
OCLC INC 106.16
WASTE CONNECTIONS OF NEBRASKA INC 14.56

Department : 07 - PARK & REC
LONNIE ILES 125

LOVELAND LAWNS INC 745.5
MICHAEL TODD & COMPANY INC 353.19
PROFESSION WASTE WATER SERVICES 100
SHELL FLEET PLUS 300.54
STEPHEN C. WARGA 18
VERIZON WIRELESS 31.52
WASTE CONNECTIONS OF NEBRASKA INC 113.04
WINDSTREAM 55.72

Department : 08 - CEMETERY

BLACK HILLS ENERGY 74.73
SHELL FLEET PLUS 128.8
VERIZON WIRELESS 31.52

Department : 10 - FIRE

FOUR STAR LAUNDRY 15.52
IDEAL PURE WATER 19
KATHRYN SHARP 200
KONICA MINOLTA PREMIER FINANCE 34.98
SAM'S CLUB 58.74
WASTE CONNECTIONS OF NEBRASKA INC 14.56
WINDSTREAM 158.89

Department : 11 - SENIOR CITIZEN CTR

OFE OIL INC. 120.9
STEUBE'S THRIFTWAY 281.62

Department : 12 - DEBT SERVICE

PLATTSMOUTH STATE BANK 59775

Department : 16 - ECONOMIC DEVELOPMENT

PLATTSMOUTH STATE BANK 42154.17

Department : 17 - COMMUNITY CENTER

CHARTER BUSINESS 220.28
FOUR STAR LAUNDRY 338.75
KONICA MINOLTA PREMIER FINANCE 278.83
METAL DOORS & HARDWARE COMPANY 320
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 44.35
SPORTSMITH 222.3
THE THOMPSON COMPANY 200.11
VERIZON WIRELESS 51.71
WASTE CONNECTIONS OF NEBRASKA INC 101

Department : 18 - AQUATIC

AQUA CHEM INC 202.66
DAL TILE DISTRIBUTION INC 153.14
FERGUSON ENTERPRISES 415.94

MURRAY BUILDING & SUPPLY 598.83
WASTE CONNECTIONS OF NEBRASKA INC 55.5

Department : 20 - WATER 0
FERGUSON ENTERPRISES 31.82
HD SUPPLY WATERWORKS LTD 1778.82
HEARTLAND TECHNOLOGY SOLUTIONS 3702.06
HIGGINS HARDWARE 82.21
IMPACT MANUFACTURING 75
JEFF HENRY CHEVROLET 76.15
KNIGHT TRUCKING LLC 707.33
LYMAN RICHEY CORPORATION 906.47
MISSISSIPPI LIME COMPANY 3439.4
OFE OIL INC. 612.24
ONE CALL CONCEPTS INC 34.6
PAYLESS OFFICE PRODUCTS 29.79
RHYLANDER WELDING & MFG INC 24.92
SHELL FLEET PLUS 632.39
THE COLUMBUS TELEGRAM 35.77
USA BLUEBOOK 649.1
VERIZON WIRELESS 94.56
WATER DEPARTMENT-PETTY CASH 434.79
WENTZ HOLDING LLC 750
WINDSTREAM 162.85

Department : 24 - DRUG FORFEITURE
PRESIDIO NETWORKED SOLUTIONS INC 504
VERIZON WIRELESS 54.16

Department : 30 - SEWER
HEARTLAND TECHNOLOGY SOLUTIONS 2468.04
MIDWEST LABORATORIES INC 734.5
MULLENAX AUTO SUPPLY 65.55
MUNICIPAL SERVICE & SUPPLY 610
OMAHA DOOR & WINDOW COMPANY 403.92
ONE CALL CONCEPTS INC 34.6
O'REILLY AUTOMOTIVE INC 9.57
SHELL FLEET PLUS 503.35
STEUBE'S THRIFTWAY 13.41
VERIZON WIRELESS 31.52
WASTE CONNECTIONS OF NEBRASKA INC 42.64
WINDSTREAM 48.89

Additional Claims
Alegent Creighton Health 175.00
Aqua Chem Inc 734.95
Bomgarrs Supply 16.56
Coca Cola Refreshments USA Inc 298.34

Crouch Recreational Design Inc 1,262.00
David D Warren 72.00
John Deere Credit 31.23
Lyman Richie Corporation 1,120.92
Menards 39.00
Murray Building & Supply 113.10
Steve Konfrst Trash 5,605.33
Windstream 421.29
Municipal Service & Supply 3,227.28
Transwood Logistics Inc 2,170.32

ROLL CALL: Yes-Riese, Dugan, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Tab Construction for the 2014 Street Repair and Overlay Project with a deduct amount of \$20,055.05 for a total project cost of \$389,848.93. Following discussion, Motion by Kerns, seconded by Brookhouser to approve Change Order No. 1 submitted by Tab Construction Co. for the 2014 Street Repair and Overlay Project in the amount of (-)\$20,055.05 for a total project cost of \$389,848.93 and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Tilson, Riese, Dugan, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 B

Pursuant to publication, Mayor Bowman opened a public hearing at 7:06 p.m. with regard to a designation of Blighted and Substandard for approximately 49.6 acres of land situated generally in the southeast portion of Plattsmouth, legally described as: A PARCEL OF LAND LOCATED IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 19, TOWNSHIP 12 NORTH, RANGE 14 EAST OF THE SIXTH P.M., CASS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19; THENCE NORTHERLY ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 104 FEET, MORE OR LESS; THENCE WESTERLY, PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 14 FEET MORE OR LESS; THENCE SOUTHERLY, PARALLEL WITH AND 14 FEET, MORE OR LESS, DISTANT FROM SAID EAST LINE, A DISTANCE OF 71 FEET, MORE OR LESS; THENCE WESTERLY, PARALLEL WITH AND 37 FEET, MORE OR LESS, DISTANT FROM THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 53 FEET, MORE OR LESS; THENCE NORTHERLY, PARALLEL WITH AND 67 FEET MORE OR LESS, DISTANT FROM THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 164 FEET, MORE OR LESS; THENCE WESTERLY, PARALLEL WITH AND 196 FEET, MORE

OR LESS, DISTANT FROM THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO THE EASTERLY RIGHT OF WAY LINE OF WINTERSTEEN ROAD; THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT OF WAY LINE TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THENCE NORTHERLY, ON SAID WEST LINE TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE WESTERLY ON SAID NORTH LINE TO THE WEST RIGHT OF WAY LINE OF "A" STREET; THENCE SOUTHERLY ON SAID WEST RIGHT OF WAY LINE TO THE NORTH RIGHT OF WAY LINE 9TH AVENUE; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF MEADOW DRIVE; THENCE SOUTHERLY ON SAID WEST RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 27, MEADOW HEIGHT EASTATES SUBDIVISION AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 27 TO THE SOUTHWEST CORNER OF SAID LOT 27; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 27 TO THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF 11 TH AVENUE; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, O'NEILL'S ADDITION AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE WESTERLY ON THE SOUTH LINE OF SAID BLOCK 2 TO THE SOUTHWEST CORNER OF LOT 5 SAID BLOCK 2; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 5 TO THE NORTH RIGHT OF WAY LINE OF 11 TH AVENUE; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 332 FEET, MORE OR LESS; THENCE SOUTHERLY PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF 11 TH AVENUE AND THE NORTH WEST CORNER OF BLOCKS 4 AND 5, LYING EAST OF CREEK, O'NEILL'S ADDITION AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE SOUTHERLY ON THE WEST LINE OF SAID BLOCKS 4 AND 5 TO THE CENTERLINE OF AN ESTABLISHED CREEK; THENCE SOUTHEASTERLY ON SAID CENTERLINE OF ESTABLISHED CREEK TO THE NORTH RIGHT OF WAY LINE OF 13TH AVENUE; THENCE SOUTHERLY PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF 13 TH AVENUE; THENCE EASTERLY ON SAID SOUTH RIGHT OF WAY LINE TO THE WESTERLY RIGHT OF WAY LINE OF ROCK BLUFF ROAD; THENCE SOUTHEASTERLY ON SAID WESTERLY RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOTS 57 THRU 59, OF WISE'S OUTLOTS AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE NORTHWESTERLY TO THE SOUTHERLY CORNER OF LOTS 34 AND 35, OF SAID WISE'S OUTLOTS, SAID CORNER ALSO BEING ON THE WEST LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 19; THENCE NORTHERLY ON SAID WEST LINE TO THE SOUTHWEST CORNER OF SUB LOT 1 OF LOT 136 OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE EASTERLY ON THE SOUTH LINE OF SAID SUB LOT 1 TO THE SOUTHEAST CORNER OF SAID SUB LOT 1; THENCE NORTHERLY ON THE EAST LINE OF SAID SUB LOT 1 TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE EASTERLY ON SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST

QUARTER; THENCE EASTERLY ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19 TO THE POINT OF BEGINNING. Jeff Ray, JEO Engineering presented the 2014 Blight and Substandard Study. No one else spoke. Mayor Bowman closed the public hearing at 7:27 p.m.

ITEM 8 C

Council Member Riese introduced a Resolution numbered and titled as follows: RESOLUTION NO. 14-013: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD

Motion by Riese, seconded by Dugan to adopt RESOLUTION NO. 14-013:

RESOLUTION NO. 14-013

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD.

WHEREAS, the Mayor and City Council are authorized by law to declare area, in total not to exceed 35% of the city, as blighted and substandard if the criteria identified in *Neb. Rev. Stat.* § 18-2103(10) and (11) exist.

WHEREAS, the Mayor and Council previously referred to the City's Planning Commission consideration of the Blight and Substandard Study dated 2014, prepared by JEO Consulting Group, Inc. (the "Study"), which makes certain determinations concerning the following described area proposed to be declared blighted and substandard:

A PARCEL OF LAND LOCATED IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 19, TOWNSHIP 12 NORTH, RANGE 14 EAST OF THE SIXTH P.M., CASS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19; THENCE NORTHERLY ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 104 FEET, MORE OR LESS; THENCE WESTERLY, PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 14 FEET MORE OR LESS; THENCE SOUTHERLY, PARALLEL WITH AND 14 FEET, MORE OR LESS, DISTANT FROM SAID EAST LINE, A DISTANCE OF 71 FEET, MORE OR LESS; THENCE WESTERLY, PARALLEL WITH AND 37 FEET, MORE OR LESS, DISTANT FROM THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 53 FEET, MORE OR LESS; THENCE NORTHERLY, PARALLEL WITH AND 67 FEET MORE OR LESS, DISTANT FROM THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 164 FEET, MORE OR

LESS; THENCE WESTERLY, PARALLEL WITH AND 196 FEET, MORE OR LESS, DISTANT FROM THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO THE EASTERLY RIGHT OF WAY LINE OF WINTERSTEEN ROAD; THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT OF WAY LINE TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THENCE NORTHERLY, ON SAID WEST LINE TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE WESTERLY ON SAID NORTH LINE TO THE WEST RIGHT OF WAY LINE OF "A" STREET; THENCE SOUTHERLY ON SAID WEST RIGHT OF WAY LINE TO THE NORTH RIGHT OF WAY LINE 9TH AVENUE; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF MEADOW DRIVE; THENCE SOUTHERLY ON SAID WEST RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 27, MEADOW HEIGHT ESTATES SUBDIVISION AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 27 TO THE SOUTHWEST CORNER OF SAID LOT 27; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 27 TO THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF 11 TH AVENUE; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTHERLY ON SAID WEST LINE TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 2, O'NEILL'S ADDITION AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE WESTERLY ON THE SOUTH LINE OF SAID BLOCK 2 TO THE SOUTHWEST CORNER OF LOT 5 SAID BLOCK 2; THENCE NORTHERLY ON THE WEST LINE OF SAID LOT 5 TO THE NORTH RIGHT OF WAY LINE OF 11 TH AVENUE; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 332 FEET, MORE OR LESS; THENCE SOUTHERLY PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF 11 TH AVENUE AND THE NORTH WEST CORNER OF BLOCKS 4 AND 5, LYING EAST OF CREEK, O'NEILL'S ADDITION AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE SOUTHERLY ON THE WEST LINE OF SAID BLOCKS 4 AND 5 TO THE CENTERLINE OF AN ESTABLISHED CREEK; THENCE SOUTHEASTERLY ON SAID CENTERLINE OF ESTABLISHED CREEK TO THE NORTH RIGHT OF WAY LINE OF 13TH AVENUE; THENCE SOUTHERLY PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF 13 TH AVENUE; THENCE EASTERLY ON SAID SOUTH RIGHT OF WAY LINE TO THE WESTERLY RIGHT OF WAY LINE OF ROCK BLUFF ROAD; THENCE SOUTHEASTERLY ON SAID WESTERLY RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOTS 57 THRU 59, OF WISE'S OUTLOTS AS PLATTED IN THE CITY OF PLATTSMOUTH; THENCE NORTHWESTERLY TO THE SOUTHERLY CORNER OF LOTS 34 AND 35, OF SAID WISE'S OUTLOTS, SAID CORNER ALSO BEING ON THE WEST

LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 19; THENCE NORTHERLY ON SAID WEST LINE TO THE SOUTHWEST CORNER OF SUB LOT 1 OF LOT 136 OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE EASTERLY ON THE SOUTH LINE OF SAID SUB LOT 1 TO THE SOUTHEAST CORNER OF SAID SUB LOT 1; THENCE NORTHERLY ON THE EAST LINE OF SAID SUB LOT 1 TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE EASTERLY ON SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE EASTERLY ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 19 TO THE POINT OF BEGINNING.

WHEREAS, if the above area was designated blighted and substandard, it would not result in the total area of the City so designated in excess of 35% of the area included in the corporate limits of the City within the meaning of *Neb. Rev. Stat. § 18-2103 (10) and (11)*;

WHEREAS, the Planning Commission has recommended that such determination be made;

WHEREAS, and said hearing was held as required by law, concerning whether the Area should be determined blighted and substandard;

WHEREAS, all requirements of law have been satisfied, including publication of a notice of a public hearing and notification mailed (a) to all registered neighborhood association whose area of representation is located within a one mile radius of the redevelopment area and (b) to the president or chairperson of each county, school district, community college, educational service unit and natural resources district whose property tax receipts may be affected;

WHEREAS, the notices stated the time of hearing, date, place and purpose;

WHEREAS, all mailed notices also included a map showing the redevelopment area; and

WHEREAS, a public hearing was held during which all persons desiring to be heard were so heard.

NOW, THEREFORE, BE IT RESOLVED that based on the Study, the recommendation of the Planning Commission and analysis and review of the conditions of property located within the Area, the Mayor and Council hereby find, determine and declare that the Area is an area which meets the criteria for designation as blighted and substandard in need of redevelopment under the terms of *Neb. Rev. Stat. § 18- 2103 (10) and (11)* in that such real estate is affected by conditions as set forth in the Study.

BE IT FURTHER RESOLVED that the Mayor and Council hereby find, determine and declare that the requirements of *Neb. Rev. Stat. § 18-2109* have been satisfied.

BE IT FURTHER RESOLVED that upon referral by the City's Community Redevelopment Agency of any redevelopment plan or redevelopment plan modification with respect to the area, the City Clerk is hereby authorized to set a hearing and publish and mail notice of such hearing as required by law.

PASSED AND APPROVED this 19TH day of May 2014.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 14-013 in to the record by title only. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Dugan, Derby and Porter. No-Tilson. Absent-Wiemer. Abstain-None. MOTION CARRIED.

City Attorney Roger Johnson recommended that the Council consider going in to a Closed Session to protect the public interest in regard to litigation entitled Castaway Point, LLC vs. City of Plattsmouth, filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819. 7:28 p.m. Motion by Dugan, seconded by Riese to convene to Closed Session to protect the public interest in regard to litigation entitled Castaway Point, LLC vs. City of Plattsmouth, filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819. ROLL CALL: Yes-Tilson, Riese, Dugan, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. Mayor Bowman stated that the council would be convening in to Closed Session to protect the public interest in regard to litigation entitled Castaway Point, LLC vs. City of Plattsmouth, filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819.

7:37 p.m. Motion by Dugan, seconded by Riese to reconvene in to regular session. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Derby and Porter. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Pursuant to publication, Mayor Bowman opened a public hearing at 7:38 p.m. with regard to the acquisition by purchase, pursuant to a Settlement Agreement and Real Estate Purchase Agreement for the following described real estate located near the City of Plattsmouth: Lot 2 except that part platted as Castaway Villas, and Lot 3, Morehead Island Riverfront Development of accretion lands to Section 18, Township 12 North Range 14 East of the 6th PM, Cass County, Nebraska; Lots 1, 2, 3, 4, 5, 6, 7, 9, 10 and outlot 1, Castaway Estates, a subdivision in section 17 and 18, T12N, R14 East of the 6th P.M., Cass County, Nebraska; Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, Castaway Cottages, a subdivision in Cass County, Nebraska; Lot 1,

Castaway Villas, a subdivision in Cass County, Nebraska; and Lot 1, Castaway Cottages, a subdivision in Cass County, Nebraska;

together with any other adjacent gaps or gores owned by the owners of such above-described real estate adjacent to the land as may be revealed by a Survey, improvements thereon, and easements of servient estates appurtenant thereto, to promote attraction of and indirect financial assistance to qualified businesses in furtherance of the economic development of Plattsmouth, pursuant to the Local Option Municipal Economic Development Act and the Economic Development Plan for the City of Plattsmouth, Nebraska. City Administrator Erv Portis gave a brief background of the timeline of events. No one else spoke. Mayor Bowman closed the public hearing at 7:45 p.m.

ITEM 9 B

Pursuant to publication, Mayor Bowman opened a public hearing at 7:46 p.m. with regard to the issuance of economic development fund bonds. The City proposes to issue bonds in the principal amount of up to \$2,195,000, to provide direct or indirect financial assistance to qualifying businesses, including one or more grants for use in constructing and acquiring real estate for use as tourism related recreational facilities, including a park for recreational vehicles, pursuant to the Local Option Municipal Economic Development Act and the Economic Development Plan for the City of Plattsmouth, Nebraska. John Trecek, Ameritas Investment Corp. spoke on the use of the bonds, the options and that they would be issued on a taxable basis. John Warsing, 112 S. 11th Street, Plattsmouth stated that he owned several pieces of property and questioned how the bonds would be paid back. Portis stated that repayment would be by existing local option sales tax for economic development-no new revenues are necessary. No one else spoke. Mayor Bowman closed the public hearing at 7:54 p.m.

ITEM 9 C

Pursuant to publication, Mayor Bowman opened a public hearing at 7:54 p.m. with regard to an amendment of the Economic Development Plan for the City of Plattsmouth, Nebraska. Said amendment included modifications to the Plan provisions related to the source of funding for the economic development program, pursuant to the removal of the limitation on the duration of the sales tax revenues used for economic development, as approved by the voters on November 10, 2009, and allowed for the provision of loans to qualifying businesses. No one spoke. Mayor Bowman closed the public hearing at 7:55 p.m.

ITEM 9 D

Council Member Riese introduced a Ordinance numbered and titled as follows: ORDINANCE NO. 1876: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO RATIFY ORDINANCE NO. 1822 AS THE SAME RELATES TO AN AMENDMENT TO CHAPTER 2, ARTICLE 12, ECONOMIC DEVELOPMENT; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Following discussion, Motion by Riese,

seconded by Brookhouser that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1876 be adopted on first reading by title only. ROLL CALL: Yes-Dugan, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. Said ordinance was read by title only and thereafter Riese moved for final passage of the ordinance, which motion was seconded by Derby. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Derby. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 E

Council Member Riese introduced a Resolution numbered and titled as follows: Resolution No. 14-014: A RESOLUTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT FUND BONDS (SALES TAX PAYMENT SOURCE—FEDERALLY TAXABLE INTEREST) OF THE CITY OF PLATTSMOUTH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$2,195,000) FOR THE PURPOSE OF FUNDING THE CITY OF PLATTSMOUTH ECONOMIC DEVELOPMENT PROGRAM AS ESTABLISHED BY ORDINANCE OF THE CITY, AND IN PARTICULAR FOR THE PURPOSE OF PAYING THE COSTS OF ACQUISITION AND IMPROVEMENT OF REAL ESTATE IN FURTHERANCE OF SUCH PROGRAM; PRESCRIBING THE FORM OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO DESIGNATE THE FINAL INTEREST RATES, MATURITY SCHEDULE, REDEMPTION PROVISIONS, PRICING TERMS AND OTHER TERMS OF SAID BONDS WITHIN STATED PARAMETERS; PROVIDING FOR THE PLEDGING OF SALES TAX COLLECTIONS RECEIVED FOR SAID PROGRAM INTO THE ECONOMIC DEVELOPMENT FUND OF THE CITY OF PLATTSMOUTH FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER.

Motion by Riese, seconded by Porter to adopt RESOLUTION NO. 14-014:

RESOLUTION NO. 14-014

A RESOLUTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT FUND BONDS (SALES TAX PAYMENT SOURCE—FEDERALLY TAXABLE INTEREST) OF THE CITY OF PLATTSMOUTH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$2,195,000) FOR THE PURPOSE OF FUNDING THE CITY OF PLATTSMOUTH ECONOMIC DEVELOPMENT PROGRAM AS ESTABLISHED BY ORDINANCE OF THE CITY, AND IN PARTICULAR FOR THE PURPOSE OF PAYING THE COSTS OF ACQUISITION AND IMPROVEMENT OF REAL ESTATE IN FURTHERANCE OF SUCH PROGRAM; PRESCRIBING THE FORM OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO DESIGNATE THE FINAL INTEREST RATES, MATURITY SCHEDULE, REDEMPTION PROVISIONS, PRICING TERMS AND OTHER TERMS OF

SAID BONDS WITHIN STATED PARAMETERS; PROVIDING FOR THE PLEDGING OF SALES TAX COLLECTIONS RECEIVED FOR SAID PROGRAM INTO THE ECONOMIC DEVELOPMENT FUND OF THE CITY OF PLATTSMOUTH FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER.

BE IT RESOLVED by the Mayor and Council of the City of Plattsmouth, Nebraska, as follows:

Section 1. The Mayor and Council of the City of Plattsmouth, Nebraska, hereby find and determine:

(a) that pursuant to the provisions of the Local Option Municipal Economic Development Act (Sections 18-2701 to 18-2739, R.R.S. Neb., as amended, the "Act"), the Mayor and Council have previously passed and approved Ordinance No. 1676 (as amended, the "Program Ordinance") and Ordinance No. 1677 (the "Original Sales Tax Ordinance"), respectively, establishing an economic development program for the City of Plattsmouth (as amended, the "Program") and providing funding for the Program through the application of a sales tax adopted under the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, R.R.S. Neb., as amended) (the "Sales Tax");

(b) that the Program was approved by the voters of the City at a general election held on May 14, 2002, and was subsequently amended by action of the Mayor and Council on February 7, 2011 (which amendment is hereby affirmed and ratified following public hearing on this date);

(c) that the Sales Tax was imposed under the terms of the Program Ordinance and the levying of such tax was approved by the voters of the City at an election held on May 14, 2002, as amended and extended for the purposes described in the Program Ordinance under the terms of Ordinance No. 1797 (the "Amended Sales Tax Ordinance"), adopted pursuant to approval of the voters of the City at a special election held on November 10, 2009 (collectively, the "Sales Tax Approval"), and is to remain in effect beyond the last maturity of the bonds authorized herein;

(d) that under the terms of the Act the City is authorized, as and to the extent provided for under an approved economic development program, to provide direct or indirect financial assistance to qualifying businesses, including payment of related costs and expenses;

(e) that pursuant to the Program and applicable law: (i) the City is authorized to provide indirect financial assistance to qualifying businesses through one or more grants for use in acquiring and improving real estate for use as tourism related recreational facilities, including a park for recreational vehicles (collectively, the "Economic Development Project"); (ii) the City is authorized to provide funding for such grant or grants by bonds

issued by the City in an amount of not to exceed \$400,000 per annum payable from the local sources of revenue available for the economic development activities of the City; (iii) the Sales Tax is available for the Program (the Sales Tax available for the Program and the bonds herein authorized are herein referred to as the “Special Tax Portion”) for a period extending beyond the last maturity of the Bonds herein authorized; and (iv) the City has conducted all necessary public hearings in connection with the issuance of the Bonds and the Economic Development Project;

(f) that providing for the Economic Development Project will promote the economic development of the City by serving qualifying businesses within the City and promoting attraction of new business and industry to the community, by virtue of the development of the Economic Development Project, sales of parcels therein, and use thereof, together with attendant local economic activities, and is expected to provide substantial economic development benefits for the City in the form of increased activity relating to certain qualifying businesses;

(g) that the City has agreed, pursuant to that Settlement Agreement and Real Estate Purchase Agreement dated as of May 19, 2014 (the “Purchase Agreement”) to acquire the Economic Development Project from certain parties identified therein in furtherance of the City’s purposes set forth in the Program;

(h) that it is necessary and advisable for the City to provide financing for all or a portion of the costs of the Economic Development Project in an amount of Two Million One Hundred Ninety-five Thousand Dollars (\$2,195,000);

(i) that under the terms of the Program, the City may issue bonds to provide funding for the Program and the Mayor and Council hereby declare it necessary and advisable for the City to issue its economic development fund bonds in the principal amount of Two Million One Hundred Ninety-five Thousand Dollars (\$2,195,000) for the purpose of funding a portion of the costs of the Economic Development Project and payment of issuance costs;

(j) that in issuing bonds as provided under the terms of the Program and as set forth in this Resolution, the City acknowledges and agrees that it is making contractual commitments binding upon the City as to the application of the Special Tax Portion as to which any early termination of the Program under the provisions of the Act will be subject in accordance with the terms of the Act;

(k) that the City finds and acknowledges that the application of the Special Tax Portion to the Economic Development Project, either directly or through payment of debt service on the bonds authorized herein, is an application of the Special Tax Portion for economic development purposes within the meaning of the Sales Tax Approval;

(l) that all conditions, acts and things required by law to exist or to be done precedent to the issuance of such bonds do exist and have been done as required by law.

Section 2. To provide funds for the Program, including costs of the Economic Development Project, there shall be and there are hereby ordered issued negotiable bonds of the City to be designated as “Economic Development Fund Bonds (Sales Tax Payment Source –

Federally Taxable Interest), Series 2014” (the “Bonds”) in the aggregate principal amount of Two Million One Hundred Ninety-five Thousand Dollars (\$2,195,000) with said bonds bearing interest at the rates per annum and to become due on June 1 of the year as indicated below:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
June 1, 2015	\$130,000	1.60%
June 1, 2016	135,000	2.25
June 1, 2017	135,000	2.75
June 1, 2018	135,000	3.30
June 1, 2019	135,000	3.80
June 1, 2020	140,000	4.20
June 1, 2021	145,000	4.50
June 1, 2022	145,000	5.00
June 1, 2023	145,000	5.25
June 1, 2024	150,000	5.50
June 1, 2025	155,000	5.75
June 1, 2026	155,000	6.00
June 1, 2027	160,000	6.20
June 1, 2028	165,000	6.35
June 1, 2029	165,000	6.50

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue of the Bonds shall be the date of delivery thereof. Interest on the Bonds, at the respective rate for each maturity, shall be payable on June 1 and December 1 of each year, commencing December 1, 2014 (each an “Interest Payment Date”), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day (whether or not a business day) of the month immediately preceding the month in which the Interest Payment Date occurs (the “Record Date”), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar as designated pursuant to Section 3 hereof (the “Paying Agent and Registrar”), by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner’s registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity together with any unpaid interest accrued thereon shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or

knowledge to the contrary whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The City Treasurer is hereby designated as Paying Agent and Registrar for the Bonds, provided that by supplemental resolution the Mayor and Council may designate a national or state bank with trust powers to serve in such capacity if and when determined appropriate and with said substituted paying agent and registrar to serve in such capacities under the terms of an agreement with terms designated by the Mayor and Council. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City's offices in Plattsmouth, Nebraska (the "Designated Office" -- with the office of the paying agent and registrar subject to change in the event of appointment of a substitute). The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the Designated Office of the Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the City will register such transfer and will deliver at its Designated Office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Resolution, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond or Bonds shall be cancelled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

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

Section 5. The Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issuance of the Bonds at the principal amount thereof plus accrued interest on the principal amount redeemed to the date

fixed for redemption. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the Designated Office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for the Bonds for which notice by mail has been properly given and the City shall have the right to direct further notice of redemption for any such Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in city where the Designated Office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

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

**UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF CASS**

CITY OF PLATTSMOUTH

**ECONOMIC DEVELOPMENT FUND BOND
(SALES TAX PAYMENT SOURCE – FEDERALLY TAXABLE INTEREST)
SERIES 2014**

No. R-__ \$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP NUMBER</u>
_____%	June 1, 20__	June __, 2014	

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Plattsmouth, in the County of Cass, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay, but only from the special sources hereinafter described, to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable semiannually on June 1 and December 1 of each year, commencing December 1, 2014 (each, an "Interest Payment Date"). Such interest shall be computed on the basis of a 360-day year consisting of twelve 30 day months. The principal of this bond together with interest thereon unpaid and accrued at maturity (or earlier redemption) is payable upon presentation and surrender of this bond at the office of the City Treasurer of the City of Plattsmouth, as Paying Agent and Registrar, at the City's offices in Plattsmouth, Nebraska (the "Designated Office"). Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth business day of the month immediately preceding the month in which the Interest Payment Date occurs, to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of Two Million One Hundred Ninety-five Thousand Dollars (\$2,195,000) of even date and like tenor,

except as to date of maturity, rate of interest and denomination, which were issued by the City for the purpose of providing funds for the economic development program of the City of Plattsmouth as established pursuant to Ordinance No. 1676 of the City (as amended) and has been duly authorized by resolution duly adopted (the "Resolution") and by proceedings duly had by the Mayor and Council of the City of Plattsmouth, Nebraska, pursuant to Sections 18-2701 to 18-2739, R.R.S. Neb. 2012, as amended.

Any or all of the bonds of said issue are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue at the principal amount thereof plus accrued interest on the principal amount redeemed to the date fixed for redemption.

Notice of redemption shall be given by mail to the registered owner of any bond called for redemption in the manner specified in the Resolution authorizing said issue of bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof.

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

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

Under the Resolution, the City has pledged all revenues of the City received for its Economic Development Fund from a designated portion of that tax upon sales within the City of Plattsmouth, Nebraska, provided for pursuant to Ordinance No. 1797 of the City of Plattsmouth, adopted pursuant to approvals by the voters of the City at the special election held on November 10, 2009, in accordance with the provisions of Sections 77-27,142 to 77-27,148, R.R.S. Neb. 2012, as amended. Pursuant to approvals by the voters of the City at the general election held on May 14, 2002, in each fiscal year up to \$400,000 of funds from such sales tax as described above or other sources as deposited to such fund, subject to statutory limitations of not more than four tenths of one percent of taxable valuation for all approved economic development programs per fiscal year, shall be applied to pay principal and interest on the bonds of this issue as the same fall due. **The bonds of this issue are limited obligations of the City payable from amounts in the City's Economic Development Fund as so pledged and not from any other fund or source and are not general obligations of the City of Plattsmouth, Nebraska.**

The Resolution sets forth the covenants and obligations of the City with respect to its Economic Development Fund and certain revenues therein and the application of such revenues which are by the terms of the Resolution to be disbursed to make payments of principal and interest on the bonds of this issue. The City also reserves the right to provide for payments of the bonds of this issue from other available revenues in its Economic Development Fund and to issue bonds junior in lien to the bonds of this issue, the principal and interest of which are payable from such revenues on a subordinate basis as described in the Resolution. The Resolution also establishes a reserve account within the Economic Development Fund (funded at Zero Dollars (\$0.00)) and designates the terms and conditions upon which this bond shall cease to be entitled to any lien, benefit or security under the Resolution and all covenants, agreements and obligations of the City under the Resolution may be discharged and satisfied at or prior to the maturity or redemption of this bond if monies or certain specified securities shall have been deposited with a trustee bank. The Resolution constitutes a contract with the holders of the bonds and cannot be modified except as provided in the Resolution.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as provided by law.

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

AS PROVIDED IN THE RESOLUTION 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 RESOLUTION, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE RESOLUTION TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE RESOLUTION.

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

IN WITNESS WHEREOF, the Mayor and Council of the City of Plattsmouth, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and City Clerk of the City, all as of the Date of Original Issue shown above.

CITY OF PLATTSMOUTH, NEBRASKA

(FACSIMILE)
Mayor

ATTEST:

(FACSIMILE)
City Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by Resolution passed and approved by the Mayor and Council of the City of Plattsmouth, Nebraska, as described in said bond.

(Sample – Do Not Sign)
City Treasurer, as Paying Agent and Registrar

(FORM OF ASSIGNMENT)

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

Date: _____

Registered Owner(s)

Signature Guaranteed

By _____

Authorized Officer

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

Section 8. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City. The Bonds shall be issued initially as “book-entry only” bonds under the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a Letter of Representations (the “Letter of Representations”) in the form required by the Depository (which may be in the form of a blanket letter previously executed and delivered by the City), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

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

- (i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,
- (ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or
- (iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

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

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

name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

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

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

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

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

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

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

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

until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City's Clerk/Treasurer, acting on behalf of the City, who is authorized to deliver them to Ameritas Investment Corp. (the "Underwriter") as initial purchaser thereof, upon receipt of the purchase price of 98.35% of the principal amount thereof plus accrued interest on the stated principal amount of the Bonds to date of payment for the Bonds. The Underwriter shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Resolution. The form of the Bond Purchase Agreement as presented is hereby approved and the Mayor is hereby authorized to execute such agreement on behalf of the City, with such changes and completions as such executing officer shall deem appropriate on behalf of the City and to reflect the final terms of the Bonds. The Underwriter and its agents, representatives and counsel, as well as bond counsel, are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The City Clerk shall make and certify a transcript of the proceedings of the Mayor and Council with respect to the Bonds which shall be delivered to the Underwriter.

Section 9. Pursuant to the terms of the Program (as approved by the voters of the City and as set forth in the Program Ordinance) and subject to the terms of the Act, the City hereby agrees to appropriate and deposit into the Economic Development Fund in each budget/fiscal year (the period commencing October 1 of each year and ending September 30 of the following year) commencing with the City's budget/fiscal year beginning October 1, 2014, so long as the Bonds remain outstanding and until and including the budget/fiscal year ending September 30, 2029, an amount from collections received with respect to the Special Tax Portion or other available sources sufficient to pay the principal and interest on the Bonds as the same fall due. The City hereby covenants and agrees that there shall be set up within the Economic Development Fund separate special accounts as follows:

- 1) Bond Payment Account - an account designated as the "Economic Development Fund Purchase Project Bond Payment Account" (the "Bond Payment Account") which shall constitute a separate and special account held by the City Clerk/Treasurer of the City of Plattsburgh for the benefit of the registered owners of the Bonds. In each budget/fiscal year, the City further hereby covenants and agrees that it shall deposit to the Bond Payment Account from amounts attributable to the Special Tax Portion an amount sufficient to pay principal of and interest on the Bonds as the same fall due (including any mandatory redemption amounts set for any Term Bonds), after taking into consideration any other amounts available for such purposes in the Bond Payment Account. In each budget/fiscal year, as and when received, revenues from the Special Tax Portion shall be deposited to the Bond Payment Account until such account has credited thereto an amount equal to the amount of principal and interest falling due on the Bonds in such budget/fiscal year. The City Clerk/Treasurer is hereby authorized and directed, without further authorization, to withdraw monies credited to the Bond Payment Account, or if there are not sufficient funds then from the Reserve Account (as described below) in an amount sufficient to pay, when due, the principal of and

interest on the Bonds (including amounts necessary for any mandatory sinking fund redemptions to be provided for in accordance with Sections 2 and 5 of this Resolution) and to transfer such amounts to the Paying Agent and Registrar for the Bonds on or before each principal and interest payment date (including any mandatory sinking fund redemption date).

2. Debt Service Reserve Account – an account designated as the “Economic Development Fund Property Project Bond Debt Service Reserve Account” (the “Reserve Account”) which shall constitute a separate and special account held by the City Clerk/Treasurer of the City of Plattsburgh for the benefit of the registered owners of the Bonds. The amount required to be accumulated and maintained in the Reserve Account shall be an amount equal to Zero Dollars (\$0.00) (the “Reserve Requirement”). Upon the issuance of the Bonds, the City agrees that it shall deposit from amounts in the Economic Development Fund attributable to the Special Tax Portion and presently on hand an amount not less than one-half of the amount of the Reserve Requirement. By no later than N/A, 20__, the City agrees that it shall deposit from amounts then on hand in the Economic Development Fund attributable to the Special Tax Portion that amount which is sufficient to accumulate in the Reserve Account an amount equal to the Reserve Requirement. After the Reserve Requirement has been accumulated in the Reserve Account, such amount shall thereafter be held and maintained in the Reserve Account. Amounts in the Reserve Account shall be applied to pay principal and interest on the Bonds in the event that there are insufficient funds available for such purpose in the Bond Payment Account. In each budget/fiscal year, the City further hereby covenants and agrees that from and after N/A, 20__, it shall deposit to Reserve Account from amounts attributable to the Special Tax Portion an amount sufficient to maintain the Reserve Requirement in the Reserve Account.

Receipts from the Special Tax Portion required to be deposited to the Bond Payment Account and the Reserve Account are hereby pledged for the payment of the principal and interest on the Bonds as the same fall due. The pledge and hypothecation provided for the Bonds in this Resolution is intended to and shall provide for a first and prior pledge or lien upon and security interest on amounts held in the Bond Payment Account and Reserve Account superior to any pledge, lien or security interest made or given with respect to any other indebtedness of the City and is intended as an exercise of the powers of the City provided for in the Act, as now or hereafter amended, with respect to such deposited amounts. In the event of default of any of the provisions of the Bonds, the bondholders (or any receiver appointed for their protection) shall have the right at any time while such default continues to apply or require the application of receipts from the Special Tax Portion to the indebtedness evidenced by the Bonds, equally and ratably, subject to the limitations set forth in the Program Ordinance and in the Act. The provisions of this Section 9 shall require the City to maintain a set of books and records in accordance with such accounting methods and procedures as are generally applicable to municipal funds and accounts, which books and records shall show credits to and expenditures from each separate account required by this Section. Monies credited to the accounts described in this Section 9 shall be deposited or invested separate and apart from other City funds. The City shall not be required to establish separate bank or investment accounts within its separate

and segregated Economic Development Fund, for the accounts described in this Section 9. In any fiscal year collections from Special Tax Portion appropriated to or budgeted for the Economic Development Fund, after satisfying the requirements for the Bond Payment Account and the Reserve Account, may be applied to any other purposes of the Program determined appropriate by the Mayor and Council.

Section 10. Until the Bonds have been paid in full, the City agrees that it will not incur any additional indebtedness or issue any bonds or notes payable from the Economic Development Fund unless such indebtedness, bonds or notes are expressly made subordinate to the Bonds, with the payments for such bonds or notes to be made from any monies available in each budget/fiscal year after the Bond Payment Account has been fully funded for such budget/fiscal year and the full amount of the Reserve Requirement is on deposit in the Reserve Account. Refunding Bonds to refund the Bonds may be issued so long as none of the Bonds shall remain outstanding after the issuance of such refunding bonds.

Section 11. So long as any of the Bonds remain outstanding, the City agrees that it shall not amend the terms of the Program, the Program Ordinance or the Amended Sales Tax Ordinance in any manner to reduce the rate of tax provided for therein or reduce the anticipated revenues from such tax available for deposit to the Economic Development Fund.

Section 12. The City's obligations under this Resolution and the liens, pledges, covenants and agreements of the City herein made or provided for, shall be fully discharged and satisfied as to the Bonds issued pursuant to this Resolution and any such bonds shall no longer be deemed outstanding hereunder if such bonds shall have been purchased and cancelled by the City, or when payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust solely for such payment, (i) sufficient money to make such payment and/or (ii) Deposit Securities in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payment; provided, however, that, with respect to any Bond to be paid prior to maturity, the City shall have duly given notice of redemption of such bond as provided by law or made irrevocable provisions for the giving of such notice. Any such money so deposited with a bank or trust company may be invested and reinvested in Deposit Securities and all interest and income from such Deposit Securities in the hands of such bank or trust company, in excess of the amount required to pay principal of and interest on the bonds for which such monies were deposited, shall be paid over to the City as and when collected. The term "Deposit Securities" as used in this Section shall mean direct obligations of or obligations the principal and interest which are unconditionally guaranteed by the United States of America, including obligations issued in book-entry form.

Section 13. The terms and provisions of this Resolution do and shall constitute a contract between the City and the registered owner or owners of the Bonds and no changes, variations or alterations of any kind, except for changes necessary to cure any ambiguity, formal defect or omission, shall be made to this Resolution without the written consent of the registered owners of two-thirds (2/3rds) in principal amount of the Bonds then outstanding, provided,

however, that neither the principal and interest to be paid upon any Bond nor the maturity date of any Bond shall be changed without the written consent of the registered owners of all such bonds then outstanding. Any registered owner of a Bond may by mandamus or other appropriate action or proceedings at law or in equity in any court of competent jurisdiction enforce and compel performance of this Resolution and every provision and covenant hereof, including without limiting the generality of the foregoing, the enforcement of the performance of all duties required of the City by this Resolution and the applicable laws of the State of Nebraska, including in such duties the collecting of revenues pursuant to the provisions of the Program and the Program Ordinance and the segregation of such revenues in the Bond Payment Account and Reserve Account of the City's Economic Development Fund for the Bonds as described in Section 9 of this Resolution. Any and all actions brought by any registered owner or owners of the Bonds shall be maintained for the equal and ratable benefit of all registered owners of the Bonds then outstanding and no registered owners of any of the Bonds shall have any right in any manner whatsoever by any action or proceedings to affect, disturb or prejudice the pledge created by this Resolution.

Section 14. The proceeds of the Bonds shall be deposited with the City Clerk/Treasurer and shall be held and applied in accordance with the terms of the Program Ordinance and applied to pay costs of the Economic Development Project upon order of the Mayor and Council. The holders from time to time of the Bonds shall be subrogated to the rights of the sellers under the Purchase Agreement, as identified therein. Investment earnings related to the proceeds of the Bonds shall be transferred to the Economic Development Fund and shall be deposited to the Bond Payment Account within such fund as established by this Resolution.

Section 15. The Mayor and the City Administrator/City Clerk/City Treasurer of the City are each hereby authorized to do all things and execute all documents as may by them (or any one of them) be deemed necessary and proper to complete the issuance and sale of the Bonds contemplated by this Resolution and the application of the proceeds of the Bonds in accordance with the terms of this Resolution. The City Administrator and/or Mayor are hereby authorized to review and approve a Preliminary Official Statement related to the Bonds and such officers (or any one of them) are further authorized to approve a final Official Statement on behalf of the City.

Section 16. Pursuant to the provisions of Section 18-2736 of the Act, the Mayor and Council hereby declare the Bonds to be issued for an essential public and governmental purpose and determine, under the terms of such section, that the Bonds, together with interest thereon and income therefrom, are exempt from all Nebraska state taxes.

Section 17. The officers of the City are hereby authorized to execute and deliver any certifications or other documents and to take any and all actions deemed necessary or appropriate in connection with the issuance of the Bonds and the application of the proceeds thereof. The Bonds are being issued with interest which is includable in gross income for purposes of federal income taxation and no Form 8038G will be filed with respect to the Bonds.

Section 18. In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, and being an "obligated person" with respect to no more than \$10,000,000 in aggregate amount of outstanding municipal securities (including the Bonds), agrees

that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the “MSRB”) in an electronic format as prescribed by the MSRB:

(a) at least annually, not later than nine (9) months after the end of the City’s fiscal year, financial information or operating data for the City which is customarily prepared by the City and is publicly available, including the City’s audited financial statements and information of the type accompanying the audited financial statements of the City entitled “Management’s Discussion and Analysis”, together with (if not included in the foregoing) the information included in Appendix A to the Official Statement for the Bonds under the heading “Local Option Sales Tax”;

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

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of the holders of the Bonds, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a

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

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

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

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

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

City Clerk
City of Plattsmouth
136 North 5th Street
Plattsmouth, NE 68048-1974
Phone: 402-296-2522

Section 19. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or

procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 20. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

[NO FURTHER TEXT ON THIS PAGE]

Section 21. This Resolution shall be in force and take effect from and after its adoption, as provided by law.

PASSED AND APPROVED this 19th day of May, 2014.

/s/Mayor

ATTEST:

/s/City Clerk

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

ISSUER NAME: City of Plattsmouth, Nebraska
COMPLIANCE OFFICER (BY TITLE): City Administrator

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the “Authorizing Proceedings”),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the “Tax Documents”):
 - (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
 - (ii) Form 8038 series filed with the Internal Revenue Service;
 - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
 - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
 - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and

- (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

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

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

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

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

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

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

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

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

City Attorney Roger Johnson read RESOLUTION NO. 14-014 in to the record by title only. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Derby, Porter and Kerns. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council member Dugan introduced a Resolution numbered and titled as follows: RESOLUTION NO. 14-015: A RESOLUTION TO APPROVE A SETTLEMENT AGREEMENT AND REAL ESTATE PURCHASE AGREEMENT TO RESOLVE THE LITIGATION ENTITLED CASTAWAY POINTE, LLC V. CITY OF PLATTSMOUTH, CV No. 12-211, AND TO APPROVE THE ACQUISITION OF REAL ESTATE FOR ECONOMIC DEVELOPMENT PURPOSES.

Motion by Dugan, seconded by Brookhouser to adopt RESOLUTION NO. 14-015:

RESOLUTION NO. 14-015

A RESOLUTION TO APPROVE A SETTLEMENT AGREEMENT AND REAL ESTATE PURCHASE AGREEMENT TO RESOLVE THE LITIGATION ENTITLED CASTAWAY POINTE, LLC V. CITY OF PLATTSMOUTH, CV NO. 12-211, AND TO APPROVE THE ACQUISITION OF REAL ESTATE FOR ECONOMIC DEVELOPMENT PURPOSES.

WHEREAS, Castaway filed a Complaint in the United States District Court for the District of Nebraska at CV No. 12-211 alleging damages and various theories of recovery in connection with the adoption and passage of City of Plattsmouth Ordinance 1819 which enlarged the Base Flood Elevation and changed the floodway designation involving the Castaway Property for which Castaway claims damages under various theories of recovery; and

WHEREAS, the parties desire to resolve all outstanding claims against the City of Plattsmouth, including, but not limited to, any claim involving the Castaway Property, and involving other geographically proximate properties, through the payment by Plattsmouth of a sum certain to be allocated among Castaway and others, conditioned upon a release of all claims against Plattsmouth by Castaway and others, and for the acquisition of the Castaway Property and the other geographically proximate Property, all in accordance with the terms and conditions set forth in the attached copy of the settlement agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Plattsmouth, Nebraska that the Settlement Agreement and Real Estate Purchase Agreement, a copy of which is attached hereto, is approved and the Mayor is authorized the execute the same.

PASSED AND APPROVED this 19TH day of May 2014.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 14-015 in to the record by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 G

Council member Dugan introduced a Resolution numbered and titled as follows: RESOLUTION NO. 14-016: A RESOLUTION TO APPROVE A SUPPLEMENTAL SETTLEMENT AGREEMENT WITH PATRICIA JOHNSON TO RESOLVE THE LITIGATION ENTITLED CASTAWAY POINTE, LLC V. CITY OF PLATTSMOUTH, CV No. 12-211.

Motion by Dugan, seconded by Riese to adopt RESOLUTION NO. 14-016:

RESOLUTION NO. 14-016

A RESOLUTION TO APPROVE A SUPPLEMENTAL SETTLEMENT AGREEMENT WITH PATRICIA JOHNSON TO RESOLVE THE LITIGATION ENTITLED CASTAWAY POINTE, LLC V. CITY OF PLATTSMOUTH, CV No. 12-211.

WHEREAS, Patricia Johnson owns real estate adjacent to the real estate owned by Castaway Pointe, LLC;

WHEREAS, the Johnson property is involved in litigation with Castaway Pointe, LLC; and

WHEREAS, the City desires to take ownership of the Johnson property which is geographically proximate to Castaway property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Plattsmouth, Nebraska that the supplemental Agreement between the City of Plattsmouth and Patricia Johnson, a copy of which is attached hereto, is approved and the Mayor is authorized the execute the same.

PASSED AND APPROVED this 19TH day of May 2014.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 14-016 in to the record by title only. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Derby and Porter. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 H

Council member Brookhouser introduced a Resolution numbered and titled as follows: RESOLUTION NO. 14-017: A RESOLUTION TO APPROVE A SUPPLEMENTAL SETTLEMENT AGREEMENT WITH MARK MOREHEAD TO RESOLVE THE LITIGATION ENTITLED CASTAWAY POINTE, LLC V. CITY OF PLATTSMOUTH, CV No. 12-211.

Motion by Brookhouser, seconded by Kerns to adopt RESOLUTION NO. 14-017:

RESOLUTION NO. 14-017

A RESOLUTION TO APPROVE A SUPPLEMENTAL SETTLEMENT AGREEMENT WITH MARK MOREHEAD TO RESOLVE THE LITIGATION ENTITLED CASTAWAY POINTE, LLC V. CITY OF PLATTSMOUTH, CV No. 12-211.

WHEREAS, Mark Morehead asserts a claim against Castaway Pointe, LLC which impacts the Settlement Agreement and Real Estate Purchase Agreement by and between the City and Castaway Pointe, LLC and others including Morehead;

WHEREAS, the City desires to promote the resolution of the dispute between Morehead and Castaway so to the extent necessary to facilitate the consummation of the Settlement Agreement and Real Estate Purchase Agreement referenced above; and

WHEREAS, the City and Morehead have negotiated a supplemental Agreement to accomplish these purposes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Plattsmouth, Nebraska that the supplemental Agreement between the City of Plattsmouth and Mark Morehead, a copy of which is attached hereto, is approved and the Mayor is authorized the execute the same.

PASSED AND APPROVED this 19TH day of May 2014.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 14-017 in to the record by title only. ROLL CALL: Yes-Riese, Dugan, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 I

Consider adoption of Resolution No. 14-018: A RESOLUTION TO APPROVE A MUTUAL RELEASE AS THE SAME RELATES TO ALL CLAIMS ASSOCIATED WITH THE RIVER FRONT DEVELOPMENT BY CASTAWAY POINTE, LLC.

No discussion or action on this item.

ITEM 9 J

Motion by Tilson, seconded by Porter to accept a FY 2014 Certified Local Government grant award from the Nebraska State Historical Society in the amount of \$8,000.00 to send designated representatives to the National Alliance of Preservation Commission conference Forum, July 16-20, 2014 in Philadelphia, PA, and to the National Trust for Historic Preservation annual conference November 11-14, 2014 in Savannah, GA. Following discussion, ROLL CALL: Yes-Tilson, Riese, Dugan, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 K

Motion by Tilson, seconded by Brookhouser to accept the Nebraska Department of Economic Development grant award from the Civic and Convention Center Financing Fund in the amount of \$10,000.00, and authorize the Mayor to execute the grant agreement. ROLL CALL: Yes-Dugan, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 12

8:12 p.m. Motion by Porter, seconded by Tilson to adjourn. On a voice vote, MOTION CARRIED.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk