



CITY OF VALENTINE SPORTS COMPLEX

A proposal to the Nebraska Sports Arena Facilities Financing Assistance Board

Abstract

The City of Valentine proposes to build a multi-venue sports complex for use by the general public and Valentine Community Schools. The total cost of the project is estimated at \$9,376,400 with \$5,000,000.00 to \$6,000,000.00 coming from the Nebraska Sports Facilities Financing Act and the remainder coming from Valentine's Local Option Sales Tax, and Lodging Occupation Tax. Foundation grants, and donations are also anticipated.

City of Valentine
323 N Main St
P.O. Box 177
Valentine, NE 69201
402-376-2323



January 31, 2025

To Whom It May Concern,

On behalf of the City of Valentine, I am pleased to submit this letter in strong support of the Valentine Wellness Center's application for state funding under the Sports Arena Facilities Financing Assistance Act. This project represents an important investment in the long-term economic vitality and quality of life for our community and the broader region.

Valentine has long been known as the "Heart City," a hub for tourism, outdoor recreation, and a strong agricultural economy. However, the tourism economy is very seasonal and the agricultural industry very cyclical which creates unique workforce, housing, and business sustainability challenges. The Valentine Wellness Center will allow us to host larger athletic competitions, tournaments, and community events. These events will attract visitors from across the region, driving increased economic activity for our restaurants, local businesses, and hotels (with 300+ rooms). An additional 10,000 visitors in the winter months will make a significant economic impact.

The Cowboy Clash, a youth wrestling tournament that attracts over 400 wrestlers from five different states, will be able to expand. More youth basketball and volleyball tournaments will be created – tournaments that are regularly hosted over 120 miles from Valentine putting additional financial burden on the families of those participants. A holiday basketball tournament could now be hosted for regional high schools. The potential impact is clear, but we're just scratching the surface.

To continue our growth and retain residents, we must enhance local amenities that support health, wellness, and economic development. The Valentine Wellness Center is a critical component of this effort, offering modern athletic and recreational facilities that will allow us to host athletic events while providing a valuable community amenity for residents.

Access to high-quality wellness and recreational facilities is a key factor in attracting and retaining residents, particularly young families and professionals. By offering enhanced fitness and sports opportunities, the Valentine Wellness Center will help strengthen our workforce and encourage long-term community engagement.

We have made significant public investments in our community over the last decade including a community college campus, a public golf course, fiber to the home (with no State funding), housing, and a remodeled Main Street. These investments have grown our economy (thus increasing the State's sales tax receipts) and have been done responsibly – every project has cash flowed and our property tax rate has remained one of the lowest in Nebraska. This project will be no different – it will grow our economy, it will help attract and retain residents, it will cash flow, and it will assist in sustaining our low property tax rates.

The City of Valentine fully supports this endeavor and urges your favorable consideration of the Valentine Wellness Center's application. This project is not just an investment in a facility—it is an investment in the future of our community and the continued prosperity of the region.

Thank you for your time and consideration. Please feel free to contact my office should you require any additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read 'K. Arganbright', with a stylized flourish at the end.

Kyle W. Arganbright
Mayor

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Application Checklist

Nebraska Sports Arena Facilities Financing Assistance Application Checklist

- ☒ **1** A project description. The description should be detailed enough to show that the project is an eligible sports arena or an eligible sports complex. If the project is a sports arena, the project description must demonstrate the project is:

- ☐ **a** A publicly-owned, enclosed, and temperature-controlled building;
- ☐ **b** Primarily used for sports, meaning that more sporting events are planned than for any other type of event; and
- ☐ **c** Permanent seating capacity of at least 3,000, but no more than 7,000;
- ☐ **d** A racetrack enclosure; or
- ☐ **e** A Concert venue with indoor capacity of at least 2,250, but no more than 3,500.

If the project is a sports complex, the project description must show that it is a multi-venue competitive sports facility that:

- ☐ **a** Has at least 12 separate venues if located in a metropolitan class city;
- ☐ **b** Has at least six separate sports venues if located in a primary class city; or
- ☐ **c** Has four separate venues if the project is located in a city of the first class, within a county but outside the corporate limits of any city or village, in an economic redevelopment area, or in an opportunity zone;
- ☒ **d** Has two separate venues if located in a city of the second class or village.

If the project is a large public stadium, the project description must demonstrate the facility:

- ☐ **a** Is publicly owned or used for governmental purposes;
- ☐ **b** Primarily includes an outdoor field, but may include some indoor areas;
- ☐ **c** Is primarily used for competitive sports;
- ☐ **d** Has permanent seating capacity of at least 2,500, but no more than 7,500, with a total capacity not to exceed 10,000; and
- ☐ **e** Is located in a city of the metropolitan class.

If the state assistance will be used to fund the promotion of the arts and cultural events or sporting events, the project description must include:

- ☐ **a** A detailed description of the programs
- ☐ **b** A description of how such programs will be in furtherance of the applicant's public use or public purpose if funds are to be expended through one or more private organizations.

- ☐ **2** Initial occupancy occurred after July 1, 2010, or on or after March 1, 2025, for a large public stadium.

- ☒ **3** A certified copy of the ordinance or resolution showing (check one below):

- ☐ **a** That the local government has acquired, constructed, improved, or equipped an eligible facility;
- ☒ **b** That the local government has approved a general obligation bond to acquire, construct, improve, or equip an eligible facility; or
- ☐ **c** That the local government has adopted a resolution to pursue a general obligation bond to acquire, construct, improve, or equip an eligible facility; or
- ☐ **d** That a building permit has been issued within the applicant's jurisdiction for an eligible sports arena facility that is a privately owned concert venue; or
- ☐ **e** That building permit has been issued or construction has been completed within the applicant's jurisdiction for an eligible sports arena facility that is a privately owned sports complex.

- ☒ **4** A description of the proposed financing pro forma including:
- ☒ **a** Ticket, box office, concessions, rentals, events, and other revenue;
 - ☒ **b** Estimated state assistance;
 - ☒ **c** Private support;
 - ☒ **d** Sponsorships, advertising and other revenue;
 - ☒ **e** Acquisition, construction, improvement, and equipment costs; and
 - ☒ **f** Principal and interest repayment.
- ☒ **5** A proposed operating pro forma, showing long-term viability.
- ☒ **6** Documentation of the local financial commitment to support the project, including any:
- ☒ **a** Public and private resources pledged or committed to the project;
 - ☐ **b** Any operating lease with substantial users; and
 - ☐ **c** Any sponsorship and advertising agreements.
- ☒ **7** A site plan showing the location of the exterior walls of the sports arena or exterior boundaries of the sports complex and other amenities related to the facility.
- ~~N/A~~ **a** A site plan showing the area and all existing and proposed retailers located within 600 yards of the exterior walls of the sports arena or within 600 yards of the exterior boundaries of the sports complex; or
- ~~N/A~~ **b** If the project is a sports arena, and 25% or more of the area described in 7a is unbuildable or covered property if the project is for a large public stadium, a proposed contiguous area with the same total amount of square footage that avoids as much of the unbuildable area or covered property as is practical.
- ☐ **8** A description of the proposed ballot language and anticipated election date if the application is for a privately owned sports complex that is subject to voter approval.

Project Description

The City of Valentine, a city of the second class, is seeking assistance from the Nebraska Sports Arena Facilities Financing Assistance Board to build an enclosed, temperature-controlled, city-owned multi-venue competitive sports complex. It will serve primarily as a central hub for athletic activities, but will also accommodate community events, and promote economic growth in Valentine and the surrounding areas. The facility will have convenient access to the elementary school playground and the Valentine High School gym for tournaments and team practices.

The primary objectives for the development of the sports complex are as follows:

1. **Enhance Community Well-being:** The sports complex will provide state-of-the-art facilities for local sports teams, regional tournaments, fitness programs, and recreational activities, fostering a healthier, more active community.
2. **Economic Growth:** By attracting regional sporting events, tournaments, and other gatherings, the complex will boost local businesses and tourism, providing a significant economic benefit to the area.
3. **Youth Development:** The facility will offer programs and spaces dedicated to youth sports and activities, encouraging physical activity, teamwork, and personal development among young residents.
4. **Accessibility and Inclusivity:** We aim to create a facility that is accessible to all members of the community, including individuals with disabilities, ensuring that everyone has the opportunity to participate in sports and recreational activities.

To achieve these goals, the proposed, enclosed, temperature controlled competitive sports complex will feature:

- Two multipurpose indoor courts for basketball, volleyball, youth soccer, youth football, and other sports.
- A fitness center with modern equipment.
- A walking track.
- Coaching classrooms.
- Ample parking and accessible facilities for all.

The City of Valentine is committed to fostering a strong sense of community and promoting economic growth through the development of this sports complex. We believe that this project aligns with the goals of the Nebraska Sports Arena Facility Financing Assistance Act and respectfully request your support in securing the necessary funding to bring this vision to life.

Bond Ordinance

ORDINANCE NO. 2025-2294M ORDINANCE RECORD

The City Council of the City of Valentine, Nebraska, met at the Valentine City Library meeting room, in said city on the 9th day of January, 2025, at 6:00 P.M. CT in regular session with the following present:

Councilmembers:
Kyle Arganbright, Chairperson
Max Eggert
Neil Wescott
Brad Arnold
City Manager, Shane Siewert
City Clerk/Treasurer, Deanna Schmit

A quorum being present, the following proceedings were had and done:

Council President Kyle Arganbright introduced Ordinance No. 2025-2294M entitled:

ORDINANCE NO. 2025-2294M

AN ORDINANCE AUTHORIZING THE ISSUANCE OF MUNICIPAL IMPROVEMENT BONDS, SERIES 2025, OF THE CITY OF VALENTINE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,500,000 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING MUNICIPAL IMPROVEMENTS IN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND OTHER SOURCES OF FUNDS FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

Councilmember Arganbright moved that the statutory rule requiring reading on three different days be suspended. Council Member Brockley seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Eggert, Brockley, Arganbright, Arnold. The following voted NAY: Wescott. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was read by title and thereafter Councilmember Arganbright moved for final passage of the ordinance, which motion was seconded by Council Member Arnold. The Council President then stated the question was "Shall Ordinance No. 2025-2294M be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Arganbright, Eggert, Arnold, Brockley. The following voted NAY: Wescott. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Council President declared the ordinance adopted and the Council President in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2025-2294M

AN ORDINANCE AUTHORIZING THE ISSUANCE OF MUNICIPAL IMPROVEMENT BONDS, SERIES 2025, OF THE CITY OF VALENTINE, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,500,000 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING MUNICIPAL IMPROVEMENTS IN THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY A SALES AND USE TAX AND OTHER SOURCES OF FUNDS FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF SAID TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF VALENTINE, NEBRASKA:

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

- (a) The City imposes an aggregate local option sales and use tax in the amount of 1.50% (the "Sales Tax") upon the same transactions within the City on which the State of Nebraska is authorized to impose a tax pursuant to the Local Option Revenue Act (Sections 77-27,142 to 77-27,148, R.R.S. Neb., as amended, the "Act").
- (b) A portion of the Sales Tax imposed in the amount of 1.25% (the "Pledged Sales Tax") was authorized pursuant to Ordinance No. 2015-2164M of the City for the purposes of, in part, payment of interest on and principal of any bonds or other obligations of the City, funding the purchase of real property and improvements to infrastructure, and financing the construction of recreation, capital improvement and community betterment projects (the "Municipal Projects").
- (c) The City is authorized to issue bonds pursuant to the Act (which, under the definition of bonds in Section 10-134, includes bond anticipation notes) for any municipal purpose, including payment of the costs of a publicly owned sports complex as a Municipal Project, which will include multiple indoor basketball, volleyball or other courts primarily for use in competitive sports, (together, the "Project") to agree to issue its bonds to pay such bonds, and to pledge receipts of the Pledged Sales Tax and dedicate a portion of its property tax levy authority as provided in Section 77-3442, R.R.S. Neb., as amended, for payment of such bonds.
- (d) All conditions, acts and things required to exist or to be done precedent to the issuance of Municipal Improvement Bonds, Series 2025, (or such other title as determined in a Designation as described below, the "Bonds") of the City of Valentine, Nebraska, in one or more series in the aggregate principal amount of not to exceed \$8,500,000 pursuant to the Act to provide financing for a portion of the cost of the Project do exist and have been done as required by law.

Section 2. (a) To provide funds for the purpose of paying and reimbursing the costs of the Project as set forth in Section 1 hereof, there shall be and there are hereby ordered issued the Municipal Improvement Bonds of the City in one or more series, in the aggregate stated principal amount of not to exceed \$8,500,000; provided, however, such amount may be increased as necessary to the extent the Bonds are sold at a net original issue discount.

(b) The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with an underwriting firm as initial purchaser (the "Underwriter") as approved by the Mayor, City Manager or City Treasurer (each, an "Authorized Officer"). In connection with such sale, each Authorized Officer is hereby authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a bond purchase agreement (each, a "Designation"), the following with respect to the Bonds: (i) the aggregate purchase price of the Bonds and the underwriting discount which shall not exceed 1.250% of the aggregate stated principal amount thereof, (ii) the form and contents of any bond purchase agreement in connection with such sale, (iii) for each series, the title, dated date, aggregate principal amount (which aggregate stated principal amount shall not exceed \$8,500,000; provided, however, such amount may be increased as necessary to the extent the Bonds are sold at a net original issue discount), and the final maturity date, which shall not be later than December 15, 2045, (iv) the principal amounts maturing in each year and whether maturities will be issued as serial or term bonds (v) the rate or rates of interest to be borne by each principal maturity, and any original issue premium or original issue discount, provided that the true interest cost of the Bonds shall not exceed 6.000%, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity, and (x) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

(c) The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on June 15 and December 15 of each year beginning on the date determined in the Designation (each an "Interest Payment Date"), and the Bonds shall bear interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (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, 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 unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in a Designation, which Paying Agent and Registrar may be a bank or trust company. If a bank or trust company is designated, such bank or trust company shall serve as Paying Agent and Registrar in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City in the form as an Authorized Officer shall deem appropriate on behalf of the City. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its office. The names and registered addresses of registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one such 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 shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City as 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. 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 issue thereof at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date as may be determined in the Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, 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, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the 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 Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 6. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in Valentine, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are

authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF CHERRY

CITY OF VALENTINE, NEBRASKA
MUNICIPAL IMPROVEMENT BOND
SERIES 2025

No. _____

\$

Interest Rate
%

Maturity Date
_____, 20__

Date of Original Issue
_____, 2025

CUSIP

Registered Owner: Cede & Co.

Principal Amount:

The CITY OF VALENTINE, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above in lawful money of the United States of America on the Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on _____ and _____ of each year, beginning _____, 20__ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of _____, as the Paying Agent and Registrar, in _____, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding such Interest Payment Date, to such owner's registered 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 purposes become available.

This bond is one of an issue of fully registered bonds (the "Bonds") of the total principal amount of _____ (\$ _____), 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 payment of the costs of a publicly owned indoor sports complex, which will include multiple indoor basketball, volleyball or other courts primarily for use in competitive sports. The issuance of such bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and Council of the City (the "Ordinance").

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$	Principal Maturing	_____	15, 20
\$	to be called	_____	15, 20
\$	to be called	_____	15, 20
\$	Payable	_____	15, 20]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

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

If the date for payment of the principal of or interest on this Bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal

holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this Bond, does not exceed any limitation imposed by law. For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, the City in the Ordinance has pledged the Pledged Sales Tax (as defined in the Ordinance) to the payment of the principal of and interest on the Bonds. The City has further agreed in the Ordinance that it shall dedicate such portion of its property tax levy authority (as provided in Section 77-3442, R.R.S. Neb., as amended) as is necessary to provide funds which, together with receipts from the Pledged Sales Tax as pledged to the payment of the Bonds and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds as the same fall due.

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

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE 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.

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

IN WITNESS WHEREOF, the Mayor and Council of the City have caused this Bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF VALENTINE, NEBRASKA

ATTEST: _____
(facsimile signature)
Mayor

(facsimile signature)
Clerk
(SEAL)

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of Valentine, Nebraska, described in the foregoing Bond.

_____, Nebraska, Paying Agent and Registrar

ASSIGNMENT

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

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

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

Dated: _____

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

Medallion Signature Guarantee:

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 using the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the “Letter of Representations”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the 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 Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

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

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Series 2025 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(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 Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond and such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Neb., as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the purchase price thereof plus accrued interest thereon to date of payment of the Bonds. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel (including the City's 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 Bond Purchase Agreement (the "Purchase Agreement") to be entered into between the City and the Underwriter with respect to the purchase of the Bonds from the City, in such form as the Authorized Officer executing the Purchase Agreement shall in the exercise of his or her own independent judgment and absolute discretion determine to be necessary, proper, appropriate, advisable, or desirable in order to effectuate the issuance, sale, and delivery of the

Bonds, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 9. The City Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and City Council precedent to the issuance of said Bonds, a copy of which shall be delivered to the Underwriter.

Section 10. The proceeds of the Bonds shall be applied to the costs of the Project as described in Section 1 hereof, including payment of any issuance expenses for the Bonds. Pending such application the City Treasurer shall hold such proceeds.

Section 11. The Bonds are special obligations of the City payable from, and secured as to the payment of principal and interest by a pledge of the Pledged Sales Tax, which includes the available portion of the 0.5% Special Sales Tax after satisfaction of the deposits required by the Prior Ordinance (as described and defined in Section 1 hereof) as approved by the voters at the Election. The City hereby pledges the Pledged Sales Tax to the payment of the principal of and interest on the Bonds. The City hereby further agrees that it shall dedicate such portion of its property tax levy authority (as provided in Section 77-3442, R.R.S. Neb., as amended) as is necessary to provide funds which, together with receipts from the Pledged Sales Tax as pledged to the payment of the Bonds and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds as the same fall due (including mandatory sinking fund redemptions). The pledge of the Pledged Sales Tax provided for in this Section 11 for the Bonds shall not prevent the City from otherwise applying receipts from the Pledged Sales Tax to other purposes in any year so long as sufficient funds have been budgeted and allocated for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional bonds payable on par with the Bonds equally and ratably secured by a pledge of receipts from the Pledged Sales Tax.

Section 12. The Mayor and City Council hereby authorize the Authorized Officers, or each individually, to approve and deem final, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, a Preliminary Official Statement with respect to the Bonds and the information therein contained and to approve and deliver a final Official Statement for and on behalf of the City. The Authorized Officers, or any one or more of them, are hereby further authorized to take any and all actions and enter into any and all agreements and execute any documents deemed necessary or appropriate in connection with the issuance and sale of the Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 13. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out

all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 14. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby authorizes the Authorized Officers, or any one or more of them, as, if and to the extent appropriate, to designate the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenant and warrant on behalf of the City that the City does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during the calendar year in which the Bonds are issued (taking into consideration the exception for current refunding issues). The City agrees to take all further actions, if any, necessary and appropriate to qualify the Bonds herein authorized as such "qualified tax-exempt obligations" as and to the extent permitted by law.

Section 15. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of 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, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest 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 payments; provided, however, that with respect to any Bond to be paid prior to

maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16. All documents, agreements, certificates, and instruments related to the Bonds shall be valid, binding, and enforceable against the City when executed and delivered by means of (i) an original manual signature; (ii) a faxed, scanned, or photocopied manual signature, or (iii) any other electronic signature permitted by electronic signatures laws, including any relevant provisions of the Uniform Commercial Code, in each case to the extent applicable. Each faxed, scanned, or photocopied manual signature, or other electronic signature, shall for all purposes have the same validity, legal effect, and admissibility in evidence as an original manual signature. Each document, agreement, certificate, and instrument related to the Bonds may be executed in any number of counterparts, each of which shall be deemed to be an original, but such counterparts shall, together, constitute one and the same document, agreement, certificate, or instrument, as applicable.

Section 17. This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet or electronic form as provided by law.

PASSED AND APPROVED this 9th day of January, 2025.

CITY OF VALENTINE, NEBRASKA

By: 
City Council President

ATTEST:

By: 
Clerk

[S E A L]

I, the undersigned, City Clerk, of the City of Valentine, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Council President and City Council on January 9, 2025; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the meeting or meetings reflected in the transcript described below in the room in which such meeting or meetings were held and that all in attendance at such meeting or meetings were informed that such copy of the Nebraska Open Meetings Act was available for review and were informed of the location of such copy in the room in which such meeting was being held; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.


City Clerk

(SEAL)

EXHIBIT A

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

ISSUER NAME: City of Valentine, in the State of Nebraska

COMPLIANCE OFFICER (BY TITLE): City Clerk

POLICY

It is the policy of the Issuer identified above (the "Issuer") to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds to ensure, as applicable that interest on its tax-exempt bonds remains exempt from Federal income tax, and 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.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING

The undersigned members of the governing body of the City of Valentine, Nebraska, hereby acknowledge receipt of advance notice of a meeting of said body and the agenda for such meeting held at 6:00 p.m. on Thursday, January 9, 2025 in the Meeting Room of the Valentine Public Library, 324 N Main Street, Valentine, Nebraska.

Dated this 9th day of January, 2025.



Kyle Arganbright, Council President



Brad Arnold, Council Vice President



Max Eggert, Councilmember



Neil Wescott, Councilmember



Ross Brockley, Councilmember

Financing Pro Forma

Budget Estimate

			Concept A	Concept B
Square Feet new - wellness			25010	26600
Total square feet			25010	26600
Purchase price			\$0	\$0
New building - frame, shell, foundations & MEP	\$165		\$4,126,650	\$4,389,000
Site improvements			\$432,000	\$432,000
Interior improvements	\$106		\$2,651,060	\$2,819,600
Total construction			\$7,209,710	\$7,640,600
Total acquisition and construction			\$7,209,710	\$7,640,600
	\$/sf		\$288	\$287
Soft costs and design	10%		\$720,971	\$764,060
Furniture and equipment	\$10		\$250,100	\$266,000
Weight and cardio equipment			\$100,000	\$100,000
Gymnasium equipment			\$75,000	\$75,000
Total soft costs & FFE			\$1,146,071	\$1,205,060
Total facilities cost (Today)			\$8,355,781	\$8,845,660
Total facilities cost with escalation 12 months	6%		\$8,857,128	\$9,376,400

Sources of Funds

	Construction Costs				Debt Servicing			Lodging Occupation Tax ⁴	Total
	Bond Proceeds	Cash Contribution ²			State Assistance ¹	Betterment Sales Tax ²	Bond Repayment Sales Tax ³		
2025	\$8,500,000.00	\$1,000,000.00			\$1,160,000.00	\$174,625.00	\$0.00	\$270,000.00	\$1,604,625.00
2026					\$1,160,000.00	\$172,375.00	\$0.00	\$270,000.00	\$1,602,375.00
2027					\$1,160,000.00	\$172,000.00	\$0.00	\$270,000.00	\$1,602,000.00
2028					\$1,160,000.00	\$173,250.00	\$0.00	\$270,000.00	\$1,603,250.00
2029					\$1,160,000.00	\$171,000.00	\$0.00	\$270,000.00	\$1,601,000.00
2030						\$212,000.00	\$118,000.00	\$270,000.00	\$600,000.00
2031						\$212,000.00	\$121,500.00	\$270,000.00	\$603,500.00
2032						\$212,000.00	\$122,750.00	\$270,000.00	\$604,750.00
2033									

¹The state assistance is based on 25% of the 5.5% sales tax collected by the State of Nebraska in Valentine in 2024 as reported on the Department of Revenue's Monthly Nebraska Non-Motor Vehicle Sales Tax Collections by County and Selected Cities reports.

²One-half percent of our local option sales tax is "allocated to the operation, maintenance, and financing of the City's swimming pool and to the financing of the construction, operation, and maintenance of recreation, capital improvement, economic development or community betterment projects, which financing may include the payment of interest on and principal of any bonds or obligations therefor, as such principal and interest payments fall due."

³Three-quarter percent of our local option sales tax is "allocated to fund payment of interest on and principal of any bonds or other obligations of the City, to relieve the property tax burden, to fund the purchase and maintenance of real property or equipment, and to fund maintenance on and improvements to infrastructure."

⁴The city has adopted a 5% occupation tax on the rental of hotel accommodations.



BOND DEBT SERVICE
CITY OF VALENTINE, NEBRASKA
MUNICIPAL IMPROVEMENT BONDS, SERIES 2025
Assumes Non-Rated, BQ, 2032 Maturity, 6/15/26 Par Call
[Preliminary - For Discussion Only]

Dated Date 06/15/2025
Delivery Date 06/15/2025

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/15/2025	1,215,000	5.000%	210,000	1,425,000	1,604,625
06/15/2026			179,625	179,625	
09/30/2026					
12/15/2026	1,275,000	5.000%	179,625	1,454,625	1,602,375
06/15/2027			147,750	147,750	
09/30/2027					
12/15/2027	1,340,000	5.000%	147,750	1,487,750	1,602,000
06/15/2028			114,250	114,250	
09/30/2028					
12/15/2028	1,410,000	5.000%	114,250	1,524,250	1,603,250
06/15/2029			79,000	79,000	
09/30/2029					
12/15/2029	1,480,000	5.000%	79,000	1,559,000	1,601,000
06/15/2030			42,000	42,000	
09/30/2030					
12/15/2030	530,000	5.000%	42,000	572,000	600,750
06/15/2031			28,750	28,750	
09/30/2031					
12/15/2031	560,000	5.000%	28,750	588,750	603,500
06/15/2032			14,750	14,750	
09/30/2032					
12/15/2032	590,000	5.000%	14,750	604,750	604,750
09/30/2033					
	8,400,000		1,422,250	9,822,250	9,822,250

Operating Pro Forma

Revenue	Monthly Rates	Members	Monthly Revenue	Annual Revenue
Student Memberships	\$10.00	30	\$300.00	\$3,600.00
Individual Memberships	\$20.00	100	\$2,000.00	\$24,000.00
Couple Memberships	\$35.00	150	\$5,250.00	\$63,000.00
Family Memberships	\$45.00	60	\$2,700.00	\$32,400.00
Hospital Employee Benefit				\$60,000.00
Concessions				\$7,500.00
Gate/Event Fees				\$22,500.00
Total Revenue				\$213,000.00
Expenses				
Salaries				\$75,000.00
Employee Benefits				\$1,425.00
FICA				\$5,737.50
Audit Expenses				\$800.00
Insurance				\$45,000.00
Internet/Telephone				\$1,200.00
Utilities				\$35,000.00
Janitorial Supplies				\$500.00
Office Supplies				\$300.00
Small Tools/Equipment				\$500.00
Building Maintenance				\$12,500.00
Equipment Maintenance				\$12,500.00
Concession Supplies				\$5,000.00
Total Expenses				\$195,462.50
Net Income				\$17,537.50

Local Financial Commitment

The City's contribution to the project will come for the local option sales tax and our lodging occupation tax. One-half percent of the local option sales tax is "allocated to the operation, maintenance, and financing of the City's swimming pool and to the financing of the construction, operation, and maintenance of recreation, capital improvement, economic development or community betterment projects, which financing may include the payment of interest on and principal of any bonds or obligations therefor, as such principal and interest payments fall due." During the last fiscal year that portion of the sales tax generated \$425,757.87. Our lodging occupation tax generated \$272,732.91 during the last fiscal year. Any additional required funds not covered by the betterment sales tax and occupation tax will come from the three-quarters percent of the local option sales tax that is "allocated to fund payment of interest on and principal of any bonds or other obligations of the City, to relieve the property tax burden, to fund the purchase and maintenance of real property or equipment, and to fund maintenance on and improvements to infrastructure." During the last fiscal year, that portion of the sales tax generated \$638,636.81. The Local Option Sales Tax and Lodging Occupation Tax ordinances follow.

ORDINANCE NO. 2014-2164M
ORDINANCE RECORD

The City Council of the City of Valentine, Nebraska, met at the Valentine Library Meeting Room, 324 N Main Street, in said city on the 14th day of August, 2014, at 7:00 P.M. CT in regular session with the following present:
Councilmembers:

Don Nelsen, Chairperson
Andrew Ward
Kyle Arganbright
Gary Sadi
Kalli Kieborz
City Manager, Shane Siewert
City Clerk/Treasurer, Deanna Schmit

A quorum being present, the following proceedings were had and done:

Council Member Don Nelsen introduced Ordinance No. 2014-2164M entitled:

ORDINANCE NO. 2014-2164M

AN ORDINANCE OF THE CITY OF VALENTINE, CHERRY COUNTY, NEBRASKA, A MUNICIPAL CORPORATION FOR THE STATE OF NEBRASKA, PROVIDING FOR THE ON OR AFTER OCTOBER 1, 2014, A SALES AND USE TAX OF ONE AND ONE HALF PERCENT SHALL BE IMPOSED UPON THE SAME TRANSACTIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF VALENTINE, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A SALES AND USE TAX, PURSUANT TO THE PROVISIONS OF THE LOCAL OPTION REVENUE ACT AS AMENDED FROM TIME TO TIME TO PROVIDE FOR THE ADMINISTRATION, MAKING OF RETURNS FOR THE ASCERTAINMENT, ASSESSMENT, AND COLLECTION, AND FOR THE DISTRIBUTION OF SUCH TAXES, TO PROVIDE NOTICE TO THE TAX COMMISSIONER OF THE STATE OF NEBRASKA, TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT OR INCONSISTENT HERewith, TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE AND TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Arganbright moved that the statutory rule requiring reading on three different days be suspended. Council Member Ward seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Sadi, Ward, Kieborz, Nelsen, Arganbright. The following voted NAY: None. The motion to suspend the rules was adopted unanimously and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was read by title and thereafter Council Member Arganbright moved for final passage of the ordinance, which motion was seconded by Council Member Kieborz. The Mayor then stated the question was "Shall Ordinance No. 2014-2164M be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Sadi, Arganbright, Nelsen, Kieborz, Ward. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2014-2164M

AN ORDINANCE OF THE CITY OF VALENTINE, CHERRY COUNTY, NEBRASKA, A MUNICIPAL CORPORATION FOR THE STATE OF NEBRASKA, PROVIDING FOR THE ON OR AFTER OCTOBER 1, 2014, A SALES AND USE TAX OF ONE AND ONE HALF PERCENT SHALL BE IMPOSED UPON THE SAME TRANSACTIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF VALENTINE, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A SALES AND USE TAX, PURSUANT TO THE PROVISIONS OF THE LOCAL OPTION REVENUE ACT AS AMENDED FROM TIME TO TIME TO PROVIDE FOR THE ADMINISTRATION, MAKING OF RETURNS FOR THE ASCERTAINMENT, ASSESSMENT, AND COLLECTION, AND FOR THE DISTRIBUTION OF SUCH TAXES, TO PROVIDE NOTICE

TO THE TAX COMMISSIONER OF THE STATE OF NEBRASKA, TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCE IN CONFLICT OR INCONSISTENT HERewith, TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE AND TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VALENTINE, NEBRASKA, TO WIT:

SECTION 1: On July 15th, 2014, at Valentine, Cherry County, Nebraska, an election was held at which time there was submitted to the electors of the City for their approval or rejection, the following questions:

"CITY TICKET, ISSUE #1, CITY SALES TAX

"Shall the Governing Body of the City of Valentine, Nebraska impose a sales and use tax of one and one-half percent (1 ½%) upon the same transactions within the City of Valentine on which the State of Nebraska is authorized to impose a tax, as follows?

"Such sales and use tax and allocation as provided below and as amended from the existing one and one-half percent (1 ½%) sales and use tax which was approved by the voters in 2006, shall take effect on October 1, 2014, and shall continue until January 1, 2032, with proceeds to be allocated as follows:

1. One-quarter percent (¼%) being allocated to fund the Valentine, Nebraska Economic Development Program.
2. Three-quarters percent (¾%) being allocated to fund payment of interest on and principal of any bonds or other obligations of the City, to relieve the property tax burden, to fund the purchase and maintenance of real property or equipment, and to fund maintenance on and improvements to infrastructure.
3. One-half percent (½%) being allocated to the operation, maintenance, and financing of the City's swimming pool and to the financing of the construction, operation, and maintenance of recreation, capital improvement, economic development or community betterment projects, which financing may include the payment of interest on and principal of any bonds or obligations therefor, as such principal and interest payments fall due.
4. Provisions related to the existing sales and use tax which was approved by the voters in 2006 shall continue until September 30, 2014."

"CITY TICKET, ISSUE #2, GOLF COURSE PROJECT

"Shall the City of Valentine, Nebraska, issue bonds of said City in the principal amount not to exceed One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) for the purpose of improving real estate as parks and recreational grounds by constructing a golf course and related improvements and providing the necessary equipment and apparatus for such golf course and related improvements; said bonds to bear interest at rate or rates to be determined by the City Council of the City and to become due at such time or times as may be fixed by the City Council, and

"Shall the City of Valentine, Nebraska, cause to be levied and collected annually a special levy of taxes against all the taxable property in the City sufficient in rate and amount to pay the interest on and principal of said bonds as the same become due (provided that proceeds from the one-half percent (½%) sales tax as set forth in CITY TICKET, ISSUE #1, CITY SALES TAX for such purposes shall be applied as a first and primary source for such payment, if such sales tax is approved by the electors)?"

"CITY TICKET, ISSUE #3, AMENDMENT TO ECONOMIC DEVELOPMENT

PROGRAM

"The City of Valentine proposes to amend its Economic Development Program, which amended Program is on file with the City Clerk:

- A. The Program, which commenced January 1, 2007 for a period of ten (10) years, shall be amended as of October 1, 2014 and extended for an additional period ending on January 1, 2032.

B. Funds for the amended Program may be used for developing small businesses and expansions thereof, recruiting qualifying businesses into the area, purchasing real estate or options for real estate, creating a revolving loan fund, and conducting all other economic development activities allowable under Nebraska Law determined to be beneficial to the City of Valentine and surrounding areas. Under the amended Program, such activities may include providing grants and loans or constructing buildings and infrastructure, including but not limited to, construction of a Mid-Plains Community College building, to facilitate job training by public or private educational institutions to promote the goals of the Program.

C. Collection of funds from local sources of revenue under the terms of the existing Program shall continue through September 30, 2014. Collection of funds from local sources of revenue under the terms of the amended Program shall begin October 1, 2014 and continue through January 1, 2032.

D. The source from which funds are to be collected shall be from the City Local Option Sales Tax, and from property tax to be levied pursuant to the Local Option Municipal Economic Development Act on taxable property within the City of Valentine, if proceeds from the sales tax available for such purposes are insufficient to accomplish the goals of the Program.

E. The total amount to be collected from local sources of revenue each year will not exceed \$270,000.00 per year over a seventeen and one quarter (17.25) year period for a total not to exceed \$4,657,500.00. Of the \$270,000 annually from local sources, it is currently anticipated that approximately \$145,000 per year is to be used for general Program activities, with the remainder expected to be applied to payment of principal and interest on bonds issued for Program projects.

F. The City of Valentine may issue bonds pursuant to the Local Option Municipal Economic Development Act to provide funds to carry out the Economic Development Program.

G. Additional funds from other non-city sources may be sought beyond those derived from sales and use tax and local property tax.

H. While the Program permits the levy and collection of property taxes, including for the purpose of making up shortfalls in needed Program funds, the present annual cost of the Economic Development Program attributable to property taxes is currently estimated to be not more than \$0 per \$10,000 of assessed valuation based on the most recent valuation of the City certified to the Property Tax Administrator pursuant to section 77-1613.01.

I. The goals of the amended Program are the same as the Program's existing goals, to promote existing industries and the retention of jobs, and to recruit new industries and jobs to the community. The goals continue to be further directed at maintaining a good quality of life for our citizens and a strong workforce; developing community resources; attracting new capital investment; broadening the community's tax base; and ensuring economic stability and viability for the City of Valentine and surrounding areas. In furtherance of these goals, the amended Program provides additional flexibility in Program governance and administration of the Loan Fund, including modifications of terms for loans and interest rates as determined appropriate from time to time by the Program Administrator.

Shall the City of Valentine establish its amended Economic Development Program as described here by appropriating annually from local sources of revenue \$270,000.00 for seventeen and one quarter (17.25) years?"

SECTION 2. The Cherry County Clerk/Election Commissioner has certified that the proposed city sales tax (City Ticket Issue #1) passed with a vote of: FOR:612; AGAINST:77; and the proposed golf course project question (City Ticket Issue # 2) passed with a vote of: FOR: 486; AGAINST: 202 and the Amendment to the Economic Development Program (City Ticket Issue#3) passed with a vote of FOR: 536; AGAINST: 142.

SECTION 3. Section 77-143 R.R.S. 1943 requires that the Incorporated Municipality shall furnish a certified copy of the adopting Ordinance to the Tax Commissioner.

SECTION 4. From and after the 1st day of October, 2014, pursuant to the provisions of Section 77-27, 142 to 77-27, 148 R.R.S. 1943, as amended from time to time, the Local Option Revenue Act, there is hereby imposed a sales and use tax of one and one-half percent (1½ %) on the same

transactions within the corporate limits of the City of Valentine, Cherry County, Nebraska, on which the State of Nebraska is authorized to impose a sales and use tax pursuant to the provisions of the Nebraska Revenue Act, as amended from time to time.

SECTION 5. During the existence of the City sales and use tax referred to in Section 4 above, one-quarter percent (1/4 %) of the net revenue received by the City of Valentine from such sales and use tax shall be used to fund the Valentine, Nebraska Economic Development Program.

SECTION 6. During the existence of the City sales and use tax referred to in Section 4 above, three-quarters percent (3/4 %) of the net revenue received by the City of Valentine from such sales and use tax shall be used to fund payment of interest on and principal of any bonds or other obligations of the City, to relieve the property tax burden, to fund the purchase and maintenance of real property or equipment, and to fund maintenance on and improvements to infrastructure.

SECTION 7. During the existence of the City sales and use tax referred to in Section 4 above, one-half percent (1/2 %) of the net revenue received by the City of Valentine from such sales and use tax shall be used for the operation, maintenance, and financing of the City's swimming pool and to the financing of the construction, operation, and maintenance of recreation, capital improvement, economic development or community betterment projects, which financing may include the payment of interest on and principal of any bonds or obligations therefor, as such principal and interest payments fall due.

SECTION 8. At the end of seventeen and one quarter (17.25) years from the date on which, by operation of state law, the tax becomes effective, January 1, 2032 the one and one-half percent (1 1/2 %) City sales and use tax referred to above shall automatically terminate, unless the tax is extended by a vote of the electorate prior to the end of such period.

SECTION 9. The administration of the sales and use tax, imposed by Section 4 of this ordinance, making of returns for the ascertainment, assessment, collection and for the distribution of the tax so imposed, shall be as provided in Section 77-27, 142 to 77-27,148 R.R.S. 1943, as amended from time to time.

SECTION 10. The sales and use tax imposed by Section 4 of this ordinance shall become effective October 1, 2014, in accordance with the provisions of Section 77-27,143 R.R.S.; 1943, as amended, which provides that for ordinances passed after October 1, 1969, the effective date shall be the first day of the next calendar quarter following receipt by the Tax Commissioner of a certified copy of the adopting ordinance; provided a certified copy of the ordinance is received 120 days prior to the start of the next calendar quarter.

SECTION 11. The City Clerk shall furnish or cause to be furnished to the Tax Commissioner of the State of Nebraska a certified copy of this adopting ordinance and a boundary map of the City of Valentine, Cherry County, Nebraska, clearly showing the boundaries thereof, at least 120 days prior to the start of the next calendar quarter.

SECTION 12. This ordinance shall be published one time in the Valentine Midland Newspaper, a legal weekly newspaper published of general circulation in the City of Valentine, Nebraska, and shall take effect and be in full force from and after its approval, passage and publication as provided by law.

SECTION 13. All ordinances or parts of ordinance in conflict herewith are hereby repealed.

SECTION 14. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.


Passed, approved and adopted and ordered published this 14th day of August, 2014.


PRESIDENT OF COUNCIL

ATTEST:


CITY CLERK


I, the undersigned, City Clerk for the City of Valentine, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on August 14, 2014; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.


City Clerk

PROOF OF PUBLICATION

STATE OF NEBRASKA)
COUNTY OF CHERRY) SS.
CITY OF VALENTINE)

I, Deanna Schmit, being first duly sworn on oath says that she is the City Clerk/Treasurer of Valentine, Cherry County, Nebraska, and that ORDINANCE NO. 2014-2164M was passed and approved at a regular meeting of the City Council held on the 14th day of August, 2014. The Ordinance was signed by the President of the Council and attested by the City Clerk/Treasurer and was published in pamphlet form on the 20th day of August, 2014 in the Valentine Midland Newspaper.


Deanna Schmit
City Clerk Treasurer

ORDINANCE NO. 2022-2267M
ORDINANCE RECORD

The City Council of the City of Valentine, Nebraska, met at the Valentine City Library meeting room, in said city on the 10th day of November, 2022, at 6:00 P.M. CT in regular session with the following present:

Councilmembers:
Kyle Arganbright, Chairperson
Ross Brockley
Kalli Kieborz
Neil Wescott
Dave Otradovsky
City Manager, Shane Siewert
City Clerk/Treasurer, Deanna Schmit

A quorum being present, the following proceedings were had and done:

Council President Kyle Arganbright introduced Ordinance No. 2022-2267M entitled:

ORDINANCE NO. 2022-2267M

AN ORDINANCE OF THE CITY OF VALENTINE, NEBRASKA, AMENDING CHAPTER 110, SECTION 110.10 OF THE MUNICIPAL CODE OF THE CITY OF VALENTINE, NEBRASKA, ORDINANCE NO. 2016-2200M, BY PROVIDING FOR THE ADDITION OF OCCUPATION TAX ON HOTEL ACCOMMODATIONS SECTION 110.10 TO THE MUNICIPAL CODE; PROVIDING FOR AN OCCUPATION TAX ON THE RENTAL OF HOTEL ACCOMMODATIONS; PROVIDING FOR DEFINITIONS OF "HOTEL", AND "OCCUPIED ROOM"; PROVIDING FOR A PAYMENT PERIOD AND DUE DATE; PROVIDING FOR INTEREST AND PENALTY; PROVIDING FOR MONTHLY RETURNS OF GROSS RECEIPTS; PROVIDING FOR INSPECTION OF RECORDS; PROVIDING FOR THE RIGHT OF THE CITY TO SUE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

Following reading by title on three different days said ordinance was read by title and thereafter Councilmember Wescott moved for final passage of the ordinance as amended by deletion of "and property tax relief" in Section E; a rate of five percent (5%); a start date of January 1, 2023 and the first payment due date of February 20, 2023. The motion was seconded by Council Member Kieborz. The Mayor then stated the question was "Shall Ordinance No. 2022-2267M be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Otradovsky, Brockley, Kieborz, Wescott. The following voted NAY: Arganbright. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 2022-2267M

AN ORDINANCE OF THE CITY OF VALENTINE, NEBRASKA, AMENDING CHAPTER 110, SECTION 110.10 OF THE MUNICIPAL CODE OF THE CITY OF VALENTINE, NEBRASKA, ORDINANCE NO. 2016-2200M, BY PROVIDING FOR THE ADDITION OF OCCUPATION TAX ON HOTEL ACCOMMODATIONS SECTION 110.10 TO THE MUNICIPAL CODE; PROVIDING FOR AN OCCUPATION TAX ON THE RENTAL OF HOTEL ACCOMMODATIONS; PROVIDING FOR DEFINITIONS OF "HOTEL", AND "OCCUPIED ROOM"; PROVIDING FOR A PAYMENT PERIOD AND DUE DATE; PROVIDING FOR INTEREST AND PENALTY; PROVIDING FOR MONTHLY RETURNS OF GROSS RECEIPTS; PROVIDING FOR INSPECTION OF RECORDS; PROVIDING FOR THE RIGHT OF THE CITY TO SUE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS

ORDINANCE; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALENTINE, NEBRASKA, TO-WIT:

SECTION 1: That Chapter 110, Section 110.10 of the Valentine Municipal Code be added, as follows:

§110.10 OCCUPATION TAX ON THE RENTAL OF HOTEL ACCOMMODATIONS

- A. *Levied, basis; amount.*** Each person engaged in the business of operating a hotel in the city shall pay an occupation tax in the amount of five percent (5%) of the basic rental rates charged per occupied room per night. The tax may be shown as an add-on to the charge for occupancy for the rooms and shall be collectible at the time the lodging is furnished, regardless of when the charge of the occupancy is paid. The hotel operator shall remain responsible for payment of all taxes imposed whether or not the taxes are actually collected from the guests.
- B. *Hotel Defined.*** Hotel shall mean any facility, offering a room or rooms for occupancy, in which the public may, for a consideration obtain sleeping accommodations in any space ordinarily used for accommodations. The term shall include hotels, motels, tourist hotels, campgrounds, bed and breakfast inns, lodging houses, inns, short-term rentals, and nonprofit hotels; but "hotel" shall not be defined so as to include hospitals, sanitariums, nursing homes, chronic care centers, or dormitories or facilities operated by an educational institution and regularly used as to house students.
- C. *Occupied Room, Defined: Exceptions.*** Occupied room shall mean any space ordinarily used for sleeping accommodations and for which any occupant has, for consideration, obtained the use or possession, or the right to use or possess, for a period not to exceed thirty (30) contiguous days. The term shall include camping space, trailer space or recreational vehicle space. The term does not include a function room such as a ballroom, banquet room, reception room, or meeting room, provided it is not used for temporary sleeping accommodations, nor for complimentary or other sleeping accommodations for which no consideration is charged or for sleeping accommodations for which the consideration is paid by a person not subject to the sales and use tax imposed by the Nebraska Revenue Act of 1967.
- D. *Payment Period and Due Date.*** The payment of the occupation tax levied pursuant to this article shall be in monthly payments. The tax imposed by this article shall be due and payable on the twentieth (20th) day of each calendar month next succeeding the month during which the room was occupied. All taxes not paid by the 25th day of the month in which they are due and payable shall be deemed to be delinquent. The hotel operator shall be assessed a penalty of ten percent (10%) on all delinquent amounts as well as interest of one percent (1%) per month or fraction thereof from the twentieth of the month in which such tax becomes due and payable until the date of payment.
- E. *To Whom Payable, receipt, and disposition.*** The occupation tax levied pursuant to this article shall be paid to the city clerk at the time provided by this article. The amount of payment shall be credited to the general fund for general expenses.
- F. *Monthly report of gross receipts.*** All hotel operators shall, at the time they make their monthly payments of the occupation tax levied pursuant to this article, file with the city clerk on or before the 20th day of the month following, on a form prescribed and furnished by the City Clerk, a return for the taxable calendar month. The return shall be duly verified and sworn to by the officer in charge of the business of the particular company in the city or by a higher managerial employee of such company. The return shall be considered filed on time if mailed in an envelope properly addressed to the City Clerk, postage prepaid and postmarked before midnight of the 20th of the appropriate month.

- G. **Right of city to inspect records.** The City shall have the right at any time to inspect through its officers, agents or representatives, the books and records of any hotel for the purpose of verifying any report submitted pursuant to the requirements of subsection (F). Such records shall be maintained for a period of three (3) years after the occupation tax is due.
- H. **Amount of tax when report not filed or inspection refused.** If any Hotel operator shall refuse, fail or neglect to furnish or file any return or make payment of taxes as required by subsection (F) at the time required for such filing, or shall fail to refuse to permit the city to inspect the books and records of such hotel for the purpose of verifying such report, the City Clerk shall make an estimate, based upon such information as may be reasonably available, of the amount of taxes due for the period or periods for which the taxpayer is delinquent; and such amount shall be paid within 15 days following the end of the month as required by subsection (D), and such amount shall draw interest and be subject to penalties as provided by subsection (D).
- I. **Right of city to sue, when payment in default.** If any hotel operator shall fail to make payment of the occupation tax provided for by this article at the time specified for such payment, the city shall have the right sue any such hotel operator in any court of competent jurisdiction for the amount of such occupation tax due and payable under the terms and provisions of this article and may recover judgment against such hotel operator for such amount due, together with interest and penalties, and may have execution thereon. The return of the taxpayer or the assessment made by the City Clerk, as herein provided, shall be prima facie proof of the amount due. The City Attorney may commence an action for the recovery of taxes due under this chapter and this remedy shall be in addition to all other existing remedies, or remedies provided in this section.

SECTION 2: All ordinances or parts of an ordinance in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be published pursuant to law.

SECTION 4: The provisions of this ordinance are separable, and the invalidity of any phrase, or clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 5: This ordinance shall be in full force and take effect from and after its approval, passage, and publication according to law. The first month of collection shall be January, 2023 with the first payment being due on February 20, 2023.

Passed, approved and adopted and ordered published in pamphlet form this 10th day of November, 2022.


PRESIDENT OF THE CITY COUNCIL

ATTEST:

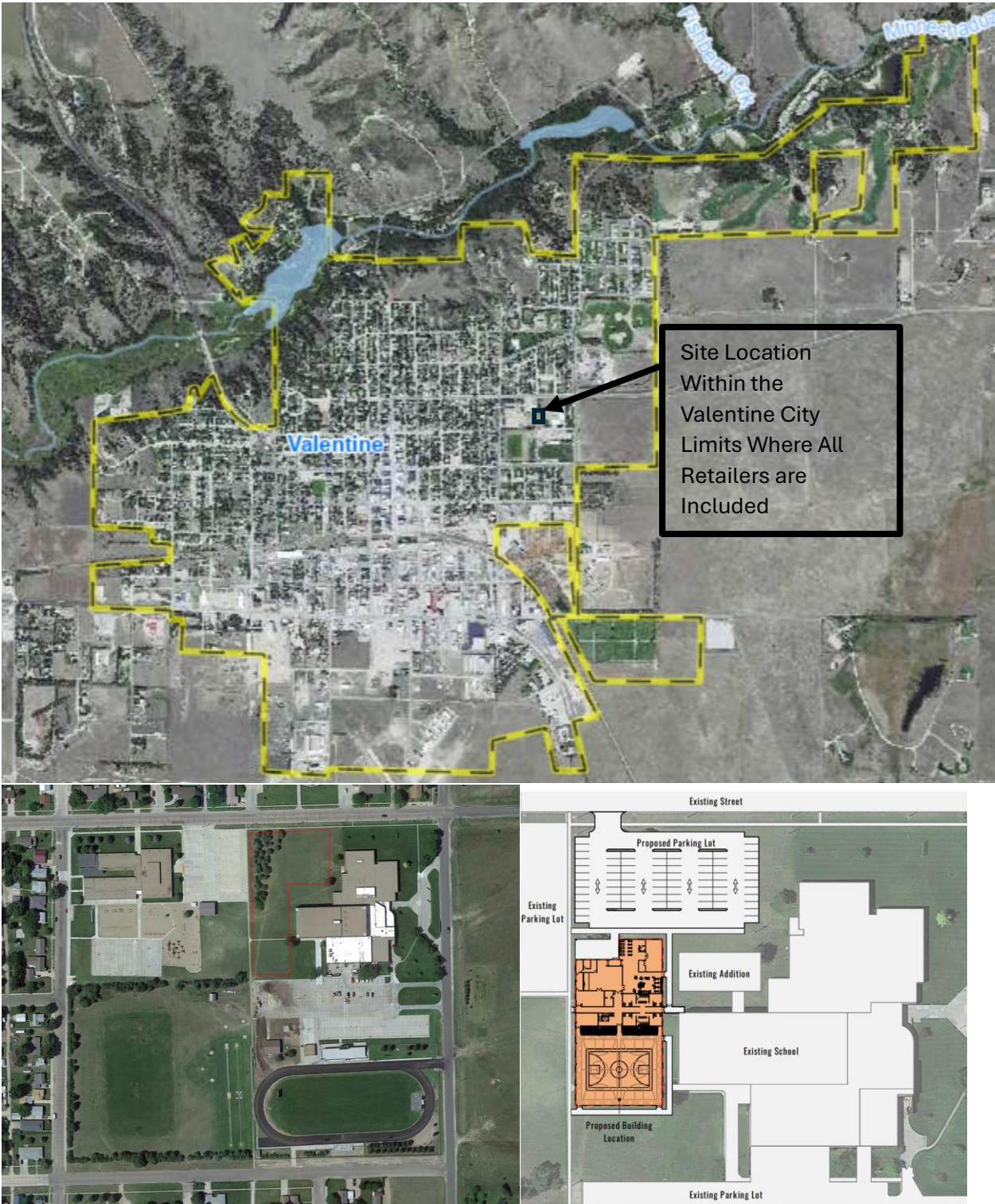

CITY CLERK

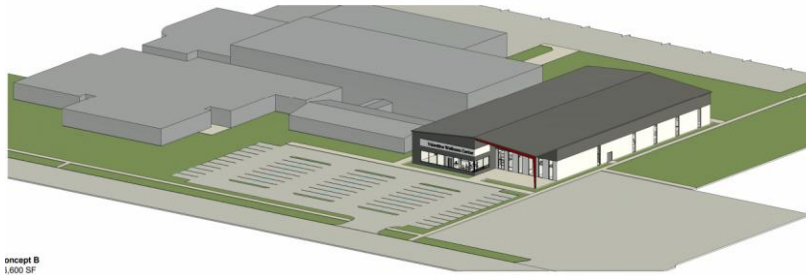
I, the undersigned, City Clerk, of the City of Valentine, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and City Council on November 10, 2022; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the meeting or meetings reflected in the transcript described below in the room in which such meeting or meetings were held and that all in attendance at such meeting or meetings were informed that such copy of the Nebraska Open Meetings Act was available for review and were informed of the location of such copy in the room in which such meeting was being held; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.


City Clerk

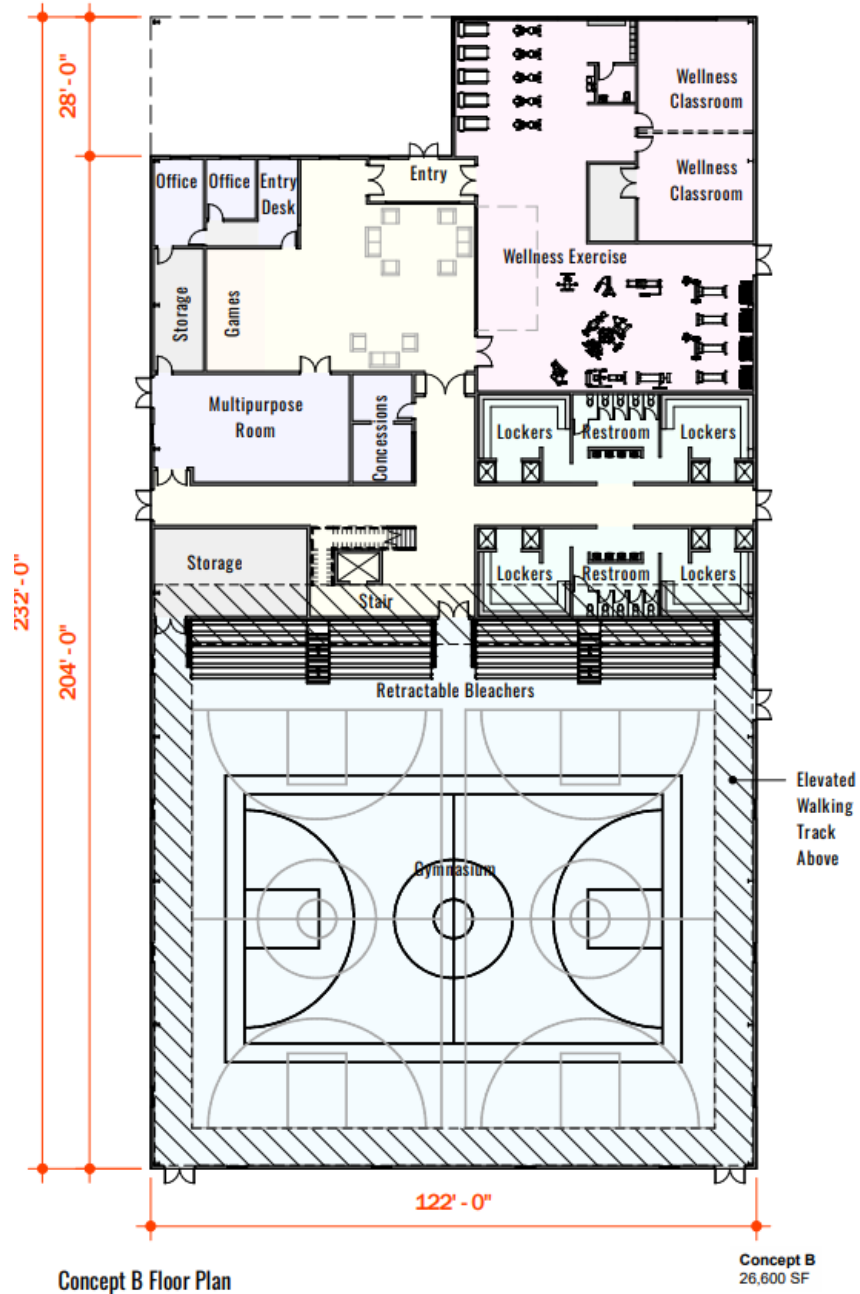
(SEAL)

Site Plan





concept B
1,600 SF



Letters of Support

Date: 1/16/25

Re: Support for City of Valentine's Application for
Nebraska Sports Arena Facility Financing
Assistance Act



Dear Members of the Selection Committee,

The Cherry County Tourism Promotion Board is writing to express our full support for the City of Valentine's application for funding through the Nebraska Sports Arena Facility Financing Assistance Act to build a gym/wellness center in Valentine.

This facility will play a key role in bolstering our local economy, creating new event space, and enabling us to host a wider variety of events. A year-round venue for sports and wellness activities will attract locals and visitors, particularly during Valentine's shoulder season, providing a much-needed boost to our local tourism industry.

We are a small community that can offer wide open spaces and a genuine, unique experience. While being a small community, we still possess big city amenities like award winning eating establishments, numerous high-quality accommodations, one-of-a-kind attractions and a vibrant downtown atmosphere. We have 300 plus hotel/motel rooms to easily accommodate any group since most are conveniently located within walking distance to restaurants and downtown shopping.

In addition to the economic benefits, the gym/wellness center will contribute to the health and well-being of our community, offering a valuable resource for residents. We believe that this project aligns with our goals to promote tourism, enhance community vitality, and support a healthy, thriving environment for both visitors and residents.

We strongly encourage your consideration of the City of Valentine's application and believe it will have a lasting positive impact on both our local economy and the well-being of our community.

Thanking you & profound regards,

Regina Osburn
Cherry County Tourism Director
On behalf of the Cherry County Tourism Promotion Board

Jennifer Moore
Executive Director
Valentine Chamber of Commerce
PO Box 201
Valentine, NE 69201

12/30/2024

Dear members of the board,

On behalf of the Valentine Chamber of Commerce, I am writing to express our full support for the City of Valentine's proposal to build a gym and wellness center with any funding received through The Sports Arena Facilities Financing Assistant Act. This project represents an invaluable opportunity to enhance the quality of life for our residents, promote public health, and support economic development in our community.

As the Heart City of Nebraska, Valentine prides itself on being a welcoming and vibrant community. However, access to affordable fitness facilities and wellness resources has long been a challenge for many of our residents. The proposed gym and wellness center would address this gap by providing a dedicated space for physical activity, group fitness classes, and other health-focused initiatives. These resources are vital for fostering a healthier, more active population and addressing long-term health challenges that affect rural communities.

Beyond its health benefits, the wellness center would be a significant asset to Valentine's economic vitality. An accessible, modern facility would not only attract new families and businesses to the area but also support local tourism by offering amenities for visitors participating in events, activities, and conferences held in the area. Additionally, the construction and operation of the center would create jobs and generate revenue for local businesses.

The Valentine Chamber of Commerce is committed to the success of this initiative and recognizes the profound impact it will have on our community. By investing in this project, we will create a legacy of wellness and growth for Valentine, ensuring that our town remains a great place to live, work, and visit.

We strongly encourage your approval of funding for this vital project. Please do not hesitate to reach out to me at 402-322-5950 or valentinecc66@gmail.com if additional information or support is needed.

Thank you for considering this important opportunity to invest in the health and future of Valentine.

Sincerely,
Jennifer Moore
Executive Director
Valentine Chamber of Commerce



ECONOMIC DEVELOPMENT

323 North Main
P.O. Box 411
Valentine, NE 69201
Phone (308) 730-2293
Mark.hagge@valentinene.gov

January 22, 2025

Nebraska Department of Revenue Office and Tax Commissioner
301 Centennial Mall South
Lincoln, Nebraska 68508

Dear Tax Commissioner,

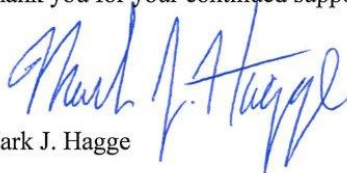
As the Director of the City of Valentine Economic Development, I would like to communicate our organization's support for our community's efforts to build a community wellness and recreational facility.

To continue to thrive the city of Valentine recognizes the need to retain and recruit families, new businesses and professionals to staff our local hospital and schools. Significant investments in our community's infrastructure have been made in recent years, the next step is providing our residents an amenity that can be utilized throughout the year.

Valentine Economic Development wholeheartedly believes that a wellness/recreational center represents the next logical step in our community's growth. This multi-purpose space will be designed to foster wellness, community connection amongst all generations, cohesiveness and be a source of community pride for all stakeholders.

The city of Valentine Economic Development asks for your consideration and support in making this project a reality through the **Sports Arena Facility Financing Assistance Act** turnback tax option. WE firmly believe this project will have a lasting economic impact on our community for generations to come.

Thank you for your continued support of rural Nebraska.


Mark J. Hagge



January 31, 2025

Nebraska Department of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818

Subject: Letter of Recommendation for Community Wellness Center Project

To Whom It May Concern,

On behalf of Cherry County Hospital, I am honored to provide this letter of recommendation in support of the Community Wellness Center project in Valentine, Nebraska, as they apply for funding under the Nebraska Sports Arena Facilities Financing Assistance Act. This initiative represents a transformative opportunity to enhance the health and well-being of our residents, addressing critical healthcare and wellness needs in our region.

As the CEO of Cherry County Hospital, I have witnessed firsthand the increasing demand for accessible wellness and recreational facilities. The proposed Community Wellness Center will fill a vital gap by providing services focused on fitness, rehabilitation, mental health support, and chronic disease prevention. These offerings will significantly improve health outcomes for our community members while promoting physical activity and wellness through expanded sports and fitness facilities.

Valentine and the surrounding rural communities face unique healthcare challenges, including geographic barriers to care and limited access to specialized health services. The establishment of a Community Wellness Center will serve as a proactive solution, offering a centralized location for education, prevention, treatment services, and athletic development. By promoting healthy lifestyles and expanding recreational opportunities, this facility will contribute to a more vibrant and resilient population.

Additionally, the Community Wellness Center will enhance Valentine's ability to attract larger sporting events, tournaments, and wellness expos, drawing visitors from across the region. These events will create economic opportunities by increasing tourism, supporting local businesses, and generating revenue for the community. The presence of such a facility will not only elevate the town's profile but also improve the overall quality of life for residents by fostering a more dynamic and engaging environment.

This project will also play a crucial role in recruiting and retaining healthcare professionals in Valentine. The nationwide shortage of healthcare workers has made it increasingly difficult to achieve optimal staffing levels in hospitals, particularly in rural areas. By offering state-of-the-art wellness and fitness facilities, the Community Wellness Center will make our community more attractive to prospective employees and their families. Access to high-quality recreational and health resources is a key factor in staff retention, and this project will serve as a major asset in strengthening our workforce and ensuring the long-term sustainability of our healthcare services.

Cherry County Hospital fully endorses this project and is committed to collaborating with the Community Wellness Center to ensure its success. We recognize the immense benefits that such a facility will bring to our region, including economic development, improved public health, and an enhanced quality of life for our residents. We urge the Nebraska Department of Revenue to provide the necessary funding to bring this much-needed initiative to fruition.

Thank you for your time and consideration of this request. If you require further information or additional support, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Barga".

Jim Barga, MBA-HM
Chief Executive Officer
Cherry County Hospital
(402) 376-2525, Ext 123
jbarga@cchospital.net

510 North Green Street | Valentine, NE 69201 | 402-376-2525

Contact Information

City of Valentine
323 N Main St.
P.O. Box 177
Valentine, NE 69201
402-376-2323

Shane Siewert
City Manager
402-376-2323
Shane.Siewert@ValentineNE.gov

Deanna Schmit
City Clerk/Treasurer
402-376-2323
Deanna.Schmit@ValentineNE.gov

Kyle Arganbright
City Council President
402-376-2211
kyle.arganbright@gmail.com