

**AGENDA
CITY COUNCIL MEETING
April 2, 2013**

1. [Approval of Minutes – March 19, 2013](#)

2. [Approval of Claims](#)

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the City Council Chambers.

The City Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

3. [Action to Consider Request to Amend Wayne Municipal Code to Allow Poultry within the Corporate Limits of Wayne](#)

4. [Recess](#)

a. [Convene as Community Development Agency](#)

b. [Approve Minutes – March 19, 2013](#)

c. [Approve CDA Claims](#)

d. [Consideration and Adoption of CDA Res. 2013-5 Recommending Approval of a Redevelopment Contract \(Progressive Property Inspections, LLC\) Amendment for:](#)

[509 Nebraska: Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska; and](#)

[520 Nebraska: Lot 12, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska.](#)

Background: This Tax Increment Financing Agreement is for two 5-plex market rate apartment units on the two properties listed above. The \$130,000 value of the TIF Bond was calculated by Mike Bacon, our designated TIF attorney. The two buildings will be built this summer. The developer, Kelby Herman, has agreed to use TIF funding to construct some privacy fence on the south and north boundaries of 509 Nebraska Street in those areas of the lots between the apartment building and the neighboring homes. We'll check with the owner of the property south of 520 Nebraska Street. The McManigals also agreed to do this at the request of the neighbor on the south boundary of their 6-plex at 4th and Windom Street by Overin Field.

Both 509 and 520 Nebraska are already zoned R-3, which allows multi-unit housing as a Permitted Use. The Planning Commission has reviewed this for fit with the Comprehensive Plan and Zoning. Both lots are in an area of Wayne designated for tax increment construction incentives. This proposal

also corresponds with Council retreat goals and to the needs shown in the 2012 Housing Needs Survey for Wayne completed by RDG Consulting.

Recommendation: The recommendation of Lowell Johnson, City Administrator, and Nancy Braden, Finance Director, is to approve the agreement.

e. Adjourn CDA and Reconvene as Council

5. Public Hearing: Redevelopment Plan/Contract of Progressive Property Inspections, LLC for:

509 Nebraska: Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska.

520 Nebraska: Lot 12, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska.

(Advertised Time: 5:30 p.m.)

6. Resolution 2013-29: Approving a Redevelopment Plan/Contract with Progressive Property Inspections, LLC

7. Public Hearing: Application for Nebraska Affordable Housing Program Grant — Angel Village (Advertised Time: 5:30 p.m.)

Background: This 20 home, single-family retirement rental project is in direct response to anecdotal inquiries from area residents to a project specific housing study for this project and in direct response to demand shown in the 2012 Housing Needs Survey for Wayne. At the March 5th City Council meeting, this project was approved for \$450,000 in TIF financing.

This \$579,000 Nebraska Housing Trust Fund Grant Application is submitted by the City on behalf of the developer. This grant is a part of the estimated \$3 million total financial package for the project. The developer, Angel Village, Inc., will be using private equity and bank financing for the balance of the project cost. This is a competitive application and results won't be known until late summer. If funded, it will help cost-share a commons area and allow 6 of the single-family homes to be rented at more affordable rates for households, with incomes at or below the median income for Wayne County.

Recommendation: The recommendation of Lowell Johnson, City Administrator, and Nancy Braden, Finance Director, is to approve the project.

8. Resolution 2013-30: Authorizing Chief Elected Official to Sign an Application for Nebraska Affordable Housing Program Funds

9. Resolution 2013-31: Approving Letter Agreement with Kirkham Michael for Additional Professional Design Engineering Services for the Wayne Windom Street Project (lump sum fee of \$6,900.00)

Background: This is a 4 block tear-out and repaving project, with new storm drains, water mains and sidewalks. It has been delayed for a number of years because of the backlog of federal funding available and increased requirements for environmental review. The new federal environmental review requirements and design costs were not known at the time of our original engineering agreement with KM. This supplemental agreement will cover those costs.

Additional Information: The original project estimate was \$400,000 when we hired KM before any design work was started. Now the design work is complete, and the engineer's estimate is more accurate. The engineer's estimate for the project cost is now around \$650,000, depending on the bids.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, is to approve the agreement for additional engineering services. There is no option if we plan to use 80% Federal funding for the paving and storm drain portion of the project.

10. [Resolution 2013-32: Amending Housing Construction Loan Incentives for Builders \(lifting the restriction of two at a time for housing construction incentives\)](#)

Background: Construction goes in cycles, and this proposal would provide incentives to build to the market demand, regardless of who is building. Currently, we allow two single-family housing construction loans or two apartment construction loans or one of each to a builder. Two builders in Wayne want to build faster than our restriction allows while the market is there.

Recommendation: We have no staff recommendation. We want to make you aware that this will be limiting construction starts, and this is a decision for elected officials.

11. [Action to Increase the Amount Allocated by Council for Construction Loan Incentives](#)

Background: The idea for short-term construction incentive loans for apartments and single-family houses was developed at our annual strategic planning retreat two years ago. A \$300,000 loan fund was proposed, and Council action cut it to \$160,000 with the thought that if we need more, we can add it. We are at the limit, and Nancy is holding applications for another \$150,000.

Recommendation: We have no staff recommendation. We want to make you aware that this will be limiting construction starts, and this is a decision for elected officials.

12. [Ordinance 2013-1: Amending Section 90-10 Definitions, by adding Agricultural Industry, Light Industry, General Industry, and Heavy Industry](#)

Background: Ordinances 2013-1 through 2013-7 were prepared as a package and approved by the Planning Commission after public hearings in 2012. The purpose of this Planning Commission recommendation is to broaden the list of permitted uses in the Wayne Zoning Districts by adding these definitions to the list of specific permitted uses. Adding these four definitions would allow the Zoning

Administrator additional discretion to approve permitted uses instead of simply checking the list of permitted uses in a zoning district.

This ordinance also specifically includes “Concrete mixing and concrete manufacturing/crushing” in the definition of “Heavy Industry”. This use is not currently defined in the Wayne Code. If this ordinance and the next 6 ordinances are approved, the use “Concrete mixing and concrete manufacturing/crushing” would become a non-conforming use in all but I-1, I-2, and A-1 zoning districts and would require a Use by Exception permit in the I-1 and A-1 zoning districts. A “Non-conforming Use” can continue to exist, but cannot expand beyond its current size at the time of final passage of the ordinance.

The recommendation of the Planning Commission is to approve the ordinance. The recommendation of Lowell Johnson, City Administrator, is to approve the ordinance, but with the language “or from raw materials” struck from the definition of “General Industry.”

13. [Ordinance 2013-2: Amending Section 90-114 – Exceptions in the A-1 Agricultural Zone by adding \(24\) Heavy Industry](#)

Background: This Ordinance would allow the Zoning Administrator additional discretion in determining which heavy industrial uses could be considered by the Planning Commission for a Use by Exception permit in the A-1 zoning district.

The recommendation of the Planning Commission is to approve the Ordinance.

14. [Ordinance 2013-3: Amending Section 90-482 Permitted Principal Uses and Structures in the I-1 Light Industrial and Manufacturing Zone, by adding \(46\) Light Industry and \(47\) General Industry](#)

Background: This Ordinance would allow the Zoning Administrator additional discretion in determining which industrial uses are permitted in the I-1 zoning district.

The recommendation of the Planning Commission is to approve the ordinance.

15. [Ordinance 2013-4 Amending Section 90-484 Exceptions in the I-1 Light Industrial and Manufacturing Zone by adding \(5\) Heavy Industrial](#)

Background: This Ordinance would allow the Zoning Administrator additional discretion in determining which industrial uses could be considered by the Planning Commission for a Use by Exception permit in the I-1 zoning district.

The recommendation of the Planning Commission is to approve the Ordinance. The recommendation of the Zoning Administrator is to add (6) Agricultural Industry.

16. [Ordinance 2013-5: Amending Section 90-512 Permitted Principal Uses and Structures in the I-2 Heavy Industrial Zone, by adding \(56\) Agricultural Industry, \(57\) Light Industry, \(58\) General Industry, and \(59\) Heavy Industry](#)

Background: This Ordinance would allow the Zoning Administrator additional discretion in determining which industrial uses are permitted in the I-2 zoning district.

The recommendation of the Planning Commission is to approve the ordinance.

17. [Ordinance 2013-6: Amending Section 90-754 Nonconforming Uses by adding \(I\) Heavy Industry](#)

The recommendation of the Zoning Administrator is to not approve this ordinance.

18. [Ordinance 2013-7: Amending the Wayne Municipal Code, specifically Section 90-714\(b\)\(1\) Physical Appearance, Performance Standards for Industrial Uses](#)

Background: This Ordinance would specifically exclude the use “Concrete Crushing” from the requirement in this section of the code for materials to be stored inside.

The recommendation of the Planning Commission is to approve the ordinance.

19. [Ordinance 2013-18: Amending Wayne Municipal Code Section 78-11 Stop Sign Locations; East of Main Street, North of 7th Street \(Intersection of Hillcrest Road and Walnut Street on the east edge of Wayne State College\)](#)

Background: This Ordinance is in response to a request to evaluate the traffic and safety issues at this intersection.

Recommendation: There is a need for traffic control there, and this is the recommendation of Joel Hansen, Street Superintendent, and Marlen Chinn, Chief of Police.

20. [Discussion Regarding the Annexation of Property \(Woehler Property, Williams Form and Airport\)](#)

Background: This is a discussion item only and is the result of a previous discussion of declining Federal and State aid to cities. Nancy was asked to provide an updated spreadsheet of the valuations of properties east of Wayne that are outside city limits. Past discussions have ended when the cost of providing sewer to these properties was estimated. There is now sanitary sewer installed to serve all of the Kardell Industrial Park, and we were asked what the financial impact of annexing the Williams Form properties, Lot 2 (currently empty) of Kardell Subdivision and the Wayne Airport. As currently developed, the increase in city real estate taxes from these three properties would be about \$1,500 per year. The airport pays no property taxes.

21. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

March 19, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, March 19, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jim Van Delden, Jon Haase, Dale Alexander, Nick Muir, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 7, 2013, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Brodersen, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 5, 2013, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LIST OF 2/5/13: Delete Chartwells – Senior Citizen Meals - 5205.55 and City of Wayne-Building permit refund - 250.00

VARIOUS FUNDS: AMERITAS, SE, 2140.13; APPEARA, SE, 160.00; BACKUPWORKS.COM, SU, 2998.26; BAKER & TAYLOR, SU, 707.63; BANK FIRST, FE, 150.00; CITY EMPLOYEE, RE, 428.12; CITY EMPLOYEE, RE, 176.72; CARROT-TOP INDUSTRIES, SU, 266.19; CHARTWELLS, SE, 9,976.65; CITY OF NORFOLK, SE, 204.21; CITY OF WAYNE, RE, 703.50; CITY OF WAYNE, PY, 59215.55; CITY OF WAYNE, RE, 720.00; COMMUNITY HEALTH, RE, 4.00;

DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEARBORN NATIONAL LIFE, SE, 1715.21; DOESCHER APPLIANCE, SE, 93.00; ECHO GROUP, SU, 311.58; ED. M FELD EQUIPMENT, SE, 86.00; EGAN SUPPLY, SU, 50.57; ELLIS PLUMBING & HEATING, SE, 437.60; EMPLOYERS MUTUAL CASUALTY, RE, 250.70; FLOOR MAINTENANCE, SU, 489.63; HARDING & SHULTZ, SE, 547.00; HEWLETT-PACKARD, SU, 5049.07; ICC, FE, 125.00; ICMA, RE, 5737.85; INGRAM BOOK COMPANY, SU, 101.69; IRS, TX, 21167.90; JACK'S UNIFORMS, SU, 176.25; JEFF MORLOK, RE, 840.00; CITY EMPLOYEE, RE, 1220.70; KTCH, SE, 827.48; LAYNE CHRISTENSEN, SE, 1323.30; LINCOLN COMMISSION, FE, 180.00; LUNDAHL, EARL, RE, 350.00; MAIN STREET AUTO CARE, SE, 70.00; CITY EMPLOYEE, RE, 137.83; MIDWEST LABORATORIES, SE, 220.50; MIDWEST TAPE, SU, 149.96; MILO MEYER CONSTRUCTION, SE, 200.00; MSC INDUSTRIAL, SU, 121.25; NE DEPT OF REVENUE, TX, 2933.48; NE DEPT OF ROADS, SE, 3150.00; NE LAW ENFORCEMENT, SE, 90.00; NE LIBRARY ASSOCIATION, FE, 235.00; NE PUBLIC HEALTH, SE, 373.00; NE RURAL WATER, FE, 375.00; NE SAFETY COUNCIL, FE, 325.00; NPPD, SE, 291980.19; NMC EXCHANGE, SE, 1141.91; NORTHEAST LIBRARY SYSTEM, FE, 20.00; NNPPD, SE, 13024.70; NORTHWEST ELECTRIC, SU, 731.47; OMAHA WORLD-HERALD, SE, 389.29; CITY EMPLOYEE, RE, 475.30; CITY EMPLOYEE, RE, 96.29; PRESTO X, SE, 105.01; PUSH-PEDAL-PULL, SU, 6149.60; QUALITY 1 GRAPHICS, SU, 50.00; RANDOM HOUSE, SU, 269.25; SIOUX CITY INSTALLATION, SU, 111.11; SPARKLING KLEAN, SE, 1235.43; STATE NATIONAL BANK, RE, 3146.25; CITY EMPLOYEE, RE, 283.63; TACO'S AND MORE, SU, 1280.00; THE PENDER TIMES, SU, 37.95; TOM'S BODY & PAINT SHOP, SE, 706.37; UNITED COMMUNICATIONS, SU, 79.00; WAYNE AUTO PARTS, SU, 801.35; WAYNE COMMUNITY SCHOOLS, SU, 43.00; WAYNE COUNTY COURT, RE, 300.00; WAPA, SE, 32270.55; WESTERN IOWA TECH, FE, 225.00; ZEE MEDICAL SERVICE, SU, 37.65; AMAZON.COM, SU, 974.66; AMERITAS, SE, 1938.67; APPLIED INDUSTRIAL TECH, SU, 149.03; BANK FIRST, FE, 150.00; BIG T ENTERPRISES, SU, 205.80; CITY EMPLOYEE, RE, 44.38; CITY OF WAYNE, PY, 56900.32; CITY OF WAYNE, RE, 472.95; COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, RE, 27.50; CITY EMPLOYEE, RE, 426.20; ECHO GROUP, SU, 211.05; EGAN SUPPLY, SU, 359.50; FLOOR MAINTENANCE, SU, 68.48; GROSSENBURG IMPLEMENT, SU, 28.24; HAWKINS, SU, 1627.96; ICMA, RE, 5740.31; IRS, TX, 20559.86; LOWER ELKHORN N.R.D., SU, 135.00; LUCIEN HAMERNIK, SE, 450.00; MANDY/LOUIS BENSCHOTER, RE, 25000.00; MERCY MEDICAL CLINICS, SE, 29.00; METRO AREA PLANNING AGENCY, SU, 199.00; NE DEPT OF REVENUE, TX, 2833.76; NE PUBLIC HEALTH, SE, 98.00; OLSSON ASSOCIATES, SE, 11645.25; CITY EMPLOYEE, RE, 119.34; PIEPER & MILLER, SE, 9529.00; PITNEY BOWES, SE, 648.00; PROVIDENCE MEDICAL CENTER, SE, 351.00; QUILL, SU, 373.84; R.J. THOMAS MFG, SU, 1333.10; VOSS LIGHTING, SU, 378.52; WAYNE HERALD, SE, 1317.00;

Councilmember Haase made a motion, which was seconded by Councilmember Brodersen, to approve the claims. Mayor Chamberlain stated the motion, and the result

of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth, P.C., presented the FY 11-12 Audit. He provided Council with a spreadsheet that identifies “benchmarks” of how Wayne compares with other communities its size. It’s a study his firm has done across the State of Nebraska with approximately 35 municipalities, whose populations range from 3,000 to 10,000 people.

The business type activities (electric, water and sewer) are excellent. Wayne is about 50%; anything above 33% is considered excellent. Governmental Activities is at 5.44%, which is low and indicates the need to increase the cash reserves. The recommended is 33%.

Cash reserves are down this year in the General Fund. The norm is to have four to five months worth; Wayne has about 2.5 months. Last year, Wayne had around 9 months worth of cash reserves.

The outstanding general obligation debt/valuation is used a lot in the bonding world to see how much taxpayer pressure is going to be needed to meet obligations as

you go forward. Wayne is a little over 1%. Anything less than 3% is excellent in Nebraska. Wayne does not have a lot of general obligation debt outstanding.

In regard to debt coverage ratio (water, sewer and electric), consideration should be given to increasing the electric and sewer rates this year. Ideally, you should have 1.5 to 2 times coverage. Wayne is barely getting one times the coverage in electric and less than one times the coverage in sewer.

In regard to the City's top six revenue sources, their recommendation, again, was that Wayne needs more retail trade. Sales tax runs \$120 per capita, and Wayne is at \$107. Property taxes are actually good for the taxpayers in Wayne. The per capita basis is \$200 per person. Wayne is asking \$128 per person. Wayne is way under what they call best practice for a City its size.

In lieu of tax payments (franchise fees) is \$120 per capita; Wayne is at \$104. This is a little bit less than what is recommended. Normally, they see about a 12% franchise fee. Wayne is charging 7% on water and sewer, and 8.5% on electric. This is something that could be increased if we needed more revenue in the general fund, etc. State Allocation is at \$130 per capita; Wayne is at \$142. Charges for services are \$160 per capita and Wayne is at \$92. Grants are a little bit low this year. The per capita is at \$85; Wayne is at \$51.

Under the business type activities, Wayne currently has \$8.9 million. Wayne needs about \$9.2 million.

In regard to the operating income, it reflects that rates need to be increased in the electric and sewer funds.

In regard to the tax levy rates, Wayne is, again, under what the recommended or state-wide average is. This is very good for the taxpayers in Wayne. In the general fund, the per capita is \$130 per person; Wayne is at \$123 per person. In debt service, Wayne is about half of what it would be in another city Wayne's size.

In regard to the State Allocations, the Highway Allocation went up from \$64 per capita to \$69 per capita, and Municipal Equalization went up from \$64 per capita to \$66 per capita.

Mr. Galloway then reviewed the per capita costs of departments compared to the state-wide average. The administrative costs to run the City of Wayne is very low compared to the other cities. The per capita cost is \$75; Wayne is at \$36.

In Public Buildings, Wayne is about \$11 per capita; the average is \$10. In Public Safety, Wayne is at about \$227 per capita; the average is \$200. Public Works is \$83 per capita; the average is \$100. The Library is about \$40 per capita, with the average being \$40 per capita. Recreation is at \$47 per capita; the average is \$50. The Community Activity Center is at \$38 per capita, with the average being \$40 per capita. Overall, Wayne has done an excellent job in keeping the costs and expenses down in the various departments and still being able to continue the level of service that everyone is used to.

Mr. Galloway noted that his firm did not encounter any difficulties in performing the audit. He ended his presentation by stating the City has done a very good job at being good stewards with the money that is here; the amount in cash reserves is very good; and commending the City staff on a job well done.

Nick Kemnitz, Wayne County Emergency Manager, presented an updated Operations Plan for Disaster Response and Recovery. Every five years, they are required by law to update the plan.

Councilmember Brodersen introduced Resolution No. 2013-22 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-22

A RESOLUTION ADOPTING OPERATIONS PLAN FOR DISASTER RESPONSE AND RECOVERY.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 12th, the Committee is requesting the closure of the following streets from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not including the Pearl and Logan Street intersections. The Committee plans to hold a street dance on Main Street from approximately 10:00 p.m. to 1:00 a.m. on Friday night.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir approving the request of the Chicken Show Committee to close the following streets on Friday, July 12th from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not including the Pearl and Logan Street intersections. Mayor

Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 13th, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and Douglas Street from 8th Street to 10th Street. The intersections at 10th and Douglas and 10th and Lincoln Streets are also requested to be closed.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir approving the request of the Chicken Show Committee to close the following streets on Saturday, July 13th from 6:00 a.m. until 5:00 p.m. for the annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; Douglas Street from 8th Street to 10th Street; and the intersections at 10th and Douglas and 10th and Lincoln Streets. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Irene Fletcher representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 13th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street

(including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir approving the request of the Chicken Show Committee to close the following streets on Saturday, July 13th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Resolution No. 2013-23 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-23

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance 2013-16 and moved for approval of the third and final reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-39 NUISANCE; DUTY OF OWNER OR OCCUPANT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance 2013-17 and moved for approval of the third and final reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2013-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-40 ABATEMENT OF NUISANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Under the current tax code, if a City advances monies from another fund without having a reimbursement Resolution in place within sixty days of said advancement, then it is impossible to refund that borrowed fund using tax exempt bond proceeds. This will allow the City to roll the project into a bond issue, if it so desires.

Councilmember Brodersen introduced Resolution 2013-24 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-24

A RESOLUTION APPROVING REIMBURSEMENT OF FUNDS TEMPORARILY ADVANCED FOR THE 10TH STREET, MAIN TO WINDOM IMPROVEMENT PROJECTS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Resolution 2013-25 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-25

A RESOLUTION APPROVING REIMBURSEMENT OF FUNDS TEMPORARILY ADVANCED FOR THE MILO DRIVE STREET IMPROVEMENT PROJECT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Joel Hansen, Street Superintendent, stated three proposals were received on the 10th Street, Main to Windom Improvements Project. Staff has reviewed the same and is recommending that the proposal of Advanced Consulting Engineering Services for a lump sum cost of \$40,500 (\$28,000 for construction phase engineering and \$12,500 for staking services) be accepted.

Councilmember Brodersen introduced Resolution No. 2013-26 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-26

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING AGREEMENT FOR THE STAKING AND CONSTRUCTION ENGINEERING SERVICES ON THE 10TH STREET, MAIN TO WINDOM IMPROVEMENTS PROJECT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

The following agenda item came out of discussions that took place at the Wellhead Protection public hearing, etc., which was to include all of the city limits of Wayne in the Wellhead Protection Area. This request must be made to NDEQ.

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen requesting that the Nebraska Department of Environmental Quality to place all of the city limits of Wayne into the Wellhead Protection Area. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Police Chief Marlen Chinn stated that additional changes needed to be made to the job description for "Police Sergeant" that was previously approved by Council.

Those changes are as follows:

Education and/or Experience

Preferred minimum of Associates Degree or equivalent from a two year college or technical school; must be a Nebraska Certified Officer with a minimum of four years related experience and/or training.

~~Associate's degree (A. A.) or equivalent from two-year college or technical school; or Certified Officer with a minimum of four years related experience and/or training.~~

Other Qualifications

Must be 21 years of age; must be a United States Citizen; must be a high school graduate or GED equivalent; must be able to pass a high school equivalency (TABE) test; must maintain a valid Nebraska motor vehicle operator's license; must be able to complete and maintain state firearms qualification. Must live within the City of Wayne zoning jurisdiction if hired after January 1, 2012.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers approving the job description for Police Sergeant, as amended. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Police Chief Marlen Chinn presented the job description for "Senior Patrolman."

This was a situation where a job title/position was created and given to an employee, but the Council never officially adopted a job description. The position has been accepted because the Council has approved the wage and salary schedules with this title included therein.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers approving the job description for Senior Patrolman. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried

Administrator Johnson presented the job description for "Administrative Assistant." This is the same situation as the Senior Patrolman position.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers approving the job description for Administrative Assistant. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried

Administrator Johnson explained the "Public Buildings Manager" job description. In the past, we had a full-time person and a three-quarter time person who was building manager and custodian. We did not fill those positions, but somebody still has to look

after the buildings. We have found all the expertise that we need for the systems in the buildings and the surface maintenance of the buildings resides in the power plant. We have gravitated towards having them take care of most or all of our building issues. This doesn't have to be done at the power plant, but that is where the expertise is. These are additional duties outside of Gene Hansen's job description that he will be compensated for.

Councilmember Muir made a motion, which was seconded by Councilmember Giese approving the job description for Public Buildings Manager. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Administrator Johnson presented the wage and salary schedule Resolution for City employees. The same proposes a 2% cost of living increase effective January 1st. State Law requires municipalities to pay comparability wages. Wayne participates yearly in the League of Nebraska Municipalities' wage survey to determine comparability and recommend changes as are necessary. In the past, we have been lax in making some of the changes that should have been made, particularly in the starting wages. This Resolution addresses that.

Councilmember Giese recommended Labor Grade 5 be exempted from the 2% increase. Mayor Chamberlain agreed with not changing the starting wage (\$7.25), but thought the other steps in that Labor Grade should get the 2% COLA.

Discussion also took place regarding the Labor Grade for lifeguards.

Councilmember Alexander introduced Resolution 2013-27 and moved for its approval, leaving the minimum hourly rate for Labor Grade 5 at \$7.25; Councilmember Brodersen seconded.

RESOLUTION NO. 2013-27

A RESOLUTION APPROVING WAGE AND SALARY SCHEDULE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who voted Nay and Councilmember Ley who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following wage and salary Resolution pertains to the Police Department. This also includes a 2% cost of living increase, which is within the range of 0% to 2% that was agreed to in the FOP Labor Contract with the City.

Councilmember Sievers introduced Resolution 2013-28 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2013-28

A RESOLUTION APPROVING WAGE AND SALARY SCHEDULE FOR POLICE DEPARTMENT PERSONNEL.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Discussion took place on authorizing the developer of Benscoter Subdivision to install a 6 foot partial visual barrier fence on city property on the northwest side of the trail bordering the subdivision. Administrator Johnson stated the owner of the Benscoter Subdivision and the owners of the trailer court have agreed to each pay \$5,000 towards the cost of purchasing a \$15,000 white vinyl, non-contiguous, residential style fence if

the City will pay \$5,000. The fence would be installed in discontinuous segments in the right-of-way segments in the railroad as a visual distraction between the two developments. The fence would be accompanied by plantings of small shrubs and trees to create an open park area on the right-of-way. The fence would be removed in 5 years and become property of the City for use at another city site.

Councilmember Alexander questioned why the City would pay for something on this right-of-way.

Administrator Johnson stated this was negotiated over time with two guys who are not happy with each other's presence in the neighborhood. This is staff's proposal to keep things moving there. Mr. Bencoter wants the fence because of the appearance of the property on the other side of the railroad right-of-way. In response to Councilmember Alexander's question, Administrator Johnson stated Mr. Bencoter platted the property.

Councilmember Alexander asked why Mr. Bencoter couldn't put this fence in his own yard. Why does the City have to put a fence on the City's right-of-way using taxpayer money to pay for it? He doesn't see using taxpayer money to fix a problem that shouldn't have happened -- the developer created his own issue there.

Councilmember Brodersen thought this was a great way for the City to get a fence there to make the trail look better.

Councilmember Alexander stated when the City originally built the trail, there was a property owner who wanted a fence built to block the trail, and the City refused to build it or give them any relief. That precedent has been set. If we do this for Mr.

Benscoter, then who is the next guy that is going to want a fence on the property to block the trail or block his neighbor.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, authorizing the developer of Benscoter Subdivision to install a 6 foot partial visual barrier fence on city property on the northwest side of the trail bordering the subdivision, with the cost being borne 1/3 by City, 1/3 by Benscoter, and 1/3 by Wriedt. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase, Alexander and Sievers who voted Nay, and Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen, to recess as Council and convene as the Community Development Agency. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Cale Giese, Jim Van Delden, Dale Alexander, Ken Chamberlain, Nick Muir, Jennifer Sievers, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Kaki Ley.

Chair Haase advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection.

Member Brodersen made a motion, which was seconded by Member Sievers, to approve the minutes of the March 5, 2013, meeting. Chair Haase stated the motion, and

the result of roll call being all Yeas, with the exception of Member Ley who was absent, the Chair declared the motion carried.

Chair Haase stated the next item on the agenda is action on proposed purchase agreement on Lot 2A and Lot 2B, Replat of Kardell Industrial Park — Robert Woehler & Sons Construction, Inc.

BJ Woehler of Robert Woehler & Sons Construction, Inc., was present and stated that they have negotiated a proposal to purchase 10 acres from the CDA in the Kardell Industrial Park to relocate their concrete business to that site from their current location on Fairgrounds Avenue.

Administrator Johnson stated we are proposing that the purchase agreement say \$7,575 for all 10 acres, and the City is recommending that the cost of 4 acres be paid for by LB840 funds. That needs to be a contingent upon this agreement.

Because of the extreme topography of the site, there is also a lot of site preparation cost for them or any other buyer to be able to utilize the property, and they will seek LB840 funding for these costs also when they have completed the engineering plan.

If this property would be annexed, they could be eligible for tax increment financing. Mr. Woehler stated he did not have any problem with being annexed.

Member Giese suggested lowering the purchase price of the land to adjust for the additional engineering costs, thereby keeping the LB840 money for other projects.

Member Chamberlain made a motion to move forward with the proposed terms for the sale of Lot 2A and Lot 2B, Replat of Kardell Industrial Park to Robert Woehler & Sons Construction, Inc., and staff/CDA get creative on some sort of performance-based

forgiveness loan on the cost of 2-4 of those acres; Member Giese seconded. Chair Haase stated the motion, and the result of roll call being all yeas, with the exception of Member Ley who was absent, the Chair declared the motion carried.

The following Resolution is needed to issue the tax increment financing bond (\$50,000) that has already been approved for the six-plex apartment project at 4th and Windom Street by Hank Overin Field. This is the property owned by MZRB Properties, LLC (McManigal).

Member Muir introduced CDA Resolution 2013-4 and moved for its approval; Member Sievers seconded.

CDA RESOLUTION NO. 2013-4

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS — MZRB PROPERTIES, LLC, PROJECT.

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Ley who was absent, the Chair declared the motion carried.

Member Giese made a motion, which was seconded by Member Chamberlain, to enter into executive session to protect the public interest when discussing the purchase of property at 939 Main Street to protect the public interest, and to allow Attorneys Miller and Knutson, City Administrator Johnson, City Clerk McGuire and Street Superintendent Hansen to be in attendance. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Ley who was absent, the Chair declared the motion carried, and executive session began at 7:58 p.m.

Chair Haase again stated that the matter to be discussed in executive session to protect the public interest when discussing the purchase 939 Main Street.

Member Giese made a motion, which was seconded by Member Alexander, to resume open session. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Ley who was absent, the Mayor declared the motion carried, and open session resumed at 8:07 p.m.

The next item on the agenda is to discuss the purchase of 109 E. 10th Street.

Member Sievers made a motion, which was seconded by Member Giese, to table action on the recommendation to make an offer to purchase property — 109 E. 10th Street. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Ley who was absent, the Chair declared the motion carried.

Member Brodersen made a motion, which was seconded by Member Sievers to adjourn as the Community Development Agency and reconvene as Council. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Ley who was absent, the Chair declared the motion carried.

Mayor Chamberlain stated they needed to go back to Agenda Item No. 21 – Action to authorize the developer of Benscoter Subdivision to install a 6 foot partial visual barrier fence on city property on the northwest side of the trail bordering the subdivision.

Attorney Miller advised the Council that whenever there is an appropriation of money, there needs to be five affirmative votes in order to pass the motion (a majority of Councilmembers elected). If it is just a normal motion where money is not spent, then the motion only needs four affirmative votes to pass. Mayor Chamberlain was requesting Council to take a new vote on the matter. The Mayor can vote on the matter if he so chooses.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen authorizing the developer of Benscoter Subdivision to install a 6 foot partial visual barrier fence on city property on the northwest side of the trail bordering the subdivision, with the cost being borne 1/3 by City, 1/3 by Benscoter, and 1/3 by Wriedt. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Haase, Alexander and Sievers who voted Nay, and Councilmember Ley who was absent, the Mayor declared the motion failed.

Mayor Chamberlain requested Council consideration to approving the appointment of Cale Giese to the Wellhead Protection Committee.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the appointment of Cale Giese to the Wellhead Protection Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried and the meeting adjourned at 8:12 p.m.

CLAIMS LISTING APRIL 2, 2013

AMERICAN BROADBAND	FIBER LINE LEASE	990.00
APPEARA	LINEN & MAT SERVICE	215.61
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	104.82
BLACK HILLS ENERGY	GAS BILLS	1,479.93
BLUE CROSS BLUE SHIELD	HEALTH INSURANCE PREMIUM	24,234.52
BLUE DEVIL BOOSTER CLUB	SPORTS PROGRAM AD	75.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	160.21
CITY EMPLOYEE	HEALTH REIMBURSEMENT	141.96
CENTURYLINK	TELEPHONE CHARGES	311.98
CITY OF WAYNE	BUILDING PERMIT REFUNDS	200.00
CITY OF WAYNE	UTILITY REFUNDS	87.14
CITY EMPLOYEE	HEALTH REIMBURSEMENT	81.72
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	DISABILITY/LIFE/VFD INSURANCE	1,850.15
DGR & ASSOCIATES CO	FUSE/RELAY SERVICES	765.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	70.38
FIREMEN	FIRE SCHOOL MEALS/PER DIEM	688.00
EAKES OFFICE PLUS	25 CASES OF PAPER	749.75
ECHO GROUP INC JESCO	LIGHT FIXTURE	200.59
EMERITUS	LIGHTING EFFICIENCY	240.00
FIRST CONCORD GROUP LLC	FLEX	3,701.94
FREDRICKSON OIL CO	MOUNT/DISPOSAL 8 TIRES	175.00
GRAHAM TIRE	8 TIRES	946.32
GROSSENBURG IMPLEMENT INC	BEARINGS-CASTER WHEELS	747.30
CITY EMPLOYEE	VISION REIMBURSEMENT	12.75
HUBER TECHNOLOGY INC	VERTICAL SCREEN BAGS	244.00
JEO CONSULTING GROUP	WELLHEAD PROTECTION HEARING	760.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	5,161.53
KELLY MEYER	WEED PREVENTER	959.20
KNOEPFLER CHEVROLET CO	FUEL PUMP	281.72
KRIZ-DAVIS COMPANY	CLEANING KIT	74.71
L.G. EVERIST	ROCK-COOLING TOWER	639.03
MALTZ SALES COMPANY INC.	RECIRCULATION PUMP REPAIRS	1,261.38
MICHAEL TODD & CO INC	NO PARKING SIGNS	202.51
MIRIAN AGUIRRE	TRANSLATION	100.00
NATIONAL LEAGUE OF CITIES	LEAGUE DUES	1,117.00
NE NEB INS AGENCY INC	INSURANCE	63,158.00
NE SAFETY COUNCIL	SAFETY COMMITTEE MEETING	130.34
NORFOLK IMPLEMENT	BLADES	82.44
NORTHEAST COMM COLLEGE	REGISTRATION-BRADEN/JOHNSON	98.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY	3,932.00
NORTHWEST ELECTRIC LLC	BALL BEARINGS/SHAFT REPAIR	582.58

OLSSON ASSOCIATES	RICE COMPLIANCE	11,641.28
ORIENTAL TRADING CO INC	READING PROGRAM SUPPLIES	100.40
OVERHEAD DOOR COMPANY	BRAKE ASSEMBLY REPAIR	191.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	288.31
QUILL CORPORATION	OFFICE SUPPLIES	85.65
REGIONAL CARE	REGISTRATION	50.00
RON'S RADIO	ANTENNAS/BATTERIES/CHARGERS	895.25
STADIUM SPORTING GOODS	PATCHES/APRON/SHIRTS/JACKETS	601.36
STATE NATIONAL BANK	LIBRARY PETTY CASH	100.79
TOM'S BODY & PAINT SHOP	DOOR HINGES	64.00
UNITED WAY	PAYROLL DEDUCTIONS	12.40
VERIZON WIRELESS SERVICES	CELL PHONES	227.97
VIAERO	CELL PHONES	207.55
WAYNE COUNTY COURT	BOND	400.00

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City of Wayne
CDA Claims List
April 2, 2013

4/2/13	Advanced Consulting Engineering Services – Western Ridge re-plat	1,306.00
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**COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF WAYNE, NEBRASKA**

RESOLUTION NO. 2013-5

**A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN
FOR THE FOURTH GENERATION FAMILY LIMITED PARTNERSHIP
PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED
ACTIONS**

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska (the “City”), upon the recommendation of the Planning Commission of the City of Wayne, Nebraska (the “Planning Commission”), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), duly declared the redevelopment area legally described on **Exhibit A** (the “Redevelopment Contract”) attached hereto (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment; and

WHEREAS, pursuant to and in furtherance of the Act, a Redevelopment Plan including a Redevelopment Contract (collectively the “Plan ”), has been prepared by the Agency in the form attached hereto as **Exhibit A**, for the purpose of redeveloping that portion of the Redevelopment Area legally described on therein (the “Project Area”); and

WHEREAS, pursuant to the Redevelopment Plan , the Agency would agree to pledge incremental ad valorem real property taxes for payment on the principal and interest on that Tax Increment Revenue Bond of the Community Development Agency of the City of Wayne, Nebraska (Fourth Generation Family Limited Partnership) Series 2011 A which indebtedness was incurred to pay for certain Project Costs (the “Project”), in accordance with and as permitted by the Act; and

WHEREAS, the Agency has made certain findings and pursuant thereto has determined that it is in the best interests of the Agency and the City to enter to adopt the Redevelopment Plan and to carry out the transactions contemplated thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA AS FOLLOWS:

Section 1. The Agency has determined that the proposed land uses and building requirements in the Project Area are designed with the general purposes of accomplishing, and in conformance with the general plan of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

Section 2. The Agency has conducted a cost benefit analysis for the Project in accordance with the Act, and has found and hereby finds that the Project would not have been economically feasible without the use of tax increment financing, the Project would not have occurred in the Project Area without the use of tax increment financing and the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed and have been found to be in the long term best interests of the community impacted by the Project.

Section 3. The Agency hereby recommends that the Mayor and City Council approve the Redevelopment Plan attached hereto as Exhibit A.

Section 4. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out this Resolution.

Section 5. All prior resolutions of the Agency in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 6. This resolution shall be in full force and effect from and after its passage and approval.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED this 2nd day of April, 2013.

**COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF WAYNE NEBRASKA**

ATTEST:

By: _____
Mayor

By: _____
Clerk

REDEVELOPMENT CONTRACT

This Redevelopment Contract is made and entered into as of the 2nd day of April, 2013, by and between the Community Development Agency of the City of Wayne, Nebraska (Agency) and Progressive Property Inspections, LLC, a limited liability company, (hereafter, Developer).

WITNESSETH:

WHEREAS, the Agency is a duly organized and existing Community Development Agency, a body politic and corporate under the laws of the State of Nebraska, with lawful power and Agency to enter into this Redevelopment Contract, acting by and through its Chair or Vice Chair and members;

WHEREAS, the City of Wayne, Nebraska (the "City"), in furtherance of the purposes and pursuant to the provisions of Section 12 of Article VIII of the Nebraska Constitution and Sections 18-2101 to 18-2154, Reissue Revised Statutes of Nebraska, 2012, as amended (collectively the Act), has designated an area in the City described on the attached Exhibit A as a blighted and substandard area; and

WHEREAS, the Agency has completed all procedures necessary for adoption of a Redevelopment Plan and approval of a Redevelopment Contract; and

WHEREAS, pursuant to Section 18-2119 of the Act, Agency has solicited proposals for redevelopment of the redevelopment area, and Developer submitted a redevelopment contract proposal;

WHEREAS, Agency and Developer desire to enter into this Redevelopment Contract for acquisition and redevelopment of the redevelopment area;

NOW, THEREFORE, in consideration of the premises and the covenants and agreements herein set forth, Agency and Developer do hereby covenant, agree and bind themselves as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATION

Section 1.01 Terms Defined in this Redevelopment Contract.

Unless the context otherwise requires, the following terms shall have the following meanings for all purposes of this Redevelopment Contract, such definitions to be equally applicable to both the singular and plural forms and masculine, feminine and neuter gender of any of the terms defined:

"Act" means Section 12 of Article VIII of the Nebraska Constitution, Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, 2012, as amended, and acts amendatory thereof and supplemental thereto.

"Bondholder" means the holders of Bonds issued by the Agency from time to time outstanding.

"Bonds" or "Series 2013 A Bonds" means the Agency's Community Redevelopment Revenue Bonds (Progressive Property Inspections, LLC, Project), Series 2013.

"Governing Body" means the City Council of the City.

"Premises" or "Redevelopment Area" means all that certain real property situated in Wayne, Wayne County, Nebraska, more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

"Project" means the improvements to the Premises, as further described in Exhibit C attached hereto and incorporated herein by reference.

"Project Costs" means only costs or expenses incurred by Developer to acquire, clear and prepare the site for Project redevelopment and the installation of public parking pursuant to the Act, as set forth on attached Exhibit C.

"Redevelopment Contract" means this redevelopment contract between Agency and Developer dated April 2, 2013, with respect to the Project.

"Redevelopment Plan" means Exhibit B attached hereto as supplemented by this Redevelopment Contract and the attachments hereto, adopted by the Agency and the City pursuant to the Act, as amended from time to time.

"Resolution" means the Resolution of the Agency dated April 2, 2013, as supplemented from time to time, approving this Redevelopment Contract and providing for the issuance of the Bonds.

"TIF Revenues" means incremental ad valorem taxes generated by the Project which are allocated to and paid to the Agency pursuant to the Act.

"City" means the City of Wayne, Nebraska.

Section 1.02 Construction and Interpretation.

The provisions of this Redevelopment Contract shall be construed and interpreted in accordance with the following provisions:

- (a) This Redevelopment Contract shall be interpreted in accordance with and governed by the laws of the State of Nebraska, including the Act.
- (b) Wherever in this Redevelopment Contract it is provided that any person may do

or perform any act or thing the word "may" shall be deemed permissive and not mandatory and it shall be construed that such person shall have the right, but shall not be obligated, to do and perform any such act or thing.

(c) The phrase "at any time" shall be construed as meaning "at any time or from time to time."

(d) The word "including" shall be construed as meaning "including, but not limited to."

(e) The words "will" and "shall" shall each be construed as mandatory.

(f) The words "herein," "hereof," "hereunder," "hereinafter" and words of similar import shall refer to the Redevelopment Contract as a whole rather than to any particular paragraph, section or subsection, unless the context specifically refers thereto.

(g) Forms of words in the singular, plural, masculine, feminine or neuter shall be construed to include the other forms as the context may require.

(h) The captions to the sections of this Redevelopment Contract are for convenience only and shall not be deemed part of the text of the respective sections and shall not vary by implication or otherwise any of the provisions hereof.

ARTICLE II

REPRESENTATIONS

Section 2.01 Representations by Agency.

Agency makes the following representations and findings:

(a) Agency is a duly organized and validly existing community Development Agency under the Act;

(b) The proposed land uses and building requirements in the Project are designed with the general purpose of accomplishing, in conformance with the general plan of development of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight;

(c) The Redevelopment Contract is feasible and in conformity with the general plan for the development of the City as a whole and the plan is in conformity with the legislative declarations and determinations set forth in the Act;

(d) Based on the representations of Developer and other information provided to the Agency,

(i) The Project would not be economically feasible without the use of tax-increment financing;

(ii) The Project would not occur in the Redevelopment Area without the use of tax-increment financing; and

(iii) the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the Project;

(e) This Redevelopment Contract (and attachments hereto) constitutes a redevelopment plan and has been duly approved and adopted by the Community Development Agency of the City pursuant to Section 18-2116 and 18-2117 of the Act;

(f) The Agency has requested proposals for redevelopment of the Redevelopment Area pursuant to section 18-2119 of the Act, and deems it to be in the public interest and in furtherance of the purposes of the Act to accept the proposal submitted by Developer as specified herein; and

(g) The Redevelopment Project will achieve the public purposes of the Act by, among other things, increasing employment, increasing the tax base, and lessening blight and substandard conditions in the Redevelopment Area.

Section 2.02 Representations of Developer.

Developer makes the following representations:

(a) The execution and delivery of the Redevelopment Contract and the consummation of the transactions therein contemplated will not conflict with or constitute a breach of or default under any bond, debenture, note or other evidence of indebtedness or any contract, loan agreement or lease to which Developer is a party or by which it is bound, or result in the creation or imposition of any lien, charge or encumbrance of any nature upon any of the property or assets of the Developer contrary to the terms of any instrument or agreement.

(b) There is no litigation pending or to the best of its knowledge, threatened against Developer affecting his ability to carry out the acquisition; construction, equipping and furnishing of the Project or the carrying into effect of this Redevelopment Contract or, except as disclosed in writing to the Agency, as to any other matter materially affecting the ability of Developer to perform its obligations hereunder.

(c) Developer has made a fiscal analysis of the project and specifically represents to the City and Agency that:

(i) The Project would not be economically feasible without the use of tax-increment financing, and Developer will not undertake the Project without tax-increment financing;

(ii) The Project would not occur in the Redevelopment Area and Developer will not construct the Project without the use of tax-increment financing;

ARTICLE III

OBLIGATIONS OF THE AGENCY

Section 3.01 Division of Taxes.

In accordance with Section 18-2147 of the Act, the Agency hereby includes in the

Redevelopment Plan of the Agency a provision that any ad valorem tax on real property in the Project for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as provided in Section 18-2147 of the Act. The effective date of this provision shall be January 1, 2014.

Section 3.02 Issuance of Series 2013 A Bonds.

Agency on or about May 1, 2013, will issue its Series 2013 A Bonds in the aggregate principal amount of approximately \$130,000.00, which shall be payable in accordance with the resolution of the Agency authorizing its issuance, bearing interest at Five percent (5.0%) per annum (Series 2013 A Bonds) . The Series 2013 A Bonds shall be limited obligations of the Agency, and shall be solely payable from and secured by TIF Revenues and other security specifically pledged therefore. Agency shall have no obligation to find a purchaser for the Series 2013 A Bonds.

Section 3.03 Pledge of TIF Revenues.

Pursuant to the Resolution, the Agency will pledge the TIF Revenues as Security for the Bonds.

Section 3.04 Grant of Proceeds of Bonds.

Agency will grant 100% of the proceeds from the Series 2013 A Bonds secured by a pledge of the TIF Revenues as contemplated in Section 3.02 above, to Developer for the purpose of paying Project Costs.

Section 3.05 Creation of Fund.

Agency will create a special fund to collect and hold the TIF Revenues. Such special fund shall be used for no purpose other than to pay Bonds issued pursuant to Sections 3.02 above.

Section 3.06 Perform Obligations of Redevelopment Plan.

Agency will perform, or provide for the performance, in a timely manner, of all obligations to set forth in the Redevelopment Plan required to be performed by the Agency or City, as provided in this Redevelopment Contract, and attached Exhibit B.

ARTICLE IV

OBLIGATIONS OF DEVELOPER

Section 4.01 Construction of Project; Insurance.

Developer will acquire the two sited, complete the Project, pay for any site preparation of the project site, and construct two apartment buildings, including the installation

of all equipment necessary for the operation of the apartment building, as shown on Exhibit B 1 attached hereto. The Developer shall provide off street public parking for the development which public parking shall be for the term of any outstanding bonds issued to finance the Project.

Section 4.02 Purchase of Series 2013 A Bonds.

Developer will purchase the Series 2013 A Bonds or provide for the purchase of the Series 2013 A Bonds at 100% of their par value, immediately upon issuance thereof.

Section 4.03 Grant Deed of Trust to Secure Bonds.

Developer will grant a deed of trust, if requested by the Agency, on the premises to secure the timely payment of the bonds. Such deed of trust shall be junior and inferior only to the primary lender on the project.

Section 4.04 Non Discrimination .

Developer agrees and covenants for himself, his successors and assigns that as long as any Bonds are outstanding, he will not discriminate against any person or group of persons on account of race, sex, color, religion, national origin, ancestry, disability marital status or receipt of public assistance in connection with the Project. Developer, for himself and his successors and assigns, agrees that during the construction of the Project, Developer will not discriminate against any employee or applicant for employment because of race, religion, sex, color, national origin, ancestry, disability, marital status or receipt of public assistance. Developer will comply with all applicable federal, state and local laws related to the Project.

Section 4.05 Pay Real Estate Taxes.

Developer intends to, but is not specifically obligated to, create a taxable real property base attributable to the Project of \$600,000.00 no later than as of January 1, 2014. During the period that any Bonds are outstanding, Developer will (1) not protest a real estate property valuation on the Premises of \$600,000.00 or less; (2) not convey the Premises or structures thereon to any entity which would be exempt from the payment of real estate taxes or cause the nonpayment of such real estate taxes; and (3) cause all real estate taxes and assessments levied on the Premises to be paid prior to the time such become delinquent during the term that any Bonds are outstanding.

Section 4.06 Payment in Lieu of Taxes.

Developer agrees to make payments in lieu of taxes in an amount equal to the principal of and interest on the Series 2013 A Bonds as the same fall due as and to the extent not fully paid from TIF Revenues, immediately upon receipt of notice from Agency, if for any reason at any time TIF Revenues received by the Agency are not sufficient to pay principal and interest on the Series 2013 A Bonds when due. This payment in lieu of obligation may be represented by a note or other evidence of indebtedness, at the request of the Agency.

Section 4.07 Reimbursement of Costs.

Developer will reimburse the City and Agency for all costs incurred for legal expenses and costs of bond issuance regarding this contract and the Redevelopment Plan, upon approval by the City Council, in an amount not to exceed \$4,000.00.

Section 4.08 Additional Signatures.

Developer shall, upon the request of the Agency, execute such further documents and assurances contemplated by this Redevelopment Contract and all documents which Developer is required to sign as part of the transactions contemplated hereby.

Section 4.09 Immigration Status.

Developer agrees that any contractor providing services on the Project site will utilize the federal immigration verification system, as defined in Section 4-114, *Neb. Rev. Stat.* (2012), to determine the work eligibility status of new employees physically performing services on the Project.

Section 4.10 Purchase of Indebtedness.

The Developer agrees to purchase or cause to be purchased the Series 2013 A Bonds, upon issuance, at a price equal to the principal amount thereof in a private placement satisfactory to the Authority as to its terms and participants. Neither the Authority nor the City shall have any obligation to provide for the sale of the Indebtedness. It is the sole responsibility of the Developer to effect the sale of the Indebtedness in accordance with the terms of this Redevelopment Contract and the Resolution and if the Indebtedness cannot be sold in a private placement under terms acceptable to the Authority, this Redevelopment Contract shall cease to be in force and effect and the Authority and the City shall have no further obligations hereunder. Developer acknowledges that it is its understanding and the Authority's understanding that interest on the Indebtedness will be includable in gross income for federal income tax purposes and subject to Nebraska State income taxation.

Section 4.11 Penal Bond.

Pursuant to Section 18-2151, *Neb. Rev. Stat.*, (2012), Developer shall furnish or cause to be furnished to the City, prior to commencement of construction of the Redevelopment Project Improvements, a penal bond in an amount of Five Thousand and No/100 Dollars (\$5,000) conditioned upon the Developer at all times making payment of all amounts lawfully due to all persons supplying or furnishing the Developer, the Developer's contractor, or his or her subcontractors who performed labor or applied materials performed or used in the Project. Proof of such penal bond shall be supplied to the City prior to the start of construction of the Redevelopment Project Improvements.

ARTICLE V

FINANCING REDEVELOPMENT PROJECT; ENCUMBRANCES

Section 5.01 Financing.

Developer shall pay all Project Costs which are in excess of the amounts paid from the proceeds of the Bonds granted to Developer.

ARTICLE VI

DEFAULT, REMEDIES; INDEMNIFICATION

Section 6.01 General Remedies of Agency and Developer.

Subject to the further provisions of this Article VI, in the event of any failure to perform or breach of this Redevelopment Contract or any of its terms or conditions, by either party hereto or any successor to such party, such party, or successor, shall, upon written notice from the other, proceed immediately to commence such actions as may be reasonably designed to cure or remedy such failure to perform or breach which cure or remedy shall be accomplished within a reasonable time by the diligent pursuit of corrective action. In case such action is not taken, or diligently pursued, or the failure to perform or breach shall not be cured or remedied within a reasonable time, this Redevelopment Contract shall be in default and the aggrieved party may institute such proceedings as may be necessary or desirable to enforce its rights under this Redevelopment Contract, including, but not limited to, proceedings to compel specific performance by the party, failing to perform or in breach of its obligations.

Section 6.02 Additional Remedies of Agency.

In the event that:

(a) Developer, or its successor in interest, shall fail to substantially complete the construction of the Project on or before December 31, 2013, or shall abandon construction work for any period of 90 days; or (b) Developer, or its successor in interest, shall fail to pay real estate taxes or assessments on the Premises or any part thereof or payments in lieu of taxes pursuant to Section 4.06 when due, and such taxes or assessments or payments in lieu of taxes shall not have been paid, or provisions satisfactory to the Agency made for such payment, such event shall be deemed a failure to perform under this Redevelopment Contract.

In the event of such failure to perform, breach or default occurs and is not cured in the period herein provided, the parties agree that the damages caused to the Agency would be difficult to determine with certainty and that a reasonable estimation of the amount of damages that could be incurred is the amount of the grant to the Developer pursuant to Section 3.04 of this Redevelopment Contract, plus interest as provided herein (the "Liquidated Damages Amount"). The Liquidated Damages Amount shall be paid by Developer to Agency within 30 days of demand from Agency.

Interest shall accrue on the Liquidated Damages Amount at the rate of one percent (1%) over the prime rate as published and modified in the Wall Street Journal from time to time and interest shall commence from the date that the Agency gives notice to the Developer demanding payment.

Payment of the Liquidated Damages Amount shall not relieve Developer of its obligation to pay real estate taxes or assessments or payments in lieu of taxes with respect to the Project.

Section 6.03 Remedies in the Event of Other Developer Defaults.

In the event Developer fails to perform any other provisions of this Redevelopment Contract (other than those specific provisions contained in Section 6.02), Developer shall be in default. In such an instance, the Agency may seek to enforce the terms of this Redevelopment Contract or exercise any other remedies that may be provided in this Redevelopment Contract or by applicable law; provided, however, that the default covered by this Section shall not give rise to a right or rescission or termination of this Redevelopment Contract, and shall not be covered by the Liquidated Damages Amount.

Section 6.04 Enforced Delay Beyond Party's Control.

For the purposes of this Redevelopment Contract, neither party, as the case may be, nor any successor shall be in breach of or in default in its performance of obligations within its control, when and without its fault, a default in such obligation occurs caused by acts of God, or Government, or in the event of enforced delay in the project due to unforeseeable causes beyond the control of the parties or either of them, including fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays in subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the Agency or of Developer with respect to construction of the Project, as the case may be, shall be extended for the period of the enforced delay: Provided, that the party seeking the benefit of the provisions of this section shall, within thirty (30) days after the beginning of any such enforced delay, have first notified the other party thereof in writing, and of the cause or causes thereof and requested an extension for the period of the enforced delay.

Section 6.05 Limitation of Liability; Indemnification.

Notwithstanding anything in this Article VI or this Redevelopment Contract to the contrary, neither the City, nor their officers, directors, employees, agents or their governing bodies shall have any pecuniary obligation or monetary liability under this Redevelopment Contract. Except as set forth in Article VII, the sole obligation of the City under this Redevelopment Contract shall be the issuance of the TIF Indebtedness, granting the proceeds thereof to Developer, as specifically set forth in Sections 3.02. The obligation of the City on any TIF Indebtedness shall be limited solely to the TIF Revenues pledged as security for such TIF Indebtedness. Neither Agency, City, nor their officers, directors, employees, agents or their governing bodies shall have any pecuniary obligation or monetary liability under this Redevelopment Contract. Specifically, but without limitation, neither City nor Agency shall be

liable for any costs, liabilities, actions, demands, or damages for failure of any representations, warranties or obligations hereunder. The Developer releases the Agency and the City from, agrees that the Agency and the City shall not be liable for, and agrees to indemnify and hold the Agency and the City harmless from any liability for any loss or damage to property or any injury to or death of any person that may be occasioned by any cause whatsoever pertaining to the Project.

Developer will indemnify and hold each of the Agency and the City and their directors, officers, agents, employees and member of their governing bodies free and harmless from any loss, claim, damage, demand, tax, penalty, liability, disbursement, expense, including litigation expenses, or court costs arising out of any damage or injury, actual or claimed, of whatsoever kind or character, to property (including loss of use thereof) or persons, occurring or allegedly occurring in, on or about the Project during the term of this Redevelopment Contract or arising out of any action or inaction of Developer, whether or not related to the Project, or resulting from or in any way connected with the management of the Project, or in any way related to the enforcement of this Redevelopment Contract or any other cause pertaining to the Project.

ARTICLE VII

MISCELLANEOUS

Section 7.01 Notice Recording.

This Redevelopment Contract or a notice memorandum of this Redevelopment Contract shall be recorded with the County Register of Deeds in which the Premises is located.

Section 7.02 Governing Law.

This Redevelopment Contract shall be governed by the laws of the State of Nebraska, including but not limited to the Act.

Section 7.03 Binding Effect; Amendment.

This Redevelopment Contract shall be binding on the parties hereto and their respective successors and assigns. This Redevelopment Contract shall run with the Premises. The Redevelopment Contract shall not be amended except by a writing signed by the party to be bound.

IN WITNESS WHEREOF, Agency and Developer have signed this Redevelopment Contract as of the date and year first above written.

EXHIBIT A

**DESCRIPTION OF PREMISES
(REDEVELOPMENT AREA)**

509 Nebraska: Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska.

520 Nebraska: Lot 12, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska.

EXHIBIT B

DESCRIPTION OF PROJECT AND DEVELOPER'S REDEVELOPMENT PLAN FOR PROGRESSIVE PROPERTY INSPECTIONS' APARTMENT COMPLEX

OVERVIEW:

This plan is intended to redevelop an area within the City of Wayne, which has been declared blighted and substandard within the meaning of the Community Development Law of the State of Nebraska.

This redevelopment will redevelop the two parcels of real estate shown on Exhibit A to the Redevelopment Contract. Developer will acquire and clear the two sites. This project is one that, subject to assistance from the Agency, will result in the construction of two buildings of 5 apartments each located across the street from each other. Construction will begin in the spring of 2011 and will be substantially complete prior to January 1, 2014.

The Developer will not develop this project in the project area without the benefit of tax increment financing. The costs of site clearance and construction of the project are simply too great to be absorbed by the Developer without the assistance of tax increment financing. The Developer has reviewed the economic data, including the separate costs allocable to site clearance and preparation, and have determined that it is not economically feasible to build the facility without the use of tax-increment financing. The Developer proposes that the Community Development Agency issue a bond to be repaid from the incremental tax revenues generated by the redevelopment project pursuant to §18-2147 of the Nebraska Revised Statutes, for a period of 15 years from an effective date of January 1, 2014. The Developer will use the proceeds of the bond to assist in the acquisition, site clearance and construction and equipping of the buildings.

THE REDEVELOPMENT PLAN:

1. Relationship of Plan to Local objectives for appropriate land use: This plan contemplates a change in current land use. Currently the real estate is unimproved.

This plan provides for a public/private partnership to provide site development of two multi family residential facilities. Reutilization of the existing real estate meets existing local objectives for appropriate land use for the area affected by this plan.

2. Relationship of Plan to Local objectives for improved traffic flow and public utilities in plan area: This plan contemplates no relocation of the existing street access.

3. Relationship of Plan to Local objectives for community facilities: This plan is part of a redevelopment scheme that will provide reutilization of lots that held dilapidated buildings and provide new modern multi family rental residential facility.

4. Redevelopment project boundaries: Exhibit B1 to the Redevelopment Contract shows the boundaries of the project which is located on two separate tracts.
5. Proposed land use plan: Exhibit B1 also shows the proposed land use plan after redevelopment. [ATTACH BOTH SITE DRAWINGS AND BUILDING DRAWINGS FOR B-1]
6. Information on standards for population densities; land coverage; building intensities; and land coverage after redevelopment: Population density will increase for the area based on the number of families that will be able to live in the two facilities. Building coverage will increase as shown on Exhibit B1.
7. Statement regarding change in street layouts: This Plan proposes no changes in street and utility layout.
8. Site plan after redevelopment: Exhibit B1 is an accurate site plan of the redevelopment project after redevelopment.
9. Statement as to the kind and number of additional public facilities or utilities required to support land use after redevelopment: No additional public utilities required to support the proposed use.
10. Public cost/benefit analysis: This plan requires that the Developer will own, rehabilitate, construct and equip an apartment building. No public funds, other than the tax increment financing benefit, will be used on the structure, or to provide any of the necessary equipment.

The Developer will provide all financing for the project except that provided by the City of Wayne. TIF Bonds shall not be backed by the City or the Agency, and will only be repaid from the increased ad valorem tax stream created by the project rehabilitation, over a 15 year period commencing January 1, 2014. All ad valorem taxes currently being paid by the facility will continue to be paid to the normal taxing authorities, including the school district, the City of Wayne, and Wayne County, subject to current valuation adjustment. After the 15-year TIF period, the increased taxes will also be paid to the normal taxing authorities.

The operation of the facility will result in increased tax revenues to the City of Wayne. Each dollar spent in the community will generate sales tax which will reduce the property tax burden of community residents. This reduction in property tax demand will result without any significant increase in demand for other public services.

No employers in the redevelopment area will be impacted as there are no such employers. However, due to a labor shortage, impacted in part by affordable housing, this project will provide additional housing that may assist in the location of additional employees in the community.

The addition of these apartment units is not calculated to impose significant costs on the school district, nor other public entities.

11. Pledge of Incremental Taxes: Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the redevelopment project specified in the plan, namely the property described on Exhibit A to the Redevelopment Contract, shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be January 1, 2014, as follows:

a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Agency to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Exhibit B-1

(attach copy of site map)

Exhibit C

(Project eligible expenses)

Site Acquisition

Site Preparation

Public Parking for the term of the TIF Indebtedness

RESOLUTION NO. 2013-29

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE,
NEBRASKA APPROVING A REDEVELOPMENT PLAN AND RELATED
MATTERS.**

WHEREAS, the City of Wayne, Nebraska, a municipal corporation and city of the first class (the “City”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared the area legally described in **Exhibit A** attached hereto (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Development Agency of the City of Wayne, Nebraska (the “Agency”) has prepared or caused to be prepared a Redevelopment Plan including a Redevelopment Contract (collectively the “Redevelopment Plan ”), in the form attached hereto as **Exhibit A**, for the redevelopment of that portion of the Redevelopment Area legally described therein (the “Project Area”); and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

WHEREAS, the City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Redevelopment Plan is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of the recommendations of the Agency with respect to the Redevelopment Plan.

Section 2. The Redevelopment Plan is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Mayor in her sole and absolute discretion. The Mayor and Clerk are hereby authorized to execute the Notice to Divide Taxes and file the same with the Assessor and Treasurer of Wayne County.

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area, to wit: the property described in Exhibit A attached hereto, for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be January 1, 2014:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. Specifically, such portion is pledged to the payment of principal and interest on the tax increment revenue bond of the Community Development Agency of the city of Wayne, Nebraska (Fourth Generation Family Limited Partnership) SERIES 2013 A. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

PASSED AND APPROVED this 2nd day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

[SEAL]

RESOLUTION 2013-30

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS.

WHEREAS, the City of Wayne, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and, Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program; and

WHEREAS, the City of Wayne, Nebraska, has obtained its citizens' comments on community development and housing needs and has conducted public hearing(s) upon the proposed application and received public comment respecting the application which for an amount of the City of Wayne is requesting \$579,000 of Affordable Housing Funds from the Nebraska Department of Economic Development of which \$60,000 will be for acquisition, \$440,000 will be for housing rental new construction, \$44,000 will be used for housing management, and \$35,000 will be for general administration of the grant.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Wayne, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents, including, but not limited to, Release of Funds documents as stated in the grant contract or other memoranda between the City of Wayne and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED this 2nd day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

One Page Project Summary

The City of Wayne is requesting \$579,000 from the Nebraska Affordable Housing Program (NAHP) to provide six (6) affordable rental housing units for low to moderate income senior families. The City will be partnering with Windom Ridge LLC, a Nebraska Corporation to construct Angel Acres, a senior housing development in Wayne, NE. Of the \$579,000 NAHP funds, \$60,000 will be used for acquisition; \$440,000 will be utilized for the construction of six single family units, \$44,000 for housing management and \$35,000 for general administration of the project. The remaining \$2,344,300 for the 20 unit development will be provided by Windom Ridge LLC through owner investment, Tax Increment Financing, LB840 funds and bank loan. The estimated total project cost is \$2,923,300. The Northeast Nebraska Economic Development District (NENEDD) will function as the housing administrator in partnership with Wayne Community Housing performing income qualifications. NENEDD will also act as the general administrator. Windom Ridge LLC will own and operate the rental units long-term.

The eligible applicants will be at or below 100% of the median income of Wayne County. Wayne Community Housing will provide current income thresholds to the applicant and income verify each tenant. These thresholds are set annually by HUD. Current income thresholds can be found at www.hudclips.org.

Angel Acres, a senior housing development

The Senior Village development is designed to be a mixed usage development targeted at 55 and older with both rental units and owner-occupied units. There will be six (6) single family houses reserved as rental units for low-to-moderate income families. These units will be between 1,300-1,400 square feet. There will also be a neighborhood community center to act as common space, along with outdoor green space. There will be 14 additional townhome units between 950-1300 square feet which will not be rent-control and will be a mix of rental and owner occupied.

The lot currently is an open field, and the developer will construct all needed infrastructure including streets, water, sewer and storm drainage. The units will be visitable and accessible with rear facing garages. The units will also be two (2) bedroom units with basements. The environmental review has already started and will complete before full application.

PART III

	Per Unit Cost	Per Unit Cost	No. of units		Total Activity Costs	NAHP	Match/Other
	\$	10,000	20	\$	200,000	\$ 60,000	\$ 140,000
Activity 0521 -- Acquisition of vacant lots							
Activity 0501 - Site Improvements	\$	13,500	20		270,000	-	270,000
Activity 0562 -- Rental New Construction							
Cement Wall, flat work & Sand	\$	24,000					
Plumbing, Heating/Cooling		11,000					
Electrical		7,800					
Flooring		6,500					
Lights Allowance		-					
Foundation Tar & Backfill, Basement		1,900					
Gutters		1,000					
Cabinet Allowance		5,500					
Material & Labor Framing to finish		42,300					
Landscape		2,000					
Marketing costs		-					
Misc. Construction costs		13,000					
Subtotal of Construction costs				\$	2,300,000		
Construction Contingency					23,000		
Architect Design					5,000		
Construction Loan Interest					20,000		
Property Appraisal					5,000		
Environmental study/review					1,500		
Real Estate Attorney					2,800		
Title & Recording					2,000		
Operating Reserves					15,000		
Activity 0542 Total					2,374,300	440,000	1,934,300
Activity 0580 -- Housing Management							
Process voluntary acquisition paperwork				\$	11,000		
Counselling potential rental tenants and property owners on rent limits for LMI units					11,000		
Process tenent applications and income qualifications					10,000		
Oversee Construction Process including property/work inspections					12,000		
Activity 0580 Total					44,000	44,000	-
Activity 0181 - General Administration							
Phase I							
Special condition documents as outlined in the grant contract							
Environmental review in accordance with the National Environmental Policy Act of 1969							
Assisting with procuring for professional services							
Meeting, phone calls, emails with Grantee to insure the grantee has a solid understanding of the financial management requirements associated with the grant and that the Grantee has an appropriate financial management system in place.							
Prepare a master filing system in accordance with state and federal regulations							
Total Costs Phase I				\$	5,250		
Phase II							
Monitoring the progress of the housing activities being completed in order to prepare semi-annual reports and accounting of project costs for preparation of drawdowns.							
Monitoring the housing activities to ensure that all statutes, state rules, and federal regulations relevant to the project are followed.							
Processing applications for eligibility.							
Total Costs Phase II					21,000		
Phase III							
Prepare and submit all close out reporting requirements.							
Prepare and submit all required monitoring reports and clarifications requested by DED.							
Total Costs Phase III					5,250		
Miscellaneous (Phone, copies, postage, audit, legal, etc.)					3,500		
Activity 0181 Total					35,000	35,000	-
TOTAL PROJECT COST				\$	<u>2,923,300</u>	<u>\$ 579,000</u>	<u>\$ 2,344,300</u>

**2013 APPLICATION FOR THE
NEBRASKA AFFORDABLE HOUSING PROGRAM**

Nebraska Department of Economic Development (NED)

PART I. GENERAL INFORMATION

Pre-application Number (if applicable): 13-TF-_____

TYPE OR PRINT ALL INFORMATION

DED USE ONLY Date stamp Below

DED USE ONLY Application Number 13-TF-

<p>1. APPLICANT IDENTIFICATION</p> <p>Name: <u>City of Wayne</u></p> <p>Contact: <u>Lowell Johnson, City Administrator</u></p> <p>Address: <u>PO Box 8</u></p> <p>City/State/Zip: <u>Wayne, NE 68787</u></p> <p>Phone: <u>402.375.1733</u></p> <p>Fax: <u>402.375.1619</u></p> <p>Email: <u>cityadmin@cityofwayne.org</u></p> <p>Tax ID: <u>47-6006407</u></p> <p>Duns #: <u>31172505</u></p>	<p>2. APPLICATION PREPARER INFORMATION</p> <p>Name: <u>Lisa Hurley</u></p> <p>Address: <u>111 S. 1st Street</u></p> <p>City/State/Zip: <u>Norfolk, NE 68701</u></p> <p>Phone: <u>402.379.1150</u></p> <p>Fax: <u>402.379.9207</u></p> <p>Email: <u>lisa@nenedd.org</u></p> <p>Application Preparer (check one)</p> <p><input type="checkbox"/> Local Staff <input type="checkbox"/> Out-of-State Consultant</p> <p><input type="checkbox"/> In-State Consultant <input type="checkbox"/> Non-Profit Organization</p> <p><input checked="" type="checkbox"/> Economic Development District</p> <p><input type="checkbox"/> Other _____</p>
<p>3. RENTAL ACTIVITIES (check all that apply)</p> <p><input type="checkbox"/> Construction costs for newly constructed units</p> <p><input type="checkbox"/> Rehabilitation</p> <p><input type="checkbox"/> Acquisition</p> <p><input type="checkbox"/> Demolition</p> <p><input checked="" type="checkbox"/> Single Family - # of units <u>20</u> <u>6</u>% AMI</p> <p><input type="checkbox"/> Duplex - # of units _____ % AMI</p> <p><input type="checkbox"/> Multi-Family - # of units _____ % AMI</p> <p><u>4</u> High units OR <u>2</u> Low units & <input type="checkbox"/> Fixed OR <input checked="" type="checkbox"/> Floating</p>	<p>4. REGION INDICATOR</p> <p><input type="checkbox"/> Panhandle - Region 1 (Western Investment Zone)</p> <p><input type="checkbox"/> North Central - Region 2 (Central Investment Zone)</p> <p><input type="checkbox"/> Southwest - Region 3 (Western Investment Zone)</p> <p><input type="checkbox"/> South Central - Region 4 (Central Investment Zone)</p> <p><input checked="" type="checkbox"/> Northeast - Region 5 (Northeast Investment Zone)</p> <p><input type="checkbox"/> Southeast - Region 6 (Southeast Investment Zone)</p> <p><input type="checkbox"/> Lincoln - Region 8 (Southeast Investment Zone)</p>
<p>5. SERVICE AREA</p> <p>Area to be served [city, county(ies)]. Please list:</p> <p><u>City of Wayne</u></p> <p>Nebraska Legislative District(s) <u>17</u></p> <p>Nebraska Congressional District(s) <u>1</u></p>	<p>6. TYPE OF APPLICANT</p> <p><input checked="" type="checkbox"/> Unit of Local Government <input type="checkbox"/> Local Housing Authority</p> <p><input type="checkbox"/> Non-Profit 501(c)(3) <input type="checkbox"/> Non-Profit 501(c)(3) CHDO</p> <p><input type="checkbox"/> Non-Profit 501(c)(4) <input type="checkbox"/> Non-Profit 501(c)(4) CHDO</p>

7. CERTIFYING OFFICIAL:

To the best of my knowledge and belief, data and information in this application is true and correct, including any commitment of local or other resources. The governing body of the applicant has duly authorized this application. This applicant will comply with all Federal and state requirements governing the use of NAHP funds.

Signature in ink: _____

Typed Name and Title: Ken Chamberlain, Mayor Date Signed: _____

Address/City/State/Zip: PO Box 8

SUBMIT THE ORIGINAL (BINDER CLIPPED and TWO-HOLE PUNCHED) AND THREE COPIES OF THE ENTIRE APPLICATION TO:

Nebraska Department of Economic Development
Division of Community and Rural Development
301 Centennial Mall South- PO Box 94666
Lincoln, NE 68509-4666

Individuals, who are hearing and/or speech impaired and have a TTY, may contact the Department through the Statewide Relay System by calling (800) 833-7352 (TTY) or (800) 833-0920 (voice). The relay operator should be asked to call DED at (800) 426-6505 or (402) 471-3111.

RESOLUTION NO. 2013-31

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL DESIGN ENGINEERING SERVICES BETWEEN THE CITY OF WAYNE AND KIRKHAM MICHAEL FOR THE "WAYNE - WINDOM STREET IMPROVEMENT PROJECT."

WHEREAS, the Wayne City Council is desirous of entering into an Agreement with Kirkham Michael for professional design engineering services regarding the "Wayne - Windom Street Improvement Project"; and

WHEREAS, a proposal has been requested and received from Kirkham Michael for a lump sum fee of \$6,900.00; and

WHEREAS, staff recommendation is to accept said proposal of Kirkham Michael.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Letter Agreement between the City of Wayne and Kirkham Michael for the "Wayne - Windom Street Improvement Project" be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement for the professional services on behalf of the City.

PASSED AND APPROVED this 2nd day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

March 19, 2013

RE: Agreement for Additional Professional Design Engineering Services
Project No. URB-6709(2)
Control No. 31991
Wayne Windom Street
Wayne, Nebraska
KM-1010224

Mr. Joel Hansen
Street Superintendent
City of Wayne
P.O. Box 8
Wayne, Nebraska 68787-0008

Dear Joel:

We are pleased to present this letter agreement for additional professional design engineering services in connection with the environmental documentation for the Wayne Windom Street Project. We appreciate the opportunity to provide services to the City of Wayne and are confident that you will be pleased with the quality and timeliness of our services. We thank you for your support and continued business.

Scope of Services

Kirkham Michael is submitting this supplemental to the City for out of scope services requested from the Nebraska Department of Roads (NDOR) related to the NEPA Categorical Exclusion (CE) Documentation Form for the above referenced project. NDOR comments (January 14, 2013) to the October 8, 2012 CE document require the following items be added to the CE Document: Hazardous Materials Review Memorandum (HMR), Supplemental Programmatic Categorical Exclusion/Categorical Exclusion Review Form, and a revision to the CE form. These were not required when our original agreement was approved.

The CE form revision requires addressing several comments related to writing style, format, and additional questions and documentation about public meeting documentation, detour information, pedestrian access, study area map, removal of engineering plans, FHWA 4(f) exemption letter, and inclusion of additional SHPO letter. At the time the original scope of service was developed HMR's and PCE/CE checklists did not exist. In addition, our original scope of services allowed for one revision. We have provided several revisions already.

This supplement amends our Original Agreement dated September 13, 2010. A scope of service, fee and schedule to complete the CE revision is provided below.



Mr. Joel Hansen
March 19, 2013
Page 2

SCOPE OF SERVICE

Task 7 – Hazardous Materials Review Memorandum

We will complete a Hazardous Materials Review (HMR) memorandum within the Environmental Study Area to identify sites with an existing release, a past release, or a material threat of a release, of any hazardous substances or petroleum products into structures, on the property or into the soils, groundwater, or surface water. Should a documented Recognized Environmental Condition exist (e.g. a gas station UST site), the consultant shall request additional site information from the NDEQ and make a determination/recommendation concerning the need for further site investigation. This task will also include ordering and review of an Environmental Data Resources (EDR) Report; review of available historic aerial photographs, topographic maps and soil survey; site reconnaissance; and county assessor records review. Consultant shall prepare a technical memorandum of the findings.

Task 8 – Supplemental Programmatic Categorical Exclusion/Categorical Exclusion Review Form

We will complete a Supplemental Programmatic Categorical Exclusion/Categorical Exclusion Review Form. The review form requires additional confirmation from what is already included in the CE about hazardous materials, 4(f) & 6(f), floodplain, Wild and Scenic Rivers, and Farmlands.

Task 9- CE Document Revision

We will revise the CE Document according to the January 14, 2013 comments by NDOR and submit to the City for review. Once internal review is complete the document will be submitted to NDOR.

Fee Proposal

Kirkham Michael proposes to complete the above-described additional professional services for a lump sum fee amount of six thousand, nine hundred dollars (\$6,900.00). The lump sum fee includes labor and project related expenses for basic services.

The Terms and Conditions (Exhibit A) that are attached to this Agreement shall be considered incorporated and shall become an integral part of this Agreement.



Mr. Joel Hansen
March 19, 2013
Page 3

If the above described items are satisfactory to you, please sign and date both the "original" and the "duplicate" copies of this letter agreement. Keep the "original" copy for your files and return the "duplicate" copy to us for our files. Receipt of this letter will be considered our notice to proceed with the work. Thank you for your consideration.

Sincerely,

KIRKHAM, MICHAEL & ASSOCIATES, INC.

A handwritten signature in purple ink, reading "Rich L. Robinson".

Rich L. Robinson, P.E.
Senior Vice President

RLR/sjt

Attachment: (Exhibit "A")

Copy to: J. Frederiksen – Kirkham Michael Omaha

S:\1010224\CORRESPONDENCE\HANSEN-LTR-AGREEMENT ADDITIONAL SERVICES.RLR.DOC

ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED

City of Wayne

Date: _____

Exhibit A



General Terms and Conditions

1. **AUTHORIZATION TO PROCEED**

Signing of the accompanying agreement for engineering surveying or related services shall be authorization by the Client for Kirkham Michael & Associates, Inc. (Kirkham Michael) to proceed with the work described, unless otherwise stated in the agreement form.
2. **STANDARD OF PRACTICE**

Services performed by Kirkham Michael under this agreement will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in the agreement or in any report, opinion, document, or otherwise.
3. **INVOICING AND PAYMENT**

The client, recognizing that timely payment is a material part of the consideration of this agreement, shall promptly pay Kirkham Michael for services performed in accordance with the rates and charges set forth herein. Invoices will be submitted by Kirkham Michael on a monthly basis and shall be due and payable upon receipt. The client shall pay an additional charge of one and one half percent (1.5%) (or the maximum percentage allowed by law, whichever is lower,) of the invoiced amount per month for any payment received by Kirkham Michael more than thirty (30) calendar days from the invoice date. Payment thereafter shall first be applied to accrued interest and then to principal unpaid amount.

If the client for any reason fails to pay the undisputed portion of Kirkham Michael's invoices within thirty calendar days from the invoice date, Kirkham Michael may cease work on the project and the client shall waive any claim against Kirkham Michael and shall defend and indemnify Kirkham Michael from and against any claims for injury or loss stemming from Kirkham Michael's cessation of services. Client shall also pay Kirkham Michael the cost associated with premature project demobilization. In the event the project is remobilized, client shall also pay the cost of remobilization and shall renegotiate appropriate contract terms and conditions such as those associated with the budget, schedule or scope of services.

If the client objects to all or a portion of the invoice, the client shall so notify Kirkham Michael in writing within ten calendar days of the date of the invoice in question, and shall pay that portion of the invoice not in dispute. In the event any bill or portion thereof is disputed by the client, client shall notify Kirkham Michael within ten (10) calendar days of the date of the invoice in question. Client and Kirkham Michael shall work together to resolve the matter within sixty (60) calendar days of its being called to Kirkham Michael's attention. If resolution of the matter is not attained within sixty (60) calendar days, either party may terminate this agreement.
4. **ADDITIONAL SERVICES**

Any services beyond those specified in the agreement will be provided for separately under an additional agreement or a supplemental agreement.
5. **CONSTRUCTION COST ESTIMATES**

Construction cost estimates provided by Kirkham Michael are prepared from experience and judgment. Kirkham Michael has no control over market conditions or construction procedures and does not warrant that proposals, bids or actual construction costs will not vary from Kirkham Michael estimates.
6. **LIMITATION OF LIABILITY**

In order for the client to obtain the benefits of a fee which includes a lesser allowance for risk funding, the client agrees to limit Kirkham Michael's liability arising from Kirkham Michael's professional acts, errors or omissions, such that the total aggregate liability of Kirkham Michael shall not exceed Kirkham Michael's total fee for the services rendered on this project, or the amount of fifty thousand dollars (\$50,000), whichever is less.
7. **CONSEQUENTIAL DAMAGES**

The client shall not be liable to Kirkham Michael and Kirkham Michael shall not be liable to the client for any consequential damages incurred by either party due to the fault of the other, regardless of the nature of this fault or whether it was committed by the client or Kirkham Michael, their employees, agents, or subcontractors. Consequential damages include, but are not limited to, loss of use and loss of profit.
8. **INDEMNIFICATION**

Client and Kirkham Michael, their respective officers, employees, agents, and representatives, each agree to indemnify and hold the other harmless, from and against liability for claims, losses, damages and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors or omissions. IN the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of Client and Kirkham Michael, they shall be borne by each party in proportion to its negligence.
9. **OWNERSHIP OF DOCUMENTS**

All plans, drawings, reports, notes, calculations, estimates and other documents prepared by Kirkham Michael as instruments of service shall remain the property of Kirkham Michael, and copies will be provided at the request of the client.
10. **TERMINATION**

In the event termination becomes necessary, the party (client or Kirkham Michael) effecting the termination shall so notify the other party and termination will become effective fourteen (14) calendar days after receipt of the termination notice. Irrespective of which party shall effect termination or the cause of termination, the client shall within thirty (30) calendar days of termination remunerate Kirkham Michael for services rendered and costs incurred up to the effective time of termination, in accordance with Kirkham Michael's prevailing fee schedule and expense reimbursement policy.
11. **GOVERNING LAW**

This agreement is to be governed by and construed in accordance with the law of the principal place of business of Kirkham Michael.
12. **CONTROLLING AGREEMENT**

The agreement and these terms and conditions express the entire agreement between the parties. These terms and conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, notice to proceed, or like document regarding Kirkham Michael's services. If any one or more of the provisions contained in this agreement shall be held unenforceable, the enforceability of the remaining provisions shall not be impaired.

RESOLUTION NO. 2013-32

A RESOLUTION AMENDING HOUSING CONSTRUCTION LOAN INCENTIVES FOR BUILDERS.

WHEREAS, on April 3, 2012, the Wayne City Council established "Housing Construction Loan Incentives for Builders" to promote the building of market-rate houses or townhouses in Wayne; and

WHEREAS, on May 1, 2102, the said Housing Construction Loan Incentives were amended by Resolution 2012-37; and

WHEREAS, on November 6, 2012, the said Housing Construction Loan Incentives were amended by Resolution 2012-84; and

WHEREAS, the City Council desires to amend said incentives as follows:

1. Lots can be selected within the city limits by the buyer or builder.
2. Incentives for fifteen homes will be approved on a first-come, first-serve basis.
3. Builder/buyer will sign an agreement with the City for incentives for approved incentives.
- ~~4. Builder/buyer participation in the "Energy Star Program" is required with every house receiving incentives.~~
5. Eligible home buyers must have an annual household income of no more than 150% median income for Wayne County.
- ~~6. Builders will be eligible for ~~and limited to two~~ \$20,000 construction loans for ~~two~~ speculative housing units, and \$30,000 per housing unit being built by an owner of a lot, at 0% interest until the date of sale or four (4) years, whichever comes first, from the Community Development Agency funds or other funds provided by the City, with payback from the homebuyer at the time of permanent financing. ~~When the builder pays back one or both of the \$20,000 construction loans, he/she will be eligible for applying for an additional construction loan, not to exceed the maximum of two.~~~~
- ~~7. Only two incentive houses per contractor. When an incentive is paid off, the contractor may apply for an additional incentive if there are still funds available.~~
8. Builders/Property Owners will be eligible for \$5,000, 0% interest 3-year loans per market rate apartment unit, single-family market rate home or for the **total** renovation of multi-unit housing on a per apartment unit basis. If the property is sold or transferred before the 3-year term is up, the loan becomes due and payable.

9. Proceeds from the incentive loan repayments will be deposited into a City revolving loan fund to be re-loaned for future housing construction incentives.
10. Construction loan would be secured by a Deed of Trust on the property and subordinate to commercial or private construction financing.
11. Applications for housing incentive construction loans must be submitted to the Wayne City Council for their approval.
12. Approval of front elevation design of each house receiving a construction loan incentive will be required by the City Council or a designated representative with approval of the building permit.
13. Houses must be ready for occupancy permit within 24 months (two construction seasons) of date of execution of an incentive agreement.
14. Suggested penalties for not completing house within the required 24 months are:
 - a. If primary construction loan is not secured within 6 months of approval of the incentive, the City incentive loan will become void.
 - b. If the house is not ready for occupancy within 24 months, the builder is not eligible for future city incentives.
 - c. If the house does not have an occupancy permit within 24 months, the loan is in default and due immediately at 5% interest from the date of loan approval.
15. Request for Community Development Agency funds – will need to borrow funds from the Electric Fund to establish the first round of loans.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Wayne, Nebraska, hereby approve and adopt the foregoing amended "Housing Construction Loan Incentives" to promote the building of market-rate houses or townhouses in Wayne.

PASSED AND APPROVED this 2nd day of April, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-1

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held public hearings on April 2, and July 2, 2012, and recommended amending Section 90-10 Definitions of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article I, Section 90-10 of the Wayne Municipal Code is amended as follows:

Sec. 90-10. Definitions.

Agricultural Industry: Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators, storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies.

Light Industry: Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, butcher shops, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.

General Industry: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of materials or products.

Heavy Industry: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials, except for those uses defined as agricultural industries. This would include concrete mixing and concrete manufacturing/crushing.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-2

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS BY AMENDING SECTION 90-114 EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held public hearings on April 2, and July 2, 2012, and recommended amending Section 90-114 Exceptions (A-1 Agricultural District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article III, Section 90-114 of the Wayne Municipal Code is amended as follows:

24. Heavy Industry, provided that the use is not located within 1,000 feet of any existing residential structure

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-3

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-482 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held public hearings on April 2, and July 2, 2012, and recommended amending Section 90-482 Permitted Principal Uses and Structures (I-1 Light Industrial and Manufacturing District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article VI, Section 90-482 of the Wayne Municipal Code is amended as follows:

- 46. Light Industry
- 47. General Industry

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-4

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-484 EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held public hearings on April 2, and July 2, 2012, and recommended amending Section 90-484 Exceptions (I-1 Light Industrial and Manufacturing District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article VI, Section 90-484 of the Wayne Municipal Code is amended as follows:

(5) Heavy Industry, provided that the entire property is not located within 500 feet of the following:

a. a public or private educational facility including but not limited to child day care facility, nursery school, preschool, kindergarten, private school, elementary, intermediate, junior high, middle, or high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, community colleges, universities, and shall include the school grounds of the above identified schools

b any park, children's playground area, or youth sports complex including a community activity center and a recreation trail

c. a property line of any lot located in a residential district

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-5

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-512 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held public hearings on April 2, and July 2, 2012, and recommended amending Section 90-512 Permitted Principal Uses and Structures (I-2 Heavy Industrial and Manufacturing District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article VI, Section 90-512 of the Wayne Municipal Code is amended as follows:

- 56. Agricultural Industry
- 57. Light Industry
- 58. General Industry
- 59. Heavy Industry, provided that the entire property is not located within 500 feet of the following:
 - a. a public or private educational facility including but not limited to child day care facility, nursery school, preschool, kindergarten, private school, elementary, intermediate, junior high, middle, or high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, community colleges, universities, and shall include the school grounds of the above identified schools
 - b. any park, children's playground area, or youth sports complex including a community activity center and a recreational trail
 - c. a property line of any lot located in a residential district

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-6

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IX. NONCONFORMING USES BY AMENDING SECTION 90-754 NONCONFORMING USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held public hearings on April 2, and July 2, 2012, and recommended amending Section 90-754 Nonconforming Uses of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IX, Section 90-754 of the Wayne Municipal Code is amended as follows:

(I) Heavy Industry. The use of land for Heavy Industry that is not in conformance with this chapter shall be discontinued by _____ . (Date to be determined by City Council).

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, BY AMENDING SECTION 90-714 PERFORMANCE STANDARDS FOR INDUSTRIAL USES, (b) LIMITED INDUSTRIAL PERFORMANCE STANDARDS, (1) PHYSICAL APPEARANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-714(b)(1) Physical Appearance of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article VIII, Section 90-714 of the Wayne Municipal Code is amended as follows:

- (1) *Physical appearance.* All operations, other than concrete crushing, shall be carried on within an enclosed building, except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-18

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-11 STOP SIGN LOCATIONS; EAST OF MAIN STREET, NORTH OF SEVENTH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Chapter 78, Article I, Section 78-11 of the Wayne Municipal Code is amended to read as follows:

Sec. 78-11. Stop sign locations; east of Main Street, north of Seventh Street.

- a) Stop signs are established at the following locations in the city:
1. Main Street at the east approach of East 10th Street.
 2. Main Street at the east approach of East 9th Street.
 3. Main Street at the east approach of East 8th Street.
 4. East 21st Street at the south approach of Claycomb Road.
 5. Lindahl Drive at the south approach of Walnut Street.
 6. East 10th Street at the south approach of Logan Street.
 7. East 10th Street at the south approach of Nebraska Street.
 8. East 10th Street at the north and south approaches of Walnut Street.
 9. East 10th Street at the north approach of Lilac Lane.
 10. East 10th Street at the south approach of Pine Heights Road.
 11. East 10th Street at the north approach of Hillcrest Road.
 12. East 9th Street at the north approach of Walnut Street.
 13. East 7th Street at the north approach of Logan Street.
 14. East 7th Street at the north approach of Nebraska Street.
 15. East 7th Street at the north approach of Windom Street.
 16. East 7th Street at the north approach of Walnut Drive.
 17. East 7th Street at the north approach of Pine Heights Road.
 18. East 7th Street at the north approach of Providence Road.
 19. East 7th Street at the north approach of Hillside Drive.
 20. East 7th Street at the north approach of Centennial Road.
 21. Logan Street at the east and west approaches of East 9th Street.
 22. Logan Street at the east and west approaches of East 8th Street.
 23. Nebraska Street at the east and west approaches of East 9th Street.
 24. Windom Street at the east and west approaches of East 10th Street.
 25. Windom Street at the east and west approaches of East 9th Street.
 26. Windom Street at the east and west approaches of East 8th Street.
 27. Pine Heights Road at the west approach of East 9th Street.

- 28. Providence Road at the east and west approaches of East 10th Street.
- 29. Providence Road at the east and west approaches of Sunnyview Drive.
- 30. Providence Road at the west approach of Poplar Street.
- 31. Centennial Road at the west approach of East 14th Street.
- 32. Walnut Street at the east approach of Hillcrest Road.**

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in full force and effect after the passage, approval, and publication or posting as provided by law.

PASSED AND APPROVED this 2nd day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Properties Outside City Limits

PARCEL ID	OWNERSHIP	LOCATION	County	School Levy	ESU	NRD	Community College	Ag Society	Fire District	Exemption	2012 taxes	City General Levy	Airport Levy	City Debt Levy	Total City Levy
2086.01	GREAT DANE LTD PARTNERSHIP	7-26-4	10,156.90	35,732.43	454.08	896.33	2,974.33	174.28	491.29	(2,164.46)	48,715.18	10,915.88	1,251.76	1,544.55	13,712.19
2087.00	HERITAGE HOMES OF NEBRASKA INC	7-26-4	853,345	10,072.64	128.00	252.67	838.44	49.13	138.49	(610.14)	13,732.36	3,077.09	362.86	436.39	3,865.34
428001	HERITAGE HOMES OF NEBRASKA INC	7-26-4	25,500	300.99	3.83	1.55	25.05	1.47	4.14		428.59	91.95	10.54	10.54	115.51
509401	HERITAGE HOMES OF NEBRASKA INC	7-26-4	4,700	55.48	0.71	1.39	5.82	0.27	0.76	(3.36)	75.63	16.95	1.94	2.40	21.29
80066	STATE OF NE-DEPT OF ROADS	7-26-4	-	-	-	-	-	-	-	-	-	-	-	-	-
80067	STATE OF NE-DEPT OF ROADS	7-26-4	-	-	-	-	-	-	-	-	-	-	-	-	-
210400	Contigstone LLC	KARDELL INDUSTRIAL PARK	655.49	2,306.03	29.30	57.85	191.95	11.25	31.71	(139.69)	3,143.88	704.47	80.78	99.88	884.93
210401	COMMUNITY DEVELOPMENT AGENCY	KARDELL INDUSTRIAL PARK	60,500	714.12	9.08	17.91	59.44	3.48	9.82	(43.26)	973.59	218.16	25.02	30.87	274.04
8006901	CITY OF WAYNE	KARDELL INDUSTRIAL PARK	-	-	-	-	-	-	-	-	-	-	-	-	-
8007501	CITY OF WAYNE	KARDELL INDUSTRIAL PARK	-	-	-	-	-	-	-	-	-	-	-	-	-
210402	GREAT DANE LTD PARTNERSHIP	KARDELL INDUSTRIAL PARK	160,000	1,898.59	24.00	47.37	157.20	9.21	25.97	(114.40)	2,574.78	576.95	66.16	81.54	724.74
210403	summitfield group llc	KARDELL INDUSTRIAL PARK	222,950	2,631.64	33.44	66.01	219.06	12.84	36.18	(159.41)	3,587.80	803.94	92.19	113.75	1,009.88
209403	summitfield group llc	TOMPKINS INDUSTRIAL TRACT #1	24,900	83.54	3.74	7.37	24.46	1.43	4.04	(17.80)	400.70	89.79	10.30	12.70	112.79
209500	MIL0 MEYER CONSTRUCTION INC	TOMPKINS INDUSTRIAL TRACT #1	208,080	2,458.23	31.21	61.61	204.45	11.96	33.77	(148.78)	3,348.87	790.35	86.05	106.17	942.57
209500	HERITAGE SURROUND SYSTEMS INC	TOMPKINS INDUSTRIAL TRACT #1	937,685	11,068.16	140.65	277.64	921.30	53.98	152.18	(670.44)	15,089.59	3,381.21	387.73	478.43	4,247.37
209502	GERHOLD CONCRETE COMPANY INC	TOMPKINS INDUSTRIAL TRACT #1	22,430	75.28	3.36	6.64	22.04	1.29	3.64	(16.04)	360.95	80.88	9.27	11.44	101.60
209800	D V INVESTMENTS INC	8-26-4	72,530	243.95	10.88	21.48	71.26	4.18	11.77	(51.86)	1,167.18	261.54	29.99	37.01	328.53
209800	D V INVESTMENTS INC	8-26-4	403,253	1,353.00	60.49	119.40	396.21	23.22	65.44	(268.33)	6,489.33	1,454.10	166.75	205.75	1,826.60
209401	RESTFUL KNIGHTS INC	8-26-4	1,930	6.48	0.29	0.57	1.90	0.11	0.31		32.44	6.96	0.80	0.98	6.74
209400	CAPITAL INVESTMENT GROUP INC	8-26-4	51,000	171.11	7.85	15.10	50.11	2.94	8.28	(36.47)	820.71	183.90	21.09	26.02	231.01
210101	ROD & MELIA HEFTI	8-26-4	1,439,800	16,994.80	215.97	426.31	1,414.65	82.89	233.87	(1,029.46)	23,169.81	5,191.79	595.36	734.61	6,521.76
80062	CITY OF WAYNE	8-26-4	34,140	114.55	5.12	10.11	33.54	1.97	5.54	(24.41)	549.39	123.11	14.12	17.42	154.64
210100	KEVIN & TERI KOENIG	8-26-4	221,675	743.76	33.25	66.64	217.80	12.76	35.98	(158.50)	3,667.28	799.34	91.66	113.10	1,004.11
209700	PRECISION AGRONOMY LLC	8-26-4	420,910	1,412.23	63.14	124.63	419.96	24.23	68.31	(300.95)	6,773.44	1,517.76	174.05	214.76	1,906.57
80071	CITY OF WAYNE	8-26-4	-	-	-	-	-	-	-	-	-	-	-	-	-
210200	KENNETH R & KAREN A MARRA	8-26-4	144,355	484.34	21.65	42.74	141.83	8.31	23.43	(103.21)	2,323.02	520.53	59.69	73.65	653.87
209900	S & M LIQUID TIRE FILL	8-26-4	30,630	102.77	4.59	9.07	30.09	1.76	4.97	(21.90)	492.91	110.45	12.67	15.63	138.74
218900	SOONER REALTY (CONCORD COMP)	18-26-4	627,900	2,106.72	94.19	185.91	618.93	36.15	101.90	(448.95)	10,104.40	2,264.15	259.64	320.37	2,844.15
218900	ORVILLE D LAGE, TRUSTEE	18-26-4	20,365	68.29	3.05	6.03	20.00	1.17	3.00	(14.56)	327.96	73.40	8.42	10.99	92.20
219200	ROBERT D BACKMAN	18-26-4	66,625	223.94	9.99	19.73	65.46	3.84	10.81	(47.64)	1,072.15	240.24	27.55	33.99	301.79
219200	MIDLAND EQUIPMENT CO	18-26-4	380,050	1,208.04	54.01	106.61	353.76	20.73	58.43	(257.44)	5,794.07	1,293.81	148.88	183.70	1,630.89
217200	PATRICK LYLE GARVIN	LOGAN VALLEY INDUSTRIAL PARK	23,680	79.45	3.55	7.01	23.27	1.36	3.84	(16.93)	381.07	85.39	9.79	12.08	107.26
217100	PATRICK LYLE GARVIN	LOGAN VALLEY INDUSTRIAL PARK	71,555	240.08	844.61	10.73	21.19	70.30	11.61	(51.15)	1,151.49	258.02	29.59	36.51	324.12
217108	KORY LESEBERG	LOGAN VALLEY INDUSTRIAL PARK	47,170	158.26	7.08	13.97	48.36	2.72	7.66	(33.73)	759.07	170.09	19.50	24.07	213.66
217400	JEFFERY ALLEN MORLOK	LOGAN VALLEY INDUSTRIAL PARK	117,425	393.96	17.61	34.77	115.37	6.76	19.06	(83.96)	1,889.65	423.42	48.56	59.91	531.89
217300	JEFFERY ALLEN MORLOK	LOGAN VALLEY INDUSTRIAL PARK	123,340	413.83	18.50	36.52	121.19	7.10	20.02	(88.19)	1,984.83	444.75	51.00	62.93	568.68
217600	JEFFERY ALLEN MORLOK	LOGAN VALLEY INDUSTRIAL PARK	143,740	482.28	21.58	42.56	141.23	8.28	23.33	(102.77)	2,313.12	518.31	58.44	73.34	651.09
218701	CHIEF FARMS LLC	LOGAN VALLEY INDUSTRIAL PARK	200,370	672.28	30.06	59.33	196.87	11.54	32.52	(143.26)	3,224.43	722.52	82.85	102.23	907.60
218702	CHIEF FARMS LLC	LOGAN VALLEY INDUSTRIAL PARK	9,600	32.21	1.44	2.84	9.43	0.55	1.56	(6.86)	154.49	34.62	3.97	4.90	43.48
8007901	COUNTY OF WAYNE	LOGAN VALLEY INDUSTRIAL PARK	-	-	-	-	-	-	-	-	-	-	-	-	-
217601	MIL0 MEYER CONSTRUCTION INC	LOGAN VALLEY INDUSTRIAL PARK	20,930	70.22	3.14	6.20	20.56	1.20	3.40	(14.96)	386.82	75.47	8.65	10.68	94.81
217900	GILL HAULING INC	17-26-4	23,650	79.35	3.55	7.00	23.24	1.36	3.84	(16.91)	390.58	85.28	9.78	12.07	107.13
217111	GILL HAULING INC	17-26-4	133,185	446.86	19.98	39.43	130.86	7.67	21.61	(95.23)	2,143.26	480.23	55.07	67.95	603.28
217112	GILL HAULING INC	17-26-4	27,900	93.61	4.53	8.26	27.41	1.61	4.53	(19.95)	448.98	100.60	11.54	14.24	126.38
218200	RICHARD D CARLSON	17-26-4	43,580	146.22	5.14	10.30	42.82	2.51	7.07	(31.16)	701.31	157.15	18.02	22.24	197.40
218500	RICHARD D CARLSON	17-26-4	116,800	46.30	2.07	4.09	13.56	0.79	2.24	(9.87)	222.07	49.76	5.71	7.04	62.51
218600	RICHARD D CARLSON	17-26-4	13,465	390.76	17.47	34.48	114.43	6.70	18.90	(83.27)	1,874.20	419.96	48.16	59.42	527.54
217113	GROSSBERG IMPLEMENT	17-26-4	2,700	9.05	0.41	0.80	2.65	0.16	0.44	(1.95)	43.45	9.74	1.12	1.38	12.23
218400	GROSSBERG IMPLEMENT	17-26-4	680,270	2,315.99	103.54	204.38	678.21	39.74	112.02	(493.54)	11,108.09	2,489.05	286.43	352.19	3,162.19
218100	FRESE FARMS INC	17-26-4	2,600	8.72	0.39	0.77	2.55	0.15	0.42	(1.86)	41.84	9.38	1.08	1.33	11.78
217110	GPL DEV CORP (PICK34.48 ACRES)	17-26-4	105,865	355.20	15.88	31.35	104.02	6.09	17.18	(75.69)	1,703.52	381.74	43.78	54.01	479.53
8007900	COUNTY OF WAYNE	17-26-4	-	-	-	-	-	-	-	-	-	-	-	-	-
8007902	COUNTY OF WAYNE	17-26-4	-	-	-	-	-	-	-	-	-	-	-	-	-
217000	WAYNE GREENHOUSE INC	PICKS SUBDIVISION	533.11	1,875.49	23.83	47.05	156.11	9.15	25.79	(113.61)	2,556.91	572.94	65.70	81.07	719.71
217105	SANDGREEK POST & BEAM	17-26-4	292,275	960.64	43.84	86.54	287.17	16.83	47.43	(208.98)	4,703.40	1,053.92	120.86	149.12	1,323.90
217117	SANDGREEK POST & BEAM	1726-4	20,200	67.77	3.03	5.98	19.85	1.16	3.28	(14.44)	325.07	72.84	8.35	10.31	91.50
880000	PAC VAN INC	17-26-4	11,340	38.05	1.70	3.36	11.14	0.65	1.84	(8.11)	182.49	40.89	4.69	5.79	51.37
	Total Value	Total Tax	\$ 12,038,370.00	\$ 40,391.02	\$ 1,805.76	\$ 3,564.44	\$ 11,828.06	\$ 693.05	\$ 1,953.71	\$ (8,587.82)	\$ 193,745.64	\$ 43,409.28	\$ 4,977.87	\$ 6,142.22	\$ 54,529.36

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