

**AGENDA
CITY COUNCIL MEETING
May 7, 2013**

1. Mayoral Appointment of First Ward Candidate
2. Swearing in of First Ward Candidate
3. Approval of Minutes – April 16, 2013
4. 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.

5. Report/Update on 10th Street Project

Background: This is a complete tear-out and repaving of 10th Street from Main Street east 3 ½ blocks. It will include new sidewalk and some new water main and storm drain upgrades. This was originally approved by the Nebraska Department of Roads, using Federal Highway Surface Transportation Program funds to pay 80% of the cost. Those funds are no longer available in the same allocation program so NDOR has agreed to provide State funding to replace the Federal funding, and we will use those funds to cover 80% of the paving and sidewalk cost.

We have also directed the project engineer to submit plans to NDOR for approval of a deceleration/right turn lane to the 10th Street and Main Street intersection for northbound traffic on Highway 15 and a middle lane for left turns from 10th Street onto Highway 15.

Garry Poutre, Supt. of Public Works & Utilities, will provide you with the update for this project, which is scheduled to begin immediately after the WSC commencement and be completed by August 9th.

6. Resolution 2013-32: Amending Housing Construction Loan Incentives for Builders

Background: This Resolution was tabled to allow more time to consider the use of the “HERS” (Home Energy Rating System) Index as a determination of the level of energy efficiency the Council wants to require as a condition of the construction incentive for single-family and apartment construction loan programs for builders.

A home energy rating is an analysis of a home’s energy efficiency; as per the Home Energy Rating System (HERS) Index. The HERS Index is the nationally recognized scoring system for measuring a home’s energy performance. Based on the results, an energy-rated home will receive a HERS Index Score. The HERS Index Score can be described as a sort of miles-per-gallon (MPG) sticker for houses, giving prospective buyers and homeowners an insight as to how the home ranks in terms of

energy efficiency. In addition to a HERS Index Score, a home energy rating also provides the homeowner with a detailed report regarding energy problems in the house. A HERS index of 62 or lower is included in the proposed Resolution. Under this system, a typical new construction home built to Uniform Building Code standards is assumed to have a HERS index rating of 100 for average energy efficiency. A HERS index rating of 62 would indicate that a new home would use an average of 62% of the energy of the standard home by additional insulation, reduced air infiltration or other construction features.

7. Resolution 2013-38: Approving Supplemental Project Program Agreement No. 1 with the State of Nebraska Department of Roads

Background: From Joel Hansen, Street Superintendent: This is a supplemental agreement for the Windom Street project. All First Class Cities have signed agreements with NDOR to buyout our Federal STP funds at an 80% buy back by the State so we will no longer need to deal with the overbearing Federal regulations when spending the monies on street projects. During the transition period, there were several projects already on the list and scheduled for funding by the original STP funds. At the time of the agreement to buy out these funds, those projects totaled \$26 million.

During the past two years, due to an increase in the scope of some of those projects, as well as updated cost estimates based upon actual designs rather than a budget figure that was more guess than science, the cost of the projects is now \$35 million. The new Highway Bill also cut funding to the State which shares these funds with the First Class Cities. Thus, our expectation of receiving the buyout funds in March 2016 appeared to be in jeopardy, and those were the funds we were planning to use to pay off the bonds on the 10th Street project.

After two meetings between NDOR and the First Class Cities, the State has offered to increase the amount of funding available to First Class Cities by applying for additional Federal Funds that are turned back by other States who are unable to use their share. Thus, NDOR is offering to fully fund all of the remaining projects at the \$35 million level and still provide full buyout checks to the First Class Cities in March 2016, provided all projects are delivered by the Cities for obligation in Fiscal Year 2014. Therefore, this new agreement will cap the project spending at roughly \$699,000 instead of the original roughly \$400,000. This is a very generous offer by NDOR, and staff recommends approving the agreement.

Currently, we are attempting to complete the environmental reviews such that we can complete the final design. As designed, we would need to obtain easements for construction along the entire project. The regulations pertaining to obtaining the easements may mean we need 12 months to complete that process which puts us up against the June 30, 2014, deadline of NDOR. Therefore, we are exploring with NDOR the possibility to eliminate the sidewalk reconstruction along Windom Street other than the handicap accessible ramps at the intersections to eliminate the need for the easements. We would then commit to bringing any of those sidewalks up to ADA standards the year or two following completion of this project with local dollars. This will allow us to not jeopardize the full Federal buyout program for the other First Class Cities. All representatives of those Cities present at the meetings with NDOR committed to completing their projects before the deadline.

Recommendation: The recommendation of Joel Hansen, Street Supt., is to approve the agreement.

8. [Resolution 2013-39: Approving Federal Funds Purchase Program Supplemental Agreement No. 1 with the State of Nebraska Department of Roads](#)

Background: This is an agreement for Cities eligible to receive the old bridge funds made available by NDOR. Currently, we have not used those, but may be eligible for the same in the future. NDOR is offering to replace those funds with other monies, but to be eligible, we need to approve this agreement.

Recommendation: Joel Hansen, Street Supt., recommends approving the agreement to remain eligible for future funds should we need them for bridge repair if we are required to share in the costs at the south edge of Wayne or anywhere else in future City Limits.

9. [Ordinance 2013-27: Authorizing the Issuance of \\$620,000 in Highway Allocation Bonds for the 10th Street Tear-Out and Repaving Project and Water Main and Storm Drain Up-Grades](#)

Background: The anticipated average interest rate for the bonds is 2.5%. Construction on this project will begin next Monday, and future State Highway funds from State gas tax revenues will be used to pay off 80% of these bonds, and local taxes and utility funds will be used to pay the rest.

10. [Resolution 2013-40: Reaffirming the Project Engineer and Approving Plans, Specifications, and Estimate of Cost for the Construction of Certain Street Improvements to be Constructed in the City of Wayne \(Street Improvement District No. 2013-1 Milo Drive\)](#)

Background: The plans and specifications have been completed for the Tipton Holdings/Dollar General street and utility extensions. Olsson Associates is preparing these. We expect to have them on Monday to review, and Garry Poutre, Supt. of Public Works & Utilities, will present them to you with a recommendation on Tuesday at the Council meeting. The public hearing for the TIF agreement request on this project will be at the May 21st City Council meeting.

11. [Resolution 2013-41: Accepting and Authorizing the Execution of an Agreement for Services with Northeast Nebraska Economic Development District to Conduct a Blight Study in the City of Wayne](#)

Background: We have received a business expansion proposal in Wayne that is requesting Tax Increment Financing. The business proposal is to purchase all of the Michael Foods' grain handling properties in Wayne, demolish and clear the old elevators at 2nd & Logan Street and south of Godfathers Pizza and expand the Feeders Elevator facility at the east end of Fairgrounds Avenue. The Feeders Elevator site was omitted from the original Blight Determination Study for

Southeast Wayne, and this agreement would hire the Northeast Nebraska Economic Development District to complete a blight determination study to add that area.

This action does not commit the Council to a TIF agreement, but is required to make this expansion project eligible for TIF. The TIF funding, if approved, would be used to pay for part of the cost to demolish and clear the old elevators.

Recommendation: The existing grain elevators are no longer usable and won't be maintained. The recommendation of Joel Hansen, Building Inspector, and Lowell Johnson, City Administrator, is to complete the blight study to make the project eligible for future TIF financing.

12. [Resolution 2013-42: Authorizing Acceptance of the U.S. Department of Homeland Security's Federal Emergency Management Agency Grant for the Removal and Installation of Emergency Civil Defense Sirens throughout the City of Wayne](#)

Background: Wayne submitted an application for \$90,000 of FEMA grant funding to pay a part of the estimated \$120,000 to replace our current civil defense siren system. Marlen has received notice that the grant was approved. We have budgeted funds for the required match for this grant. The current sirens are working, but old. We have lost the siren at the 9th and Main Street location and parts are no longer available for some.

Recommendation: The recommendation of Marlen Chinn, Chief of Police, is to accept the grant funding, authorize the City Administrator to sign all documents and install the new system. There is no State or Federal bid in place for sirens, so we will bid out the specifications for the new civil defense sirens.

13. [Resolution 2013-43: Accepting Bid and Awarding Contract on the Demolition and Removal of the Structure Located at 111 Fairgrounds Avenue](#)

Background: Two bids were received for the demolition of this building that has been condemned for demolition. Up until the time the contractor moves in to start the work, the owner still can remove this building as approved by the District Court at his own cost. The costs to us to demolish will be billed to the property owner. The bids received were from: Milo Meyer Construction - \$9,880 and Robert Woehler & Sons Construction - \$14,499.

Recommendation: The recommendation of Joel Hansen, Building Inspector, is to accept the low bid.

14. [Ordinance 2013-22: Amending Wayne Municipal Code Section 78-11 Stop Sign Locations; East of Main Street, North of 7th Street \(Intersection of Hillcrest Road and Walnut Street on the east edge of Wayne State College\) \(Third and Final Reading\)](#)

15. [Ordinance 2013-28: Amending Wayne Municipal Code by Adding Article V – Poultry](#)

Background: This ordinance draft was prepared per the request of Council. The draft proposal for you to consider would provide for poultry to be kept in the city limits under certain conditions. Ordinances are to be read and considered by the Council three times by vote, and can be approved, defeated or amended at each reading.

16. Recess

- a. [Convene as Community Development Agency](#)
- b. [Approve Minutes – April 16, 2013](#)
- c. [Claims](#)
- d. [Action to Amend the Original Residential Construction Agreement with Kelby Herman \(Adding Lots 12 and 13\), Western Ridge II Subdivision](#)

Background: This action would add two more lots to an earlier agreement between the CDA and Progressive Properties (Kelby Herman). This would increase the number of lots required to be built with a single-family residence to 7 in a 30-month period in order to receive discounts on the lot prices of the first five lots. These lots will not be discounted.

- e. [Action to Amend the Original Residential Construction First Right of Refusal Agreement with Kelby Herman \(Adding Lot 40\), Western Ridge II Subdivision](#)

Background: This action would add Lot 40 to an earlier agreement between the CDA and Progressive Properties (Kelby Herman). This would increase the number of lots with a right of first refusal to 6. These lots will not be discounted.

- f. [CDA Res. 2013-7 Authorizing the Issuance of a Tax Increment Revenue Bond \(Progressive Property Inspections, LLC Project\)](#)

Recommendation: This TIF Redevelopment Agreement for apartment projects at 509 Nebraska Street and 520 Nebraska Street has already been approved by the CDA and the City Council, and the recommendation of Nancy Braden, Finance Director, is authorize her to issue the bonds for the project.

- g. [Action on Combining Lots 41 through 45 on Bressler Park cul-de-sac and re-pricing them in the Western Ridge Subdivision](#)

Background: Included in this packet is a proposal to reconfigure or combine lots on the Bressler Court cul de sac. Your options are to keep the lots as they are, combine them or reconfigure another alternative.

In Western Ridge, we can't sell two lots with the intent to build one home until we actually file an administrative replat at the Courthouse. As City Planner, Joel Hansen's observation is that if combined, "these lots will most likely go from the 6 most undesirable lots to the 3 most desirable lots in the

subdivision due to their size once a replat is filed.” Does this affect our original intent for the subdivision and how will we re-price them? Currently Lots 41 – 44 are priced by the CDA at \$5,000 and Lot 45 is priced at \$9,000.

h. [Action on Purchase of Property – 939 Main Street \(Dave Lutt Property\)](#)

Background: We propose to add a turning lane for northbound traffic on Highway 15 to turn east onto 10th Street and a middle turning lane for west bound traffic on 10th Street to turn left onto Highway 15. Acquiring this lot and demolishing this house will allow the room to widen this intersection.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, is to acquire the property for \$47,000 and widen the intersection as part of the 10th Street repaving project this summer.

i. [Action on Purchase of Property – 109 E. 10th Street \(Paul Lindner Property\)](#)

Background: We propose to add a middle turning lane for westbound traffic on 10th Street to turn left onto Highway 15. Acquiring this lot and demolishing this house will allow the room to widen this intersection.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, is to acquire the property for \$65,000 and widen the intersection as part of the 10th Street repaving project this summer.

j. [Adjourn CDA and Reconvene as Council](#)

17. [Resolution 2013-44: Authorizing the Temporary Transfer of Electric Reserve Funds to the Community Development Agency to be used for the Purchase of Property](#)

18. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

April 16, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, April 16, 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, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 4, 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 Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of April 2, 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 Alexander 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 4/1/13: DELETE STADIUM SPORTS, SU, 601.36

VARIOUS FUNDS: AMERICAN BACKFLOW, FE, 70.00; AMERITAS, SE, 2500.29; APPEARA, SE, 161.72; BANK FIRST, FE, 150.00; CITY EMPLOYEE, RE, 161.27; BIG RED PRINTING, SU, 206.73; CITY EMPLOYEE, RE, 67.13; CITY EMPLOYEE, RE, 121.15; CITY OF NORFOLK, SE, 307.56; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, PY, 77566.88; CITY OF WAYNE, RE, 382.96; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 252.59; CRANE RENTAL & RIGGING, SE, 1265.00;

DAVE'S DRY CLEANING, SE, 87.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; ECHO GROUP, SU, 66.81; ELLIS PLUMBING & HEATING, SE, 351.00; EMPLOYERS MUTUAL CASUALTY, RE, 91.22; ENGINEERED FLUID, SU, 1,640.83; ERNEST E PING, SE, 65.00; ESRI, SE, 2350.00; FLOOR MAINTENANCE, SU, 542.65; GRAINGER, SU, 57.05; GROSSENBURG IMPLEMENT, SU, 96.58; CITY EMPLOYEE, RE, 13.90; HD SUPPLY WATERWORKS, SU, 2698.91; HEWLETT-PACKARD, SU, 998.77; HIRERIGHT SOLUTIONS, SE, 20.00; HOLIDAY INN-DOWNTOWN, SE, 84.00; HUBER TECHNOLOGY, SU, 1311.00; ICMA, RE, 8145.92; IIMC, FE, 145.00; IRS, TX, 31180.77; J.P. COOKE COMPANY, SU, 137.00; CITY EMPLOYEE, RE, 82.61; KELLY MEYER, SU, 959.20; KRIZ-DAVIS, SU, 2262.06; KTCH, SE, 1427.32; LEAGUE OF NEBRASKA, FE, 95.00; MAIN STREET AUTO CARE, SE, 90.00; MARRIOTT HOTELS, SE, 238.00; CITY EMPLOYEE, RE, 74.47; MIDLAND EQUIPMENT, SU, 129.89; MIDWEST LABORATORIES, SE, 288.90; MURPHY TRACTOR & EQUIPMENT, SU, 44.60; NAPA OF WAYNE, SU, 10.81; NE DEPT OF REVENUE, TX, 4676.34; NEBRASKA ENVIRONMENTAL, SU, 519.67; NEBRASKA U.C. FUND, SE, 3837.20; NMPP ENERGY, FE, 2147.50; NORFOLK DAILY NEWS, SE, 156.54; NNPPD, SE, 13024.70; OVERHEAD DOOR, SU, 194.00; PAC N SAVE, SU, 48.42; PARTS ENGINEERING, SU, 104.54; PLUNKETT'S PEST CONTROL, SE, 43.26; PRESTO X, SE, 105.18; CITY EMPLOYEE, RE, 137.99; QUILL, SU, 91.76; ROTO ROOTER, SE, 675.00; SAND CREEK POST & BEAM, SU, 72.00; SHOPKO, SU, 79.45; SPARKLING KLEAN, SU, 1811.21; STADIUM SPORTING GOODS, SU, 530.61; STATE NATIONAL BANK, RE, 5162.50; STEFFEN, SU, 52.52; US BANK, SE, 5835.84; WAYNE COMMUNITY SCHOOLS, SU, 67.00; WAYNE HERALD, SE, 1650.54; WAYNE VETERINARY CLINIC, SE, 126.00; WESCO, SU, 943.16; WAPA, SE, 32282.44; AMY S SCHWEERS, SE, 200.00; BACKFLOW APPARATUS, SU, 527.60; BAKER & TAYLOR BOOKS, SU, 557.39; CITY EMPLOYEE, RE, 290.88; BIG T ENTERPRISES, SU, 99.95; CITY EMPLOYEE, RE, 257.26; BROWN SUPPLY, SU, 290.13; CITY OF WAYNE, RE, 350.00; COMMUNITY DEVELOPMENT, RE, 140000.00; COPY WRITE, SU, 30.36; CITY EMPLOYEE, RE, 47.74; D.V. FYRE-TEC, RE, 320.00; DAKOTA BUSINESS SYSTEMS, SE, 103.50; CITY EMPLOYEE, RE, 674.27; ED. M FELD EQUIPMENT, SU, 302.05; ENERGY FEDERATION, SU, 525.00; FLOOR MAINTENANCE, SU, 113.82; FRY & ASSOCIATES, SU, 5569.00; GEMPLER'S, SU, 120.00; GERHOLD CONCRETE, SU, 6.04; GROSSENBURG IMPLEMENT, SU, 5.13; CITY EMPLOYEE, RE, 1978.61; HEWLETT-PACKARD, SU, 911.64; ICMA, RE, 1464.00; INGRAM BOOK COMPANY, SU, 537.87; INTERSTATE ALL BATTERY, SU, 56.00; IRS, TX, 9199.68; CITY EMPLOYEE, RE, 1089.96; KATHY PRINCE, RE, 11270.23; KTCH, SE, 80.00; L.G. EVERIST, SU, 2695.43; MARCO, SU, 174.18; NE DEPT OF REVENUE, TX, 1370.97; NE SAFETY COUNCIL, SE, 8.43; NPPD, SE, 271464.47; NEBRASKA ARBORETUM, FE, 100.00; NESCA TRAINING, FE, 60.00; NIAGARA CONSERVATION CORP, SU, 179.11; OLSSON ASSOCIATES, SE, 7803.71; PITNEY BOWES, SU, 648.00; POSTMASTER, SU, 499.59; PROVIDENCE MEDICAL CENTER, SE, 117.00; RANDOM HOUSE, SU, 104.25; RON'S RADIO, SU, 191.00; SIRSIDYNIX, SE, 3,449.30; T & S TRUCKING, SE, 838.32; CITY EMPLOYEE, RE, 122.76; UNITED STATES PLASTIC, SU, 155.59; WAED, RE, 7383.33; WAYNE AUTO PARTS, SU, 600.41; WIGMAN CO, SU, 514.20

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 Alexander 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.

Mayor Chamberlain declared April 26, 2013, as "Arbor Day", and also the week of May 5-11, 2013, as "Municipal Clerk's Week."

Cap Peterson of Northeast Nebraska Insurance Agency, the city's property and casualty insurance carrier, presented the City with a dividend check in the amount of \$30,188.52. This is the 15th dividend paid by the Company out of the past 19 years

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Benscoter Addition PUD Replat 2. The Applicant is Windom Ridge, Inc.

Joel Hansen, Zoning Administrator, stated that the plat before Council is the same plat that previously came before them with the exception that it does not include the hotel property (Cobblestone Hotel). At that time, they were not aware of a lien holder who would be required to sign the plat. To eliminate that problem, staff felt that it would be

easier to redo the plat, leaving the hotel property off thereof, rather than trying to obtain the lien holder's signature.

The Planning Commission reviewed the Replat at their public hearing on April 8, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Lou Bencoter was present to answer questions.

City Clerk McGuire had not received any comments, for or against, this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Brodersen introduced Resolution 2013-34, and moved for approval thereof; Councilmember Ley seconded.

RESOLUTION NO. 2013-34

A RESOLUTION APPROVING THE BENSCOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 2.

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

Councilmember Sievers introduced Ordinance No. 2013-22 and moved for approval of the second reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2013-22

AN ODINANCE 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.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next Council meeting.

Joel Hansen, Zoning Administrator stated the following Ordinance would amend Article VII Moving Buildings, Section 18-301 Permit Required.

The current City Code allows used mobile homes to be moved into the city limits after being inspected and approved. They must comply with 8 safety issues before they can be occupied. However, because the code is unclear, it requires a longer list of building code requirements for a mobile home already in Wayne, but being moved along or across a street. The proposed amendment will allow mobile homes to be moved into or within the City of Wayne after an inspection to determine structural soundness and they must meet the same 8 safety requirements before they can be occupied.

Councilmember Muir introduced Ordinance No. 2013-26 and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2013-26

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 18, ARTICLE VII MOVING BUILDINGS, SECTION 18-301 PERMIT REQUIRED; 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 Alexander who was absent, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Brodersen seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2013-26. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Discussion took place on the proposed amendments to Resolution 2013-32 amending the Housing Construction Loan Incentives for Builders.

Lou Benscoter was present and explained the “HERS” (Home Energy Rating System) and Energy Star Rating to Council. He thought the 62 rating was a good number. This was the same number used under the Energy Star Program.

Councilmember Giese wanted to table action on this Resolution so he could do more research of the “HERS” rating.

Administrator Johnson recommended adding the following highlighted language in No. 4 as follows: Builder/Buyer shall participate in the “Home Energy Rating System” (HERS) with a rating of 62, *as verified by an independent third party.*

Councilmember Giese made a motion, which was seconded by Councilmember Muir, to table action on Resolution 2012-32 until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Garry Poutre, Supt. of Public Works & Utilities, stated that the following Resolution would approve a long-term proposal with Liquid Engineering Corporation to internally inspect, maintain and clean the water towers over a period of 15 years. We have used this company for a number of years. The last time the east water tower was cleaned, which was in 2007, the cost to do that was \$3,100. The last time the west water tower was cleaned cost \$4,585. The contract proposal before you is for \$23,575. The cost in this proposal to clean the east tower is \$2,950, which is lower than the cost in 2007. The cost in this proposal to clean the west tower is \$3,925, which again is lower than the cost the last time. In 2028, we will be paying less than what we are paying today for cleaning the water towers, if this is approved.

Mr. Poutre stated Health & Human Services requires cleaning every five years, and suggests cleaning every three years. He would like to amend the contract to clean the tanks every four years. In order to do that, one more cleaning would need to be added to the contract in that 15 year time period. That additional cleaning would cost the City an additional \$3,925 because the cleaning would take place on the west water tower. He was asking for Council consideration to this amendment.

Councilmember Sievers introduced Resolution No. 2013-35 and moved for its approval, with the change that the contract includes an additional cleaning of the west water tower over the 15 year period (total cost of contract then being \$27,500); Councilmember Van Delden seconded.

RESOLUTION NO. 2013-35

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING CONTRACT WITH LIQUID ENGINEERING CORPORATION FOR POTABLE WATER RESERVOIR MAINTENANCE SERVICES.

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

Administrator Johnson stated the following Resolution would establish the sanitary hook-up fees for the sewer extension line from Kardell Industrial Park Lift Station to the south end in the Pick Industrial Park. This is similar to what the City did when water and sewer was extended to Northeast Nebraska Public Power District. The hook-up fees have not been calculated at this time, for the reason we do not know what the property sizes are going to be until they actually hook on. Just for informational purposes, John Deere's hook-up fee is estimated to be around \$75,000. Robert Woehler & Sons Construction is estimated to be \$26,000.

Administrator Johnson advised the Council that he has told the property owners that these costs will be treated like assessments would be (e.g. payback period of 10 years at an interest rate of 4%).

Councilmember Brodersen introduced Resolution No. 2013-36 and moved for its approval, with the condition that the property owners will be allowed a payback period of 10 years, with interest at 4% if they choose to do so; Councilmember Ley seconded.

RESOLUTION NO. 2013-36

A RESOLUTION OF THE CITY OF WAYNE ESTABLISHING SEWER HOOK-UP FEES FOR THE "KARDELL SANITARY SEWER EXTENSION" WHICH IS THAT SECTION OF THE CITY OF WAYNE SANITARY SEWER LINE EXTENDING FROM MANHOLE 9, SECTION 40 OF THE CITY SANITARY SEWER SYSTEM AND EXTENDING EAST AND SOUTH THROUGH KARDELL INDUSTRIAL PARK, TO AND ACROSS NEBRASKA HIGHWAY 35, AND ALL PRESENT AND FUTURE KARDELL SANITARY SEWER LINE EXTENSIONS AND INDIVIDUAL SEWER HOOK-UPS TO AREAS EAST OF THE CORPORATE LIMITS OF THE CITY

AND ON BOTH THE NORTH AND SOUTH SIDES OF NEBRASKA HIGHWAY 35.

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

Councilmember Muir made a motion, which was seconded by Councilmember Giese, 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 Alexander 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, Ken Chamberlain, Nick Muir, Kaki Ley, Jennifer Sievers, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Alexander.

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 Chamberlain made a motion, which was seconded by Member Sievers, to approve the minutes of the April 2, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Chair Haase stated the next item on the agenda was to approve the following CDA claims:

Windom Ridge – Incentive Loan - \$13,495.39

Windom Ridge – Incentive Loan - \$20,000.00
Pieper Miller Trust – Incentive Loan - \$6,504.61
Homestead Homes – Incentive Loan - \$20,000.00

Member Chamberlain made a motion, which was seconded by Member Muir, to approve the CDA Claims. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

The next item on the agenda was amending the original agreement with Kelby Herman for the purchase of lots in the Western Ridge Subdivision. He would like to purchase Lots 12 and 13, and add Lot 40 to his Right of First Refusal Agreement.

When Mr. Herman closes on his first lot (Lot 9), the 30-month time period will begin. He will have 30 months in which to build all five homes and get occupancy permits. If he does that, he will receive a 25% discount on the cost of those five lots. If he does not get that done, he will not receive the discounts. In addition, once he has built on all of these lots or once his 30-month time frame is up, he then has an additional 30 months to build on all of the other lots, if he chooses to do so.

It was noted that there will still be around 28 lots left in Western Ridge. However, there may be a few that are not buildable.

Councilmember Muir made a motion to amend the original agreement with Kelby Herman.

Lou Bencoter was present and stated he was tired of having to compete with reduced price lots. He felt if the City was going to reduce lot prices for one, the City should reduce lot prices for him. He understood that he lost a sale to one of these reduced price lots.

In response to Member Chamberlain's question, Mr. Benscoter stated some of his houses are priced at \$130,000.00. Member Chamberlain responded that Mr. Herman has only one house completed or that is close to being completed with this incentive, and that home is priced at \$142,000. It has not been sold yet.

Lots 12 and 13 are not market rate lots. Discussion took place in regard to whether or not the 25% discount should be given on the lots that are not market rate lots or those that are priced at \$5,000. The agreement would be rewritten so that any new \$5,000 lots would not be eligible for the discount.

Member chamberlain made a motion to table action on the Agreement with Kelby Herman until the next meeting; Member Giese seconded. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to take action on amending the Tax Increment Financing bidding requirements.

Administrator Johnson stated that current policy is that all work to be funded by TIF funds must be submitted for bids through a public bid process, with the exception of acquisition of property. The City Attorney's office reviewed Nebraska Statutes, and as long as the cost is not being assessed to the property and is over \$30,000, it does not have to be bid out. Paving, sewer, and other utilities that would be assessed back to the property would have to be bid out.

We asked for clarification from Mike Bacon, our special counsel for Tax Increment Financing, and his thoughts are as follows: Contractors may want to use TIF funds for tree removal, site prep, and other general work, the cost of which will not be assessed to the lots. Current Wayne policy would require contractors to go through the

bidding process (i.e. 3 weeks of publication, engineering costs, approving bids, etc.) prior to commencing any of this site work, and as we know, time is of the essence for these contractors. The recommendation of Administrator Johnson, City Attorney Miller, and Attorney Bacon, is to require bidding for only TIF funded work done that will be assessed back to the property.

Member Chamberlain made a motion to amend Section 6.02, Paragraph 4 of the Redevelopment Contract with Progressive Property Inspections, LLC, dated April 2, 2013; the Redevelopment Contract with Angel Village, Inc., dated March 5, 2013; and the Redevelopment Contract with Windom Ridge, Inc., for Angel Acres dated March 5, 2013, as follows: 'In the event that any utility extension project or paving, including storm drain system work to be assessed to properties in this redevelopment area is intended to be paid for with Tax Increment Financing Funds, then said projects only, shall be required to go through the public bidding process.' and, that this same amended bidding requirement be included in all future TIF Redevelopment Contracts. Member Giese seconded the motion. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Agenda item f. – action on Memorandum of Understanding to Complete a Tax Increment Financing Agreement for Bob Wriedt was removed from the agenda.

Member Giese made a motion, which was seconded by Member Muir, 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, the Chair declared the motion carried.

Councilmember Muir made a motion to amend Section 6.02, Paragraph 4 of the Redevelopment Contract with Progressive Property Inspections, LLC, dated April 2, 2013; the Redevelopment Contract with Angel Village, Inc., dated March 5, 2013; and the Redevelopment Contract with Windom Ridge, Inc., for Angel Acres dated March 5, 2013, as follows: 'In the event that any utility extension project or paving, including storm drain system work to be assessed to properties in this redevelopment area is intended to be paid for with Tax Increment Financing Funds, then said projects only, shall be required to go through the public bidding process.' and, that this same amended bidding requirement be included in all future TIF Redevelopment Contracts. Councilmember Brodersen seconded the motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Chair declared the motion carried.

Agenda Item No. 14 – Resolution 2013-37 approving Memorandum of Understanding to Complete a Tax Increment Financing Agreement for Bob Wriedt was removed from the agenda.

Mayor Chamberlain advised the Council that he has received Councilmember Jim Van Delden's resignation as Councilmember for Ward 1.

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, to accept the resignation of Councilmember Jim Van Delden as 1st Ward Councilmember. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, declaring a notice of vacancy in Ward One and authorizing the City Clerk to publish notice regarding the same. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who as 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 Alexander who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:08 p.m.

CLAIMS LISTING MAY 7, 2013

4IMPRINT	BAGS	278.62
ALMQUIST, MALTZAHN	AUDITED FINANCIAL STATEMENTS	19,000.00
AMAZON.COM, LLC	CD'S	548.64
AMERICAN BROADBAND	FIBER LINE LEASE/TELEPHONE CHARGES	2,427.10
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	4,059.62
APPEARA	LINEN & MAT SERVICE	305.07
ARNIE'S FORD-MERCURY INC	FUEL PUMP/FILTER	923.87
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
ATCO INTERNATIONAL	FOAMACIDE	55.20
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	270.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	160.21
BIG T ENTERPRISES, INC	BATTERY	168.73
BLACK HILLS ENERGY	GAS BILLS	830.64
BLUE CROSS BLUE SHIELD	HEALTH INSURANCE PREMIUM	24,234.52
BOMGAARS	SOFTENER SALT/PAINT/CONNECTORS ETC	483.96
CITY EMPLOYEE	HEALTH REIMBURSEMENT	350.87
CITY EMPLOYEE	VISION REIMBURSEMENT	112.00
BROWN SUPPLY CO	WATER METER COUPLING WASHER	21.83
CITY EMPLOYEE	HEALTH REIMBURSEMENT	22.15
CENTURYLINK	TELEPHONE CHARGES	310.93
CHEMQUEST, INC.	QUARTERLY MONITORING	595.00
CHRIS WOEHLE	CONCRETE-TERRACE SIDEWALK	612.00
CITIZENS STATE BANK	CITIZENS STATE BANK	210,000.00
CITY OF NORFOLK	INSPECTION FEE	204.21
CITY OF PONCA	MFO FUNDS	12,671.97
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUNDS	300.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	900.00
CITY OF WAYNE	PARKING REFUND	15.00
CITY OF WAYNE	PAYROLL	121,974.71
CITY OF WEST POINT	MFO FUNDS	18,393.96
CITY OF WISNER	MFO FUNDS	1,915.20
CLASSEN FABRICATION	SCOREBOARD I-BEAMS	1,461.00
COMMUNITY HEALTH	HEALTH CHARITIES	8.00
DAHL LAW OFFICE L.L.C.	ATTORNEY FEES-NPPD RECORDS	377.00
CITY EMPLOYEE	VISION REIMBURSEMENT	5.75
DANKO EMERGENCY EQUIPMENT	CAMERA CHARGER	198.00
DE LAGE LANDEN FINANCIAL	SENIOR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	106.64
DGR & ASSOCIATES CO	FUSE/RELAY COORDINATION	360.00
DIGITAL ALLY, INC	MIRRORS	1,185.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	60.74
DUGAN BUSINESS FORMS	25,000 UTILITY ENVELOPES	711.25
DUTTON-LAINSON COMPANY	UNDERGROUND MARKING TAPE/CONDUIT	1,705.33
EAKES OFFICE PLUS	CHAIR ARM RESTS	49.44
ECHO GROUP INC JESCO	WELL HOUSE CONDUIT/COIL	316.08
EGAN SUPPLY CO	TOWELS/CLEANER	144.12
ELECTRIC FIXTURE & SUPPLY	WIRE	273.41
ELECTRONIC ENGINEERING CO	CAMERA INTERFACE BOX REPAIR	95.00
ELECTRONIC RECYCLERS INC	ELECTRONIC WASTE	3,625.20
EMBASSY SUITE	LODGING-BRADEN/HANSEN/MCGUIRE	372.00
ENVIRONMENTAL SERVICES	ASBESTOS SAMPLES	366.00
FIRST CONCORD GROUP LLC	FLEX ACCOUNT	3,701.94

FLOOR MAINTENANCE	TOILET PAPER/BAGS	200.90
FLOW CONTROL, INC	DELTA CONTROLS-COOLING TOWER	1,545.12
FREDRICKSON OIL CO	SWITCH TIRE/TUBE	17.70
GEOCOMM INC	GIS MAINTENANCE	1,890.00
GERHOLD CONCRETE CO INC.	CONCRETE	101.88
GILL HAULING, INC	SANITATION SERVICE	155.00
GREAT DANE	LIGHTING EFFICIENCY	36,780.00
GROSSENBURG IMPLEMENT INC	BACKHOE BUCKET SCREW	1.02
HASEMANN FUNERAL HOME	ENERGY INCENTIVE	500.00
HD SUPPLY WATERWORKS, LTD	COMPOUND WATER METER	1,703.66
CITY EMPLOYEE	HEALTH REIMBURSEMENT	66.74
HEIDI CLAUSSEN	EXPO BANNER	99.00
HEIKES AUTOMOTIVE LLC	REPLACE TURN SIGNAL SWITCH	357.23
HERITAGE MANUFACTURING	INDUSTRIAL INCENTIVE	745.00
HEWLETT-PACKARD	MONITOR/CASE	242.99
HUBER TECHNOLOGY INC	WASHERS/NUTS/SCREW	1,733.00
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	12,698.84
IRS	FEDERAL WITHHOLDING	45,617.60
JANWAY COMPANY	MAGNIFIERS	245.50
JEO CONSULTING GROUP	SLUDGE TREATMENT EVALUATION	1,225.00
JOHN'S WELDING AND TOOL	CUT PIPE	8.42
JOHNSON HARDWARE	OVERHEAD CLOSURES	265.49
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,762.41
KARI BALDWIN	ENERGY INCENTIVE	500.00
KEVIN ENDORF	DISC	11.95
KNIFE RIVER MIDWEST LLC	COLD MIX ASPHALT	866.20
KNOEPFLER CHEVROLET CO	CABLE	74.16
KRIZ-DAVIS COMPANY	WISE CONNECTORS/WIRE/BALLAST	1,243.93
LOVE SIGNS	READER BOARD REPAIRS	577.64
MARCO INC	COPY CHARGES	1,449.92
CITY EMPLOYEE	HEALTH REIMBURSEMENT	9.91
MZRB LLC	TIF REDEVELOPMENT EXP	50,000.00
CITY EMPLOYEE	VISION REIMBURSEMENT	39.00
NE AIR FILTER	AIR FILTERS	42.24
NE COLORADO CELLULAR	CELL PHONES	459.99
NE DEPT OF REVENUE	STATE WITHHOLDING	6,451.37
NE DEPT OF ROADS	RIGHT OF WAY-CHIEF'S WAY	500.00
NE EXPRESSWAYS	LOBBY SERVICES APR-JUN 13	883.44
NE PUBLIC HEALTH	POLICE SERVICES/FLUORIDE	330.00
NHHS	REVIEW FEE CHIEF'S WAY	600.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	88.86
NORTHEAST NE PUBLIC POWER	ELECTRICITY	3,940.00
NWOD	MEMBERSHIP DUES-J BRADY	10.00
OLSSON ASSOCIATES	MILO DRIVE PAVING	1,547.79
OVERDRIVE, INC.	E BOOKS	12.49
OVERHEAD DOOR COMPANY	REPAIR DOOR ARM	97.50
PAC N SAVE	COFFEE/BAKERY/MEATS-5K RUN	102.28
CITY EMPLOYEE	HEALTH REIMBURSEMENT	288.31
PIEPER & MILLER	ATTORNEY FEES	9,591.00
POLLARD PUMPING	PORT A POTTIE-SB COMPLEX	270.00
PONCA RURAL FIRE BOARD	MFO FUNDS	3,032.40
PUSH-PEDAL-PULL	RUNNING BELT	508.10
QUALITY 1 GRAPHICS	SIGNS	170.00
QUALITY FOODS	FRUIT TRAYS-5 K RUN	99.98
QUILL CORPORATION	OFFICE SUPPLIES	1,316.70

SCOTT HASEMANN	ENERGY INCENTIVE	500.00
STADIUM SPORTING GOODS	SHIRTS-5K RUN/EMBROIDERY	754.50
STATE NATIONAL BANK	ACH FEES	58.56
STATE NATIONAL BANK	PUBLIC SAFETY BONDS	49,750.00
STATE NATIONAL BANK	PETTY CASH/CAC SIGN UP	987.28
STEFFEN INC.	PLOW CABLE	28.74
TODD VALLEY FARMS, INC.	TURF SAVER	1,296.00
TONI HYTREK	LIBRARY YARD/GARDEN CLEAN UP	600.00
UNITED WAY	PAYROLL DEDUCTION	18.60
UTILITIES SECTION	PARKS WORKSHOP	30.00
VERIZON WIRELESS SERVICES	CELL PHONES	321.70
VILLAGE OF WINSIDE	MFO FUNDS	4,053.58
WEST PAYMENT CENTER	LAW BULLETIN	247.56

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 approved incentives.
- 4. Builder/buyer shall participate in the “Home Energy Rating System” (HERS) with a rating of .62, as verified by an independent third party.**
5. Eligible homebuyers 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~~ **two** \$20,000 construction loans for ~~two~~ speculative housing units at 0% interest until the date of sale or eighteen months, whichever comes first. When the builder **obtains an occupancy permit, 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. A housing unit being built by a homeowner will be eligible for a \$30,000 loan at 0% interest, with payback at the time of permanent financing.
- ~~8. 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.~~
9. Builders/Property Owners can also be eligible for the following:
 - a. **Two** market rate apartment unit loans at \$5,000 per unit at 0% interest for 3-years; or
 - b. A \$5,000 single-family market rate home loan at 0% interest for 3-years; or
 - c. \$5,000 loans at 0% interest for 3 years 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.

10. Proceeds from the incentive loan repayments will be deposited into **the Community Development Agency** ~~a City revolving loan~~ fund to be re-loaned for future housing construction incentives.
11. Construction loan would be secured by a Deed of Trust on the property and subordinate to commercial or private construction financing.
12. Applications for housing incentive construction loans must be submitted to the Wayne City Council's **designated representative** for their approval.
13. 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.
14. Houses must be ready for occupancy permit within 24 months (two construction seasons) of date of execution of an incentive agreement.
15. 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.
- ~~16. 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 market rate apartment units, or for the total renovation of market rate apartments** ~~townhouses~~ in Wayne.

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-38

A RESOLUTION APPROVING SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 1 – BM1195 BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ROADS.

WHEREAS, the City of Wayne and the Nebraska Department of Roads (NDOR) previously executed Project Program Agreement BM1195 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal Funds; and

WHEREAS, the City of Wayne understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, the City of Wayne and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the Mayor is hereby authorized to sign the attached Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: URB-6709(2)
NDOR Control Number: 31991
Project Location: Windom Street, E 3rd – E 7th S

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

The City Council of the City of Wayne, Nebraska
Councilmembers Cale Giese, Jon Haase, Dale Alexander, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen. One vacancy.
Mayor Ken Chamberlain

Councilmember _____ moved the adoption of said Resolution; Councilmember _____ seconded the motion.

Roll Call: _____ Yes _____ No _____ Abstained _____ Absent

Resolution adopted, signed and billed as adopted.

SUPPLEMENTAL AGREEMENT NO. 1
PROJECT PROGRAM

CITY OF WAYNE
STATE OF NEBRASKA DEPARTMENT OF ROADS
PROJECT NO. URB-6709(2)
CONTROL NO. 31991
WINDOM STREET, E 3RD – E 7TH ST

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Wayne, Nebraska, hereinafter referred to as the Local Public Agency or "LPA", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State", and hereinafter collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into a Program Agreement for an LPA Federal-aid Transportation Project, Agreement No. BM1195, executed by the LPA on November 15, 2011 and executed by the State on December 5, 2011, hereinafter referred to as the "Original Agreement", and

WHEREAS, the Parties agreed that the project would use Federal-aid STP Funds up to a maximum of 80 percent of the participating and eligible costs of LPA's project, and

WHEREAS, under MAP-21, passed by Congress, there is a reduction in the total dollar amount of Federal-aid Funds available for the local Federal-aid projects specified on the list attached to the Federal Funds Purchase Program Agreements (FFPP), on which LPA's project was included, and

WHEREAS, the total cost of the projects in the FFPP list of projects also has increased because of cost estimate increases and scope changes,

WHEREAS, there will not be sufficient Federal-aid STP Funds available to cover the total cost of all projects on the FFPP list of projects, and

WHEREAS, the Parties have therefore agreed to cap the future Federal funding obligation for each of the projects on the FFPP list of projects, and

WHEREAS, the Parties wish to supplement the Program Agreement to provide a cap for future Federal-aid obligations on LPA's project, and

WHEREAS, it is the desire of the LPA that this project be constructed under the designation of Project No. URB-6709(2), as evidenced by the Resolution of the LPA dated the ____ day of _____, 2013, attached and identified as Exhibit "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the LPA and State hereto agree as follows:

SECTION 1. This agreement supplements only that part of the Program Agreement that provides that the Federal share of the LPA's project costs will be a maximum of 80% of all participating and eligible costs of LPA's project. For previous obligations, the Federal share will continue to be 80 percent of the eligible and participating costs. Effective immediately, a maximum total dollar amount (cap) shall apply to all future obligations or obligation adjustments of Federal-aid Funds for this project. The maximum dollar amount of future obligations for this project will be \$699,600. Therefore, the Federal-aid share for future obligations will be a maximum of 80 percent of participating and eligible project costs, up to this maximum dollar amount.

The LPA remains responsible for their 20 percent local share of all project costs and shall be responsible for 100 percent of all costs of the project in excess of the Federal-aid maximum total dollar amount.

SECTION 2. The LPA and the State agree that, except for the provisions of Section 1 above, all terms and provisions of the Original Agreement on Project No. URB-6709(2) executed by the LPA on November 15, 2011 and executed by the State on December 5, 2011 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this _____ day of _____, 2013.

WITNESS:
Betty McGuire

CITY OF WAYNE
Ken Chamberlain

LPA Clerk

Mayor

EXECUTED by the State this _____ day of _____, 2013.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Mick Syslo, P.E.

Materials & Research Division Engineer

RESOLUTION NO. 2013-39

A RESOLUTION APPROVING THE SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ROADS.

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues; and

WHEREAS, the City of Wayne and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Mayor is hereby authorized to sign the attached Federal Funds Purchase Program Supplemental Agreement No. 1 between the City of Wayne and the NDOR.

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Governing Body of the City of Wayne:
Councilmembers Cale Giese, Jon Haase, Dale Alexander, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen. One vacancy.
Mayor Ken Chamberlain

Councilmember _____ moved the adoption of said Resolution; Councilmember _____ seconded the motion.

Roll Call: _____ Yes _____ No _____ Abstained _____ Absent

Resolution adopted, signed and billed as adopted.

**SUPPLEMENTAL AGREEMENT NO. 1
TO THE
FEDERAL-AID TRANSPORTATION FUND
PURCHASE-SALE AGREEMENT**

**Nebraska Department of Roads
City of Wayne**

THIS SUPPLEMENTAL AGREEMENT made and entered into by and between the State of Nebraska, Department of Roads, hereinafter referred to as the "State," and the City of Wayne hereinafter referred to as Local Public Agency, or "LPA."

RECITALS

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

NOW, THEREFORE, in consideration of these facts, the State and the LPA agree as follows:

SECTION 1. Except for the provisions specifically modified herein, all terms and provisions of the Original Agreement between the State and the LPA remain in full force and effect.

SECTION 2. Section 2 of the Original Agreement entitled "Federal Funds Eligible for Purchase" is hereby superseded and replaced in total and shall hereafter state as follows:

This Agreement applies to the following categories of federal-aid funds: (a) STP Funds (both for Populations less than 5,000, and Populations 5,001 to 200,000), and (b) Federal-aid funds from sources in lieu of the former Highway Bridge Program (HBP) funds. The new Federal Highway Authorization, enacted into law on July 6, 2012,

known as Moving Ahead for Progress in the 21st Century Act (MAP-21), restructured core highway formula programs and eliminated the Highway Bridge Program. Consequently, the State will use historic data as the basis for establishing the total amount of funds that will be eligible for purchase (hereinafter "the Purchase Pool") for the Bridge Funding Category under this agreement. This historic data reflects that the HBP program averaged 10% of the total annual federal-aid funding received by State from FHWA. This method of calculating the Bridge Funding Category will be used for the duration of this Agreement unless a future Federal Highway Authorization re-establishes a separate fund dedicated to the construction or reconstruction of highway bridges. In the event that a fund similar to the former Highway Bridge Fund is re-established by the federal government, then the original agreement language of Section 2 shall automatically be reinstated 30 days after written notice from the State and the changes made in Sections 2 and 3 of this Supplemental Agreement will be null and void and all previous Section 2 language will apply except the name of the new fund will be substituted in for "Highway Bridge Program" in the Original Agreement.

SECTION 3. The references in the recitals and operative sections of the Original Agreement to "HBP" or the "Highway Bridge Program" shall be replaced, modified or interpreted as follows:

- (a) The title of Section 3B of the Original Agreement "HBP Funds Calculation" is hereby superseded and replaced with the title "Bridge Funding Category Calculation."
- (b) The reference in paragraph one of Section 5 of the Original Agreement to "HBP Funds" is hereby superseded and replaced with the phrase "Bridge Funds." The two references to "HBP portions" in the third paragraph of Section 5 of the Original Agreement are hereby superseded and replaced with the phrase "Bridge funding portions."
- (c) All other references to HBP in the Original Agreement shall have no force and effect; however, if the context requires, the reference to HBP is hereby replaced with the phrase "the non-STP federal-aid funds described in Section 2 of this Supplemental Agreement."

SECTION 4. The following shall be added at the end of subsection I of Section 7, of the Original Agreement, which Section is entitled "Bridges:"

The parties to this agreement understand that when any of Nebraska's LPAs fail to comply with the obligations of the National Bridge Inspection Standards (NBIS), or with Federal Highway Administration (FHWA) directive, on a bridge or bridges that are the jurisdictional responsibility of the LPA, the State may be required to expend funds to remedy such LPA bridge non-compliance. LPA agrees that the State may pay the costs to comply with any NBIS non-compliance or FHWA directive from the purchase pool (off the top) under Supplemental Section 2. Additionally, any non-compliant LPA will be subject to any or all of the following sanctions that will continue until the costs have been repaid in full, and LPA's bridge is, or bridges are, in full compliance with NBIS requirements and FHWA directives:

- (a) Each year LPA's share of the purchase pool will be forfeited and returned to the pool for distribution to the other LPAs.
- (b) LPA will not receive any additional federal-aid funds for existing projects to become effective 30 days after written notice to LPA.
- (c) LPA will not be allowed to program any new Federal-aid or State-aid projects, and existing projects will not be advanced, and federal-aid reimbursements will be suspended.

(d) Any State-aid Bridge, State Recreation Road, or Federal-aid funds of LPA held by the State will be retained by the State.

IN WITNESS WHEREOF, the LPA and State hereto have caused this Supplemental Agreement to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this ____ day of _____, 2013.

WITNESS:

City of Wayne

LPA Clerk

By _____

Title _____

EXECUTED by the State this ____ day of _____, 2013.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Mick Syslo, P.E.

Material & Research Division Engineer



D.A. Davidson & Co.
member SIPC

CITY OF WAYNE, NEBRASKA

Issue Highway Allocation Bonds, Series 2013

*Recommended \$600,000, Series 2013
Highway Allocation Fund Pledge Bonds,
Dated June 12, 2013, June 15, 2028 Final Maturity
Funds Project Cost of 10th Street, Main to Windom
Includes Street Construction plus incidental Sanitary Sewer & Water
Replacement/Upgrades
Contracts let in the amount of \$504,776
Plus design engineering & Construction engineering oversight*

Issue Various Purpose Bonds, Series 2013

*Approximate \$1 Million, Series 2013
Various Purpose Bonds,
Dated July, 2013, June 15, 2028 Final Maturity
Funds Project Cost of Downtown Revitalization
Retires Bond Anticipation Notes –Interim Financing
Funds Benscoter Addition Project Costs
Funds Pheasant Run Improvements
Funds Western Ridge II Improvements*

*D.A. Davidson & Co.
Phil Lorenzen
Omaha, NE
402-392-7902
fax 402-392-7908
email: plorenzen@dadco.com*

May 7, 2013



May 7, 2013

Please be advised that new regulations now require added procedures to process of issuing municipal securities.

Required Disclosure Pursuant to MSRB Rule G-23:

As underwriter, D.A. Davidson & Co.'s primary role will be to purchase as principal, or arrange for the placement of the Securities in a commercial arm's length transaction with the issuer, and may have financial and other interests that differ from those of the issuer. In its capacity as underwriter and not as financial advisor, D.A. Davidson & Co. may provide incidental financial advisory services at the issuer's request, including advice regarding the structure, timing, terms and other similar matters concerning the issuance. However, D.A. Davidson & Co. does not assume any financial advisory or fiduciary responsibilities with respect to the issuer.

D.A. Davidson & Co.'s role as underwriter will be formalized by a Bond Purchase Agreement with each transaction to assure disclosure of and compliance with MSRB Rule G-23.

Required Disclosure Pursuant to MSRB Rule G-17:

As part of our services as underwriter, Davidson may provide advice concerning the structure, timing, terms, and other similar matters concerning the issuance of the Securities. D.A. Davidson & Co. is required to provide written disclosures and to obtain the Issuer's signed acknowledgement of their receipt. The Disclosures may include, but are not limited to, the following:

- Disclosures Concerning the Underwriter's Role
- Disclosures Concerning the Underwriter's Compensation
- Additional Conflicts Disclosure
- Disclosures Concerning Complex Municipal Securities Financing
- Risk Disclosures
- Financial Characteristics
- Security
- Financial Risk Considerations

Required Continuing Disclosure as an Issuer:

The Securities and Exchange Commission adopted an amendment to Rule 15c2-12 which requires that issuers undertake such annual financial disclosure for all bond issues in excess of \$1,000,000 which are issued on or after July 1, 2009. In order to promote ongoing compliance with Rule 15c2-12, Compliance Policies and Procedures must also be approved and adopted, which further obligate the Issuer to provide to the MSRB (the Municipal Securities Rulemaking Board) certain financial information and operating data which is customarily prepared by you and is publicly available, which shall include your audited financial statements and certain other material events.

All continuing disclosure documents are required to be filed with the MSRB electronically using the MSRB's Electronic Municipal Market Access website ("EMMA"). Documents must be in PDF (portable document format) format, which permits the document to be saved, viewed, printed and retransmitted by electronic means. Additionally, any PDF document submitted to the EMMA website on or after January 1, 2010 must be word-searchable. EMMA will not accept paper documents or documents in any format other than PDF.

Estimated Issuance of

*Recommended \$600,000, Series 2013
Highway Allocation Fund Pledge Bonds,
Dated June 12, 2013, June 15, 2028 Final Maturity*

THIS COVER PAGE CONTAINS CERTAIN INFORMATION FOR QUICK REFERENCE ONLY. IT IS NOT A SUMMARY OF THIS ISSUE. INVESTORS MUST READ THE ENTIRE OFFICIAL STATEMENT TO OBTAIN INFORMATION ESSENTIAL TO THE MAKING OF AN INFORMED INVESTMENT DECISION.

This Preliminary Offering Circular and the information contained herein are subject to completion or amendment. These securities may not be sold, nor may offers to buy be accepted, prior to the time the Offering Circular is delivered in final form. Under no circumstances shall this Preliminary Offering Circular constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

In the opinion of Gilmore & Bell, P.C., Bond Counsel, under existing law and assuming continued compliance with certain requirements of the Internal Revenue Code of 1986, as amended (the "Code"), (1) the interest on the Series 2013 Bonds (including any original issue discount properly allocable to an owner thereof) is excludable from gross income for federal income tax purposes, and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, (2) the interest on the Series 2013 Bonds is exempt from Nebraska income taxation by the State of Nebraska and (3) the Series 2013 Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. See "TAX MATTERS" in this Offering Circular.

**Book-Entry-Only
New Issue**

**Nonrated
Bank Qualified**

PRELIMINARY OFFERING CIRCULAR DATED MAY __, 2013

\$600,000

CITY OF WAYNE, NEBRASKA

GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2013

Dated: Date of Delivery

Due: Serially as shown below

The Series 2013 Bonds will be issued as fully registered bonds and, when issued, will be registered in the name of Cede & Co., as registered owner and nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository for the Series 2013 Bonds. Purchases of the Series 2013 Bonds will be made in book-entry form, in the denomination of \$5,000 or any integral multiple thereof through brokers and dealers who are, or who act through, DTC participants. Purchasers will not receive certificates representing their interests in Series 2013 Bonds purchased so long as DTC or a successor securities depository acts as the securities depository for the Series 2013 Bonds. So long as Cede & Co. is the registered owner of the Series 2013 Bonds, references to the Registered Owners shall mean Cede & Co., and shall not mean the Beneficial Owners (herein defined) of the Series 2013 Bonds. So long as DTC or its nominee, Cede & Co., is the registered owner of the Series 2013 Bonds, payments of principal or redemption price of and interest on the Series 2013 Bonds will be made directly to DTC. Disbursement of such payments to DTC Participants (herein defined) is the responsibility of DTC and disbursements of such payments to the Beneficial Owners is the responsibility of DTC Participants. See "**BOOK-ENTRY-ONLY SYSTEM.**" Semiannual interest will be payable December 15, 2013 and semiannually thereafter on June 15 and December 15 of each year, by the Treasurer of the City of Wayne, Nebraska, as registrar and paying agent for the Series 2013 Bonds (the "**Registrar**") as provided herein.

MATURITY SCHEDULE – REVERSE OF COVER

The information contained in the Offering Circular has been obtained from the City of Wayne, from Wayne County, Nebraska and other sources which are believed to be reliable. No representation or warranty is made, however, as to the accuracy or completeness of such information, and nothing contained in the Offering Circular is, or shall be, relied on as a promise or representation by the Underwriter. The Offering Circular is submitted in connection with the sale of securities as referred to therein, and may not be reproduced or be used, in whole or in part, for any other purpose. Neither delivery of the Offering Circular nor any sale made thereunder shall create an implication that information therein is correct as of any time subsequent to its date.

The Series 2013 Bonds are offered in book entry form only when, as and if issued by the City and accepted by the Underwriters, subject to the approval of legality by Gilmore & Bell, P.C., Lincoln, Nebraska, Bond Counsel. It is expected that the Series 2013 Bonds in definitive form will be available for delivery through DTC on or about _____, 2013.

Dated: _____, 2013.



D.A. Davidson & Co.
member SIPC

\$600,000
CITY OF WAYNE, NEBRASKA
GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS
SERIES 2013

<u>Principal Amount</u>	<u>Maturing June 15</u>	<u>Interest Rate</u>	<u>Price</u>
40,000	2015	%	
40,000	2016		
40,000	2017		
40,000	2018		
40,000	2019		
40,000	2020		
40,000	2021		
40,000	2022		
45,000	2023		
45,000	2024		
45,000	2025		
45,000	2026		
50,000	2027		
50,000	2028		

The Series 2013 Bonds maturing on and after June 15, 2018 are subject to optional redemption prior to maturity at the option of the City at any time on or after the fifth anniversary of their date of original delivery.

* In addition, the Term Bonds maturing _____ is subject to mandatory sinking fund payments at par plus accrued interest prior to maturity. See **“REDEMPTION PROVISIONS.”**

CITY OF WAYNE, NEBRASKA
HIGHWAY ALLOCATION BONDS, SERIES 2013
FUND 10TH STREET STREET AND APPURTENANT IMPROVEMENTS

=====

Sources and Uses of Funds

=====

Delivery Date: 6/21/13

Sources of Funds
=====

Par Amount of Bonds.....	\$620,000.00	
+Premium /-Discount.....	\$0.00	
Bond Proceeds.....		620,000.00

		\$620,000.00

Uses of Funds
=====

Base Project Bid.....		504,776.06
Project Contingencies @ 2.5%.....		15,973.94
Marketing + Underwriting.....(1.25000%)...		7,750.00
Legal Opinion and incidental issue costs.....		1,000.00
Design Engineering -- Lump Sum.....		50,000.00
Advanced Eng Consulting Sv-- oversight.....		28,000.00
Staking by Advanced Engineering.....		12,500.00
Contingency.....		0.00

		\$620,000.00

Filename: WAYNE Key: HWY2013B

 I.D.A.
Davidson
& Co.

Philip A. Lorenzen
Vice President, Public Finance
1111 North 102nd Court, Suite 300
Omaha, NE 68114
(402) 392-7902 / 1-800-617-2864

Note: These calculations are preliminary and are subject to change based on market conditions.

CITY OF WAYNE, NEBRASKA
HIGHWAY ALLOCATION BONDS, SERIES 2013
FUND 10TH STREET STREET AND APPURTENANT IMPROVEMENTS

=====

Debt Service Schedule

=====

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
12/15/13			6,087.58	6,087.58	
6/15/14			6,297.50	6,297.50	12,385.08
12/15/14			6,297.50	6,297.50	
6/15/15	40,000.00	0.750000	6,297.50	46,297.50	52,595.00
12/15/15			6,147.50	6,147.50	
6/15/16	40,000.00	0.750000	6,147.50	46,147.50	52,295.00
12/15/16			5,997.50	5,997.50	
6/15/17	40,000.00	1.150000	5,997.50	45,997.50	51,995.00
12/15/17			5,767.50	5,767.50	
6/15/18	40,000.00	1.150000	5,767.50	45,767.50	51,535.00
12/15/18			5,537.50	5,537.50	
6/15/19	40,000.00	1.500000	5,537.50	45,537.50	51,075.00
12/15/19			5,237.50	5,237.50	
6/15/20	40,000.00	1.500000	5,237.50	45,237.50	50,475.00
12/15/20			4,937.50	4,937.50	
6/15/21	40,000.00	2.000000	4,937.50	44,937.50	49,875.00
12/15/21			4,537.50	4,537.50	
6/15/22	45,000.00	2.000000	4,537.50	49,537.50	54,075.00
12/15/22			4,087.50	4,087.50	
6/15/23	45,000.00	2.500000	4,087.50	49,087.50	53,175.00
12/15/23			3,525.00	3,525.00	
6/15/24	50,000.00	2.500000	3,525.00	53,525.00	57,050.00
12/15/24			2,900.00	2,900.00	
6/15/25	50,000.00	2.800000	2,900.00	52,900.00	55,800.00
12/15/25			2,200.00	2,200.00	
6/15/26	50,000.00	2.800000	2,200.00	52,200.00	54,400.00
12/15/26			1,500.00	1,500.00	
6/15/27	50,000.00	3.000000	1,500.00	51,500.00	53,000.00
12/15/27			750.00	750.00	
6/15/28	50,000.00	3.000000	750.00	50,750.00	51,500.00
<hr/>					
	620,000.00		131,230.08	751,230.08	
ACCRUED					
	620,000.00		131,230.08	751,230.08	
<hr/>					

Dated 6/21/13 with Delivery of 6/21/13

Bond Years 5,494.667
Average Coupon 2.388317
Average Life 8.862366
N I C % 2.388317 % Using 100.000000

Estimated Average

Weighted Bond Years 5,494.667
Weighted Average Life 8.862366
Weighted N I C % 2.388317 % Using 100.000000
T I C % 2.362856 % From Delivery Date
Arbitrage Yield 2.362856 %

Filename: WAYNE Key: HWY2013B

APPENDIX B

FINANCIAL INFORMATION
CITY OF WAYNE
as of October 1, 2012
(adjusted to reflect current Bond issuance)

Population	5,660
Taxable Valuation, 2012	\$179,315,556
Total Direct Bonded Debt	\$1,280,000
General Obligation Highway Allocation Fund Pledge Bonds, Series 2013	600,000
Bond Anticipation Notes, Series 2010	<u>935,000</u>
Total Direct Debt	\$2,815,000
Ratio of Direct Bonded Debt to Assessed Value	1.57%
City's Proportional Share of Overlapping Debt <i>(See note below)</i>	\$1,938,261
Total Direct and Overlapping Debt	\$4,753,261
Ratio of Direct and Overlapping Debt to Assessed Value	2.65%

Overlapping Debt

Wayne County School District 0017, Wayne Community Schools, has a 2012 taxable value of \$542,811,040, and bonded debt of \$5,550,000. Wayne County has a taxable value of \$1,071,716,420 and \$145,000 of bonded debt. The City's proportionate share of such overlapping debt is 33% of the school debt, or \$1,914,000, and 17% of the County debt, or \$24,261, for a combined total of \$1,938,261.

Revenue Bonded Debt

The City has outstanding a combined total of \$2,475,000 of its Series 2009 Electric Revenue Refunding Bonds, and its Series 2012 Electric Revenue Bonds, which Series 2009 and Series 2012 Bonds are of equal parity. The current outstanding balance of Series 2009 Bonds is \$795,000 maturing serially June 15, 2013 through June 1, 2015 and the current outstanding balance of Series 2012 Bonds is \$1,680,000 with the first principal installment commencing June 1, 2016.

The City owns and operates a municipal water system and a municipal sanitary sewer collection and treatment facility. In 1981 through 1988 the City constructed various improvements to both systems. The City acquired a well field located six miles northeast of the City which supplies an adequate volume of high quality water transmitted to the City through a City owned pipeline system. Two elevated storage facilities, treatment facilities and a highly maintained distribution network complete the system. The sanitary sewer system consists of a network of collection mains and outfall sewer with a currently being constructed anaerobic digester system expanded and improved to comply with EPA standards.

At FY end September 30, 2012, the City had an outstanding balance of \$730,892 of NDEQ Notes payable in semiannual combined principal and interest payments of \$23,220 with a final payment date of June 30, 2031, at an interest rate of 2% per annum plus a 1% administrative fee. At FY end 2012, the City also had

ORDINANCE NO. 2013-27

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF WAYNE, NEBRASKA, SERIES 2013, IN THE PRINCIPAL AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTION OF CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. The Mayor and City Council hereby find and determine: that the City of Wayne, Nebraska (the "City") requires the construction of certain streets and other appurtenant related improvements within the City; specifically including improvements to certain portions of 10th Street, together with other necessary street improvements all as set out in the project scope of improvements as prepared by the special engineers for the City; that the City's Engineers heretofore prepared plans, specifications and estimates of cost for the said improvements; that bids have been taken and the Council has awarded a contract for the construction of the aforesaid street improvements; that the City has the authority to fund the project costs through issuance of highway allocation fund pledge bonds; that the City has no other funds on hand for the cost of such improvements; that funds are required by the City with respect to said improvements in an amount not less than \$600,000; and, that it is necessary and advisable for the City to provide financing for such street improvements and related improvements and appurtenances by the issuance of its bonds and it is necessary and advisable to borrow the sum of \$600,000 through the issuance of its

Highway Allocation Bonds, Series 2013 (the "Series 2013 Bonds" or "Bonds"); that the City's receipts from the Nebraska Highway Allocation Fund for the audited fiscal year ended September 30, 2012 totaled \$487,788; that the City has no outstanding bonds as of the date of issuance of the Bonds, issued pursuant to Section 66-4,101, Reissue Revised Statutes of Nebraska, 2009 (or any predecessor statute thereto); that annual principal and interest payments on the Series 2013 Bonds authorized under this ordinance will not exceed \$487,788 in any year in which there is a maturity or payment on the Bonds; and, that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Highway Allocation Fund Pledge Bonds, Series 2013 in the amount of \$600,000 pursuant to Section 66-4,101, R.R.S. Neb. 2009, do exist and have been done as required by law.

Section 2. To pay the costs of the improvements specified in Section 1 hereof, there shall be and there are hereby ordered issued the Highway Allocation Fund Pledge Bonds of the City of Wayne, Nebraska, Series 2013, in the principal amount of Six Hundred Thousand Dollars (\$600,000) (the "Bonds" or the "Series 2013 Bonds") with said Bonds bearing interest at the rates per annum and with principal payments to become due on June 15 of each year as follows:

<u>Principal Amount</u>	<u>Maturing June 15</u>
\$40,000	2015
40,000	2016
40,000	2017
40,000	2018
40,000	2019
40,000	2020
40,000	2021
40,000	2022
45,000	2023
45,000	2024
45,000	2025
45,000	2026
50,000	2027
50,000	2028

provided, that the Bonds shall bear interest at the rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor, or Administrator of the City (each, an "Authorized Officer") on behalf of the City and subject to agreement by D.A. Davidson & Co. (the "Underwriter"), which Designation may also determine or modify the principal amount for each maturity of the Bonds, mandatory redemption provisions (if any), and pricing terms as set forth in Section ___ below, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$600,000, provided, however, in the event the Bonds are sold with a net original issue discount such aggregate principal amount may be increased in an amount necessary to compensate for any such net original issue discount;*
- (b) The principal amount of any maturity may be reduced by any amount and the principal amount of any maturity may be increased by an amount not to exceed \$10,000*
- (c) the longest maturity of the Bonds may not be later than June 15, 2028;*
- (d) the average interest coupon of the Bonds shall not exceed ____%;*
- (e) two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).*

The Authorized Officers (or any one of them) are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations, when made and agreed to by the Underwriter, shall constitute the action of the Mayor and Council of the City without further action of the Mayor and Council of the City.

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on December 15 and June 15 of each year beginning December 15, 2013 (each an "Interest Payment Date"), and the Bonds shall bear interest from the date of original issue or the most recent Interest Payment

Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. The Treasurer of the City of Wayne, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. Said Treasurer shall serve in such capacities under the terms of this Ordinance subject to replacement as may be determined by the Mayor and Council. The City Treasurer, as Paying Agent and Registrar, shall keep and maintain for the City books for the registration and transfer of the Bonds at said Treasurer's office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record

Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

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

Section 5. In addition to any mandatory sinking fund redemptions as may be provided for as set out in Section 2 of this Ordinance, Bonds maturing anytime on or after June 15, 2019 shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of delivery, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent

to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

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

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF WAYNE

HIGHWAY ALLOCATION FUND PLEDGE BOND OF
THE CITY OF WAYNE, NEBRASKA
SERIES 2013

No. _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	June 15,	_____, 2013	

Registered Owner: Cede & Co.

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Wayne, Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable on December 15, 2013, and semiannually thereafter on June 15 and December 15 of each year (each of said dates an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of the Treasurer of the City of Wayne, as the Paying Agent and Registrar, in Wayne, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purposes become available.

This bond is one of an issue of fully registered bonds of the total principal amount of Six Hundred Thousand Dollars (\$600,000), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of paying the costs of constructing streets and other related and appurtenant improvement in said City, in strict compliance with Section 66-4,101, Reissue Revised Statutes of Nebraska, 2009. The issuance of said bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and City Council of said City (the "Ordinance").

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

In addition, the Bonds maturing June 15, 2027 shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

<u>\$</u>	<u>Principal Maturing June 15, 20</u>
\$	to be called June 15, 20
\$	to be called June 15, 20
\$	Payable June 15, 20

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

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

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

For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, the City of Wayne, Nebraska, has pledged funds received and to be received from the Highway Allocation Fund of the State of Nebraska with receipts from such fund to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City hereby covenants and agrees that it shall levy ad valorem taxes upon all the taxable property in the City of Wayne, Nebraska, at such rate or rates, within applicable statutory and constitutional limitations, as will provide funds which together with receipts from the Highway Allocation Fund, as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on this bond and the other bonds of the same issue as the same fall due.

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

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

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law.

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

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

THE CITY OF WAYNE, NEBRASKA

(facsimile signature)
Mayor

ATTEST:

(facsimile signature)
City Clerk
(SEAL)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by Ordinance of the Mayor and City Council of the City of Wayne, Nebraska, described in the foregoing bond.

TREASURER OF THE CITY OF WAYNE
WAYNE, NEBRASKA
as Paying Agent and Registrar

(Form of Assignment)

For value received _____
hereby sells, assigns and transfers unto
_____ (Social Security or Taxpayer
I.D. No. _____) the within bond and hereby irrevocably constitutes and appoints
_____, attorney, to transfer the same on
the books of registration in the office of the within-mentioned Paying Agent and Registrar with full
power of substitution in the premises.

Dated: _____

Registered Owner(s)

Signature Guaranteed

By _____

Authorized Officer(s)

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

Section 8. Each of the Series 2013 Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City. The Series 2013 Bonds shall be issued initially as “book-entry-only” bonds using the services of The Depository Trust Company (the “Depository”), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the “Letter of Representations”) in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as “book-entry-only” bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds 2013 Bonds as securities depository (each, a “Bond Participant”) or to any person who is an actual purchaser of a 2013 Bond from a Bond Participant while the Series 2013 Bonds are in book-entry form (each, a “Beneficial Owner”) with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Series 2013 Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Series 2013 Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Series 2013 Bonds. The Paying Agent and Registrar shall make payments with respect to the Series 2013 Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Series 2013 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated 2013 Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange 2013 Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Series 2013 Bonds or (ii) to make available 2013 Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Series 2013 Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Series 2013 Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Series 2013 Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Series 2013 Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Series 2013 Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Series 2013 Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Series 2013 Bond and all notices with respect to such Series 2013 Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Series 2013 Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Series 2008 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

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

(f) In the event of any partial redemption of a 2013 Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Series 2013 Bond as is then outstanding and all of the Series 2013 Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to D.A. Davidson & Co., as initial purchaser thereof, upon receipt of 98.75% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Mayor, Clerk/Treasurer and City Administrator are each individually

designated as an "Authorized Officer." The Bond Purchase Agreement (the "Purchase Agreement") to be entered into between the City and the Underwriter with respect to the purchase of the Bonds from the City, in the form or substantially the form presented to the meeting, but with such changes, modifications, amendments, revisions, and alterations therein, thereof, or thereto, and bearing such date, as the Authorized Officer executing the Purchase Agreement shall in the exercise of his or her own independent judgment and absolute discretion determine to be necessary, proper, appropriate, advisable, or desirable in order to effectuate the issuance, sale, and delivery of the Bonds, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed. The Authorized Officers, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements and execute any documents deemed necessary or appropriate in connection with the issuance and sale of the Bonds, and any such actions previously taken are hereby ratified and confirmed.

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

Section 10. The proceeds of the Bonds shall be applied to the costs of construction of the improvements described in Section 1 hereof upon order of the Mayor and City Council, including payment of any related warrant or note indebtedness. Pending such application the City Treasurer shall hold such proceeds.

Section 11. For the prompt payment of the Bonds, both principal and interest as the same fall due, the City hereby pledges all receipts now or hereafter received by the City from the State of Nebraska Highway Allocation Fund, as described and referred to in Section 66-4,101,

Reissue Revised Statutes of Nebraska 2009. The pledge provided for in this Section 11 for the Bonds provides, however, that such pledge shall not prevent the City from applying receipts from said fund in any year so long as sufficient receipts from such fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional highway allocation fund pledge bonds payable on par with the Bonds and equally and ratably secured by a pledge of receipts from the Highway Allocation Fund. The City hereby further agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates within any applicable statutory and constitutional limitations as will provide funds which, together with receipts from the Highway Allocation Fund, as pledged to the payment of the Bonds, and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds and the 2013 Bonds as the same fall due (including mandatory sinking fund redemptions).

Section 12. The Mayor and City Council hereby approve the Preliminary Official Statement with respect to the 2013 Bonds and the information therein contained, and the Mayor and City Administrator or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and said final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 13. The City hereby covenants and agrees that it will make no use of the proceeds of the 2013 Bonds which would cause the 2013 Bonds to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action

necessary to preserve the tax-exempt status of the interest on the 2013 Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the 2013 Bonds to constitute "private activity bonds" within the meaning of Section 141 of the Code. The City hereby designates the 2013 Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue bonds or other obligations aggregating in principal amount more than \$5,000,000 during calendar 2013.

Section 14. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so

deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 15. The City hereby (1) authorizes and directs that its Mayor execute and deliver, on date of issue of the Bonds, a Continuing Disclosure Undertaking in such form as shall be satisfactory to bond counsel for the City, and (2) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any other owner of a Bond may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section 15. For purposes of this Section 15, "Continuing Disclosure Undertaking" means the Continuing Disclosure Undertaking executed by the City and dated the date of issuance and delivery of the Bonds, as amended from time to time in accordance with its terms; "Participating Underwriter" has the meaning ascribed thereto in the Continuing Disclosure Undertaking; and "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

Section 16 In order to promote compliance with certain federal tax and securities laws relating to the Notes herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Tax-Exempt Financing Compliance Procedure")

are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Tax-Exempt Financing Compliance Procedure and any similar policy or procedures previously adopted and approved, the Tax-Exempt Financing Compliance Procedure shall control.

Section 17. This Ordinance shall be published in pamphlet form and shall be in force and take effect from and after its adoption as provided by law.

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-40

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA (STREET IMPROVEMENT DISTRICT 2013-1 MILO DRIVE).

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the hiring of Olsson Associates as engineers for the construction of certain street improvements (Milo Drive) to be constructed in the City of Wayne is hereby reaffirmed, and that the plans, specifications and estimate of cost of \$ _____ .00, as prepared by the City's engineer and filed in the office of the City Clerk for the construction of said street improvements (Street Improvement District No. 2013-1 Milo Drive) of the City of Wayne, are hereby approved, and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City's Engineer.

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-41

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) TO CONDUCT A BLIGHT STUDY IN THE CITY OF WAYNE.

WHEREAS, the City of Wayne wishes to enter into an agreement for services with NNEDD to conduct a blight study for the purpose of determining eligibility of a defined area as blighted and substandard for the City of Wayne; and

WHEREAS, the City of Wayne agrees to compensate NNEDD a sum of not to exceed \$1,236.45 to complete the Scope of Work for said blight study.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that the City enter into an Agreement for Services with NNEDD to conduct a blight study; that the terms and conditions as contained in the Agreement with NNEDD are hereby approved, and that the Mayor is hereby authorized to execute said Agreement.

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT
AGREEMENT FOR SERVICES**

- A. **Parties.** This Agreement is between City of Wayne and the Northeast Nebraska Economic Development District, (NENEDD).
- B. **Purpose:** The purpose of this Agreement is to conduct a blight study for the purpose of determining eligibility of a defined area as blighted and substandard for South Windom area.
- C. **Terms and Conditions:**
 - C1. **Scope of Work.** The scope of work is to determine if all or part of the designated Study Area shown in attachment #2 below has deteriorated and become blighted as defined in Nebraska Statue 18-2103.
 - C2. **Compensation.** City of Wayne agrees to compensate NENEDD \$60 per hour plus mileage not to exceed \$1,236.45 in order to complete the Scope of Work. Reimbursement under this contract shall be based on billings, supported by appropriate documentation of costs actually incurred. See attachment #1.
 - C3. **Office space, equipment and supplies.** NENEDD will supply its own office space, equipment and supplies.
 - C4. **Amendments and Termination.** This Agreement may be amended by mutual written agreement of the parties. This Agreement may be terminated with 30 days notice by either of the parties.
- D. **Timeframe.** The initial date of this Agreement shall be the date both parties sign and complete execution of the contract. The termination date of this Agreement shall be when the Scope of Services is complete. This Agreement may be extended upon mutual agreement of the parties.
- E. **Independent Contractor.** The parties intend that NENEDD will not be considered an employee of the City of Wayne but will act as an independent contractor.

The following parties agree to the terms of this Agreement.

CITY OF WAYNE

BY: _____

TITLE: _____

DATE: _____

NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT

BY: _____

TITLE: Executive Director _____

DATE: _____

CLIENT COST ESTIMATE

City of Wayne- S Windom Street

5/2/2013

Milage Cost	75 \$	42.38
Staff Time	18.92	1,135.20
Draft copies for review will be provided via email		-
2 final color copies (includes electroic copy via email)		-
Sub Total	\$	<u>1,177.58</u>
Margin	5.00%	58.88
Total	\$	<u><u>1,236.45</u></u>

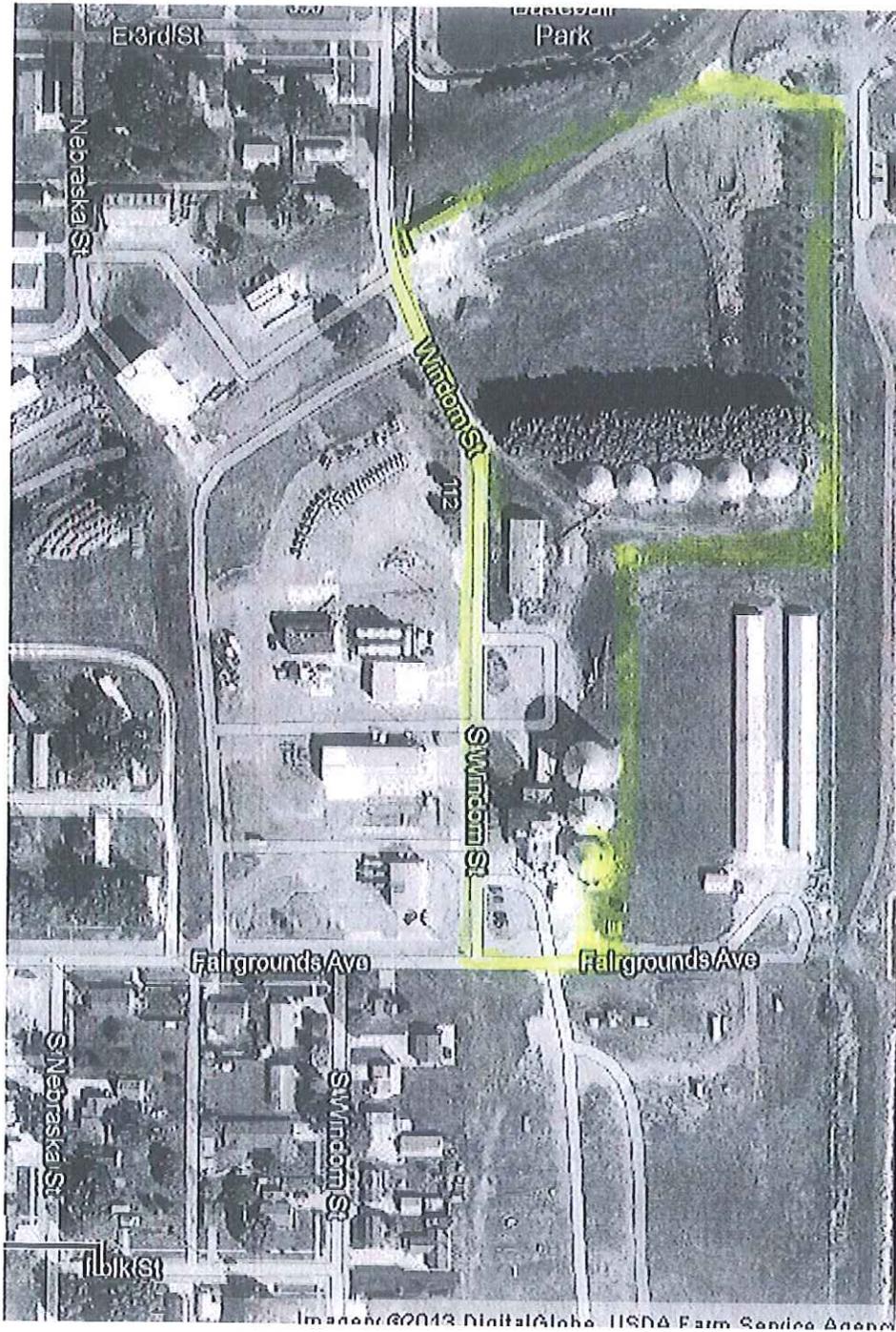
** Additonal study copies can be provide for \$6.00 per copy*

Re-Development Areas February 14, 2013

-  East Wayne Development Area
-  South East Wayne Development Area
-  Wayne West Drainage Area
-  John Lakes 2
-  Downtown Area
-  New (or Old) Downtown Area
-  Airport Area
-  North Central



Area Interior City Limits = +/- 1,468.24 Acres



U.S. Department of Homeland Security
Region VII
9221 Ward Parkway, Suite 300
Kansas City, MO 64114-3372



FEMA

Mr. Al Berndt, Assistant Director
Nebraska Emergency Management Agency
2433 NW 24th Street
Lincoln, Nebraska 68524-1801

APR - 9 2003

Subject: FEMA-DR-4013-NE
Hazard Mitigation Grant Program (HMGP) Project Approval
Subgrantee: City of Wayne
Project #: 0029
Siren Project

Dear Mr. Berndt:

We are pleased to notify you that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has granted approval for the application submitted by the City of Wayne for the removal and installation of multiple sirens throughout the city. FEMA will release funds to the State in the amount of \$82,991. The non-federal match requirement of \$27,664 will be provided through local funding.

The activity completion timeframe for this project is 36 months from the date of this approval letter. Any costs incurred prior to the date of this approval will be disallowed. Quarterly progress reports for HMGP projects are required. Please include this HMGP project in your future quarterly reports.

A change to the approved statement of work (SOW) requires prior approval from FEMA. The National Environmental Policy Act (NEPA) stipulates that additions or amendments to a HMGP Subgrantee statement of work (SOW) shall be reviewed by all state and federal agencies participating in the NEPA process. NEPA sign-off for all SOW additions or amendments is essential before the revised SOW can be approved by FEMA or implemented by the HMGP Subgrantee.

If you have any questions concerning this correspondence, please contact Maria Maldonado, Hazard Mitigation Program Specialist, at (816) 276-5084 or Melissa Janssen, Chief, Hazard Mitigation Assistance Branch, at (816) 283-7012.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Sessa".

Kenneth Sessa, Acting Director
Mitigation Division

RESOLUTION NO. 2013-42

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE U.S. DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT FOR THE REMOVAL AND INSTALLATION OF THE EMERGENCY CIVIL DEFENSE SIRENS THROUGHOUT THE CITY OF WAYNE.

WHEREAS, the Council authorized an application for funding through the Nebraska Emergency Management Agency – Hazard Mitigation Grant Program by its Resolution No. 2012-70 on September 4, 2012; and

WHEREAS, the City Administrator submitted an application, of which said funds would be used to purchase and replace the emergency civil defense sirens in Wayne; and

WHEREAS, the U.S. Department of Homeland Security, subject to their standard program conditions and preliminary submittal requirements, has awarded the City of Wayne up to \$82,991 in grant funds for the removal and installation of the civil defense sirens, with the City cash match of \$27,664 being allocated and proposed in the FY2012-2013 budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Mayor is authorized to accept the U.S. Department of Homeland Security's Federal Emergency Management Agency Grant pertaining to the removal and installation of the emergency civil defense sirens in Wayne.

PASSED AND APPROVED this 7th day of May, 2013.

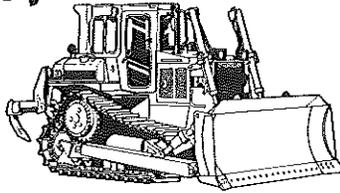
THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Milo Meyer Construction Inc.



1002 Industrial Road
Wayne, NE 68787
Office 402-375-3440

375-3440

Steve 402-369-0283 (Cell)
Mark 402-369-0284 (Cell)

Wayne, Nebraska

DEMOLITION BID SUBMITTED TO
THE CITY OF WAYNE
FOR
111 FAIRGROUNDS AVE

Bid includes:

- a.) Removal of structure
- b.) Removal of concrete and footings
- c.) Capping water and sewer
- d.) Remove and replace concrete by water valve
- e.) Cost of performance and payment bond
- f.) Cost to add the City of Wayne as an additional insured
- g.) Cost of containers to Jackson Landfill and disposal fees

Total BID \$9,880.00

If you have any questions regarding this bid, please contact our office. We look forward to working with you.

A handwritten signature in black ink that reads "Steven B Meyer".

Steven B Meyer, President
Milo Meyer Construction, Inc.



Robert Woehler & Sons Construction, Inc.
 123 Fairgrounds Ave.
 Wayne NE 68787

Phone: 402-375-3744
 Fax: 402-833-5363

Bid Proposal For:

5/3/2013

City of Wayne
 Attn: Betty McGuire, City Clerk
 PO Box 8
 Wayne NE 68787

Phone: 402-375-1733

Project: Razing of Structure Located at 111 Fairgrounds Ave, Wayne, NE

	Description	Estimated		Sub Totals	
		Unit	Quantity		Unit Cost
1	Razing of Structure Located at 111 Fairgrounds Ave. in Wayn Lump		1	\$14,499.00	\$14,499.00
Total Project Cost					\$14,499.00

Project was bid as Advertised in Paper

Owner is responsible for paying any city, engineering, compaction, inspection or Misc. fees.

Prices include Labor and Dirt and are good for 30 days. Material Cost will be billed as delivered and payment is due in 10 days. Monthly billings will reflect work completed as project progresses. Payments are due within 10 days of billing and final payment is due in full within 10 days of project completion.

I have read the proposal, have received an exact copy, and accept the proposal.
 Please sign one copy and return.

Approved By: _____

Date: _____

Owner / Owner's Representative

Approved By: Bradley J Woehler

Date: 5/3/13

Bradley J Woehler Secretary

Robert Woehler & Sons Construction, Inc

Thank you for the opportunity to submit this proposal and we look forward to the possibility of working with you on this project. If you have any questions please call. 402-369-0049

B. J. Woehler

RESOLUTION NO. 2013-43

A RESOLUTION ACCEPTING BID ON THE DEMOLITION AND REMOVAL OF THE STRUCTURE LOCATED AT 111 FAIRGROUNDS AVENUE.

WHEREAS, two competitive bids on the demolition and removal of the structure located at 111 Fairgrounds Avenue were received on May 3, 2013.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the demolition and removal of the structure located at 111 Fairgrounds Avenue, as submitted by the following contractor, is the best bid received.

<u>Bidder</u>	<u>Amount of Bid</u>
Milo Meyer Construction, Inc. 1002 Industrial Road Wayne, NE 68787	\$9,880.00

BE IT FURTHER RESOLVED that the bid, as above set forth, filed with the City Clerk in accordance with the terms of the published notice, and attached hereto, be and the same is hereby accepted.

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-22

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 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Article V. POULTRY

Definition

Poultry. The term “poultry” in this article shall mean only chickens, ducks, and geese.

Registration

Any person or resident who shall own, keep, or harbor poultry over the age of fourteen days within the city shall within 30 days after acquisition of the poultry, or moving to the city, shall register annually on or before May 1 of each year with the city police department. Registration shall be issued by the chief of police upon the payment of the current license fee for owning poultry. This license shall not be transferable; and no refund will be allowed in the case of death, sale, or other disposition of the licensed poultry. The applicant for a registration shall state at the time the application is made upon printed forms the name, address, and the number of poultry owned, kept, or harbored. The fee shall be delinquent after the expiration of 30 days from May 1 of each year; however, the owner of any poultry becoming subject to the city license requirements subsequent to May 1 of each year shall not be subject to a penalty if the registration fee is paid within 30 days of the time the poultry became subject to registration. After the 30-day grace period allowed in this section, the current registration fee and penalty shall be paid on all annual registrations after the grace period.

Penalty: Any owner of poultry over the age of fourteen days who fails to obtain a license within the time period specified in this chapter shall be subject to a fine of \$50.

Sex

No person shall be own, keep, or harbor any male poultry within city limits. Any owner who owns, keeps, or harbors male poultry within city limits shall be subject to a fine of \$100.

Limit per household

Any person who shall harbor or permit any poultry to be, for ten days or more, in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such poultry. The limit of poultry per residence shall be four. This includes offspring.

Proximity to residences and property lines

No person, whether as owner, bailee, keeper, or custodian shall keep or maintain any poultry within fifty (50) feet of any part of any building used by another as a residence, a place of dwelling, or a place of business. In addition, no poultry owner, bailee, keeper, or custodian shall keep or maintain any poultry within twenty-five (25) feet of any property line.

Confinement of poultry

Poultry shall be kept confined by their owners in a coop, pen, or other enclosure. Such enclosure shall be kept sanitary.

Liability of person caring for poultry

Any person who shall harbor or permit any poultry to be for ten days or more in or about his house, store or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such poultry and shall be deemed to be liable for all penalties prescribed in this article and for all damages which such poultry shall cause to any real or personal property of any description belonging to another person.

Poultry at large

No person in charge, custody or control thereof, shall permit any poultry to go loose or run at large in any of the public ways, or upon the property of another, in city, or to be tethered or staked out in such a manner as to allow said animal to reach to or pass into any public way, or upon the property of another; and the running at large within the corporate limits of city, except in enclosed places on private property, of poultry is hereby declared to be a common nuisance and the same is hereby prohibited.

Penalty: Any person in charge, custody or control of poultry found at large shall be subject to a fine of \$50.

Offensive noise

(a) It shall be unlawful for any person to own, keep, or harbor any poultry which by loud, continued, or frequent offensive noises shall annoy or disturb any neighborhood or person.

(b) The phrase "annoy or disturb the neighborhood" shall include, but not be limited to, the creation of any noise constituting a nuisance by any animal which can be heard by any person, including a law enforcement officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a ten-minute period of time with one minute or less lapse or time between each animal noise during the ten-minute period.

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City of Wayne
CDA Claims List
May 7, 2013

4/19/13 MZRB Properties – incentive loan	30,000.00
4/19/13 Progressive Properties – incentive loan	25,000.00

Community Development Agency of the City of Wayne, Nebraska

RESIDENTIAL CONSTRUCTION AGREEMENT

This Agreement is made and entered into by and between the Community Development Agency of the City of Wayne, Nebraska, a Municipal Corporation, hereinafter referred to as "CDA," and Progressive Property Inspections, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "Buyer."

WITNESSETH:

In consideration of the mutual promises and consideration contained herein and upon the terms and conditions set forth, the parties understand and agree to the conditions, requirements, and procedures set forth in this Agreement as follows:

A. Definitions. Whenever used herein, the singular number shall include the plural, the plural the singular, and the term "CDA" shall include any payee thereof whether by operation of law or otherwise.

B. Terms. And Conditions Buyer may purchase the following lots of Western Ridge II Subdivision, for the following prices:

- Lot 9 for \$5,000;
- Lot 10 for \$5,000;
- Lot 12 for \$5,000;
- Lot 13 for \$5,000;
- Lot 29 for \$12,000;
- Lot 30 for \$12,000;
- Lot 31 for \$12,000;

Buyer shall receive a 25% discount on the aforementioned prices of Lots 9, 10, 29, 30, and 31 if the following terms and conditions are met prior to July 17, 2015:

- Buyer builds a residence on each of the above-numbered lots (all seven lots), including an attached two-car garage;
- Buyer obtains an occupancy permit for each finished residence;
- Two shade trees of a large species are planted on each purchased lot; and
- Each completed residence meets a blower door test of five ACH at 50 pascals;

If Buyer complies and meets these terms by July 17, 2015, the CDA shall pay Buyer \$11,500, an amount equal to a 25% discount on the above-listed prices of Lots 9, 10, 29, 30, and 31. This payment shall be due and payable within 30 days of completion.

C. Copy Filed. A copy of this agreement shall be filed with the title of Lots 9, 10, 29, 30, and 31 in Western Ridge II Subdivision.

D. **Binding Agreement.** This agreement shall be binding upon the parties, their executors, administrators, personal representatives, successors, heirs, and assigns.

Dated this _____ day of May, 2013.

**The Community Development Agency of
the City of Wayne, Nebraska**

By _____
Jon Haase, Chairman

**Progressive Property Inspections, LLC,
Buyer**

By _____
Kelby Herman, Member

STATE OF NEBRASKA)
)ss.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me on this _____ day of May, 2013, by Jon Haase, Chairman of The Community Development Agency of the City of Wayne, Nebraska, on behalf of said agency.

Notary Public
My Commission Expires: _____

STATE OF NEBRASKA)
)ss.
COUNTY OF WAYNE)

The forgoing instrument was acknowledged before me on this _____ day of May, 2013, by Kelby Herman, Member of Progressive Property Inspections, LLC, a Nebraska Limited Liability Company, on behalf of said limited liability company.

Notary Public
My Commission Expires: _____

Community Development Agency of the City of Wayne, Nebraska

RESIDENTIAL CONSTRUCTION FIRST RIGHT OF REFUSAL AGREEMENT

This Agreement is made and entered into by and between the Community Development Agency of the City of Wayne, Nebraska, a Municipal Corporation, hereinafter referred to as "CDA," and Progressive Property Inspections, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "Buyer."

WITNESSETH:

In consideration of the mutual promises and consideration contained herein and upon the terms and conditions set forth, the parties understand and agree to the conditions, requirements, and procedures set forth in this Agreement as follows:

A. Definitions. Whenever used herein, the singular number shall include the plural, the plural the singular, and the term "CDA" shall include any payee thereof whether by operation of law or otherwise.

B. Terms. And Conditions. Buyer is given the first right of refusal for the sale or transfer of ownership of the following lots of Western Ridge II Subdivision, for the following prices:

- Lot 26 for \$12,000;
- Lot 28 for \$12,000;
- Lot 32 for \$12,000;
- Lot 34 for \$12,000;
- Lot 39 for \$9,000;
- Lot 40 for \$12,000;

Buyer must exercise its right of first refusal within 30 days of notice from the CDA. Buyer may purchase each lot individually. Buyer shall have 30 months to purchase the above-numbered lots, beginning:

- 1) After exercising its right of first refusal on any of the above-numbered lots; or
- 2) After building has been completed on Lots 9, 10, 12, 13, 29, 30, and 31 of Western Ridge II Subdivision (see separate agreement); whichever shall occur first.

If neither option 1 or 2 has occurred, then the 30 month period shall commence on July 17, 2015.

CDA RESOLUTION NO. 2013-7

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE ACTING AS THE GOVERNING BODY OF THE COMMUNITY DEVELOPMENT AGENCY OF SAID CITY; AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE BOND; PROVIDING FOR THE TERMS AND PROVISIONS OF SAID BOND; PLEDGING REVENUES OF THE AGENCY PURSUANT TO THE COMMUNITY DEVELOPMENT LAW; AUTHORIZING THE SALE OF SAID BOND; PROVIDING FOR A GRANT; PROVIDING FOR A REDEVELOPMENT CONTRACT AND PROVIDING FOR THIS RESOLUTION TO TAKE EFFECT.

BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, acting as the governing body of the Community Development Agency of the City of Wayne, Nebraska, as follows:

Section 1. The Mayor and City Council hereby find and determine (a) that the Community Development Agency of the City of Wayne, Nebraska (the "Agency") was duly created by ordinance of the City of Wayne (the "City") for purposes of assisting with redevelopment of real estate located within the City; that the Agency has and may exercise all of the powers of a redevelopment authority provided for under the Community Development Law of the State of Nebraska; that there has been prepared a redevelopment plan entitled "Redevelopment Contract" [PROGRESSIVE PROPERTY INSPECTIONS, LLC Project] which constitutes a Redevelopment Plan (the "Plan") for the redevelopment of the following described real estate:

Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska, and Lot 12, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska;

as surveyed, platted and recorded, now being a part of the City of Wayne, all in Wayne County, Nebraska; (b) that prior to the preparation of the Plan an area which includes the Project Area was declared blighted and substandard by action of the Mayor and City Council of the City; (c) that the City has had in effect its general plan for the development of the City from the time prior

to the establishment of the Agency and the preparation of Plan; (d) that the Plan was submitted to the City Planning Commission of the City and approved and thereafter recommended by the Agency to the Mayor and City Council of the City; (e) the Mayor and City Council of the City held a public hearing on the Plan for which notice was given by publication done prior to such hearing pursuant to law, and after such hearing the Mayor and City Council gave their approval to the Plan; (f) that the Plan, among other things, calls for the construction of a commercial structure in the Project Area; (g) that PROGRESSIVE PROPERTY INSPECTIONS, LLC, (hereafter referred to as the "Redeveloper") are interested in the redevelopment of the Project Area and the Agency has previously communicated its willingness to assist in the completion of the project in order to encourage the construction of the Project and to promote the economic development of the City as well as the redevelopment of a blighted and substandard area of the City; (h) that the Agency has agreed to assist the Redeveloper with a grant to pay part of the cost of such project improvements, and for such purpose it is necessary for the Agency to authorize the issuance of its tax increment revenue bond; (i) that all conditions, acts and things required by law to exist or to be done precedent to the authorizing of the Agency's tax increment revenue bond as provided for in this Resolution do exist and have been done as provided by law.

Section 2. A tax increment revenue bond in the principal amount and denomination of \$130,000.00, is hereby ordered issued in accordance with Section 18-2125, R.R.S. Neb. 2012, by the Agency and shall be designated as its "Tax Increment Revenue Bond" (PROGRESSIVE PROPERTY INSPECTIONS, LLC Project) Series 2013 A" (hereinafter referred to as the "Bond"). The Bond shall be dated as of the date of its delivery. The Bond shall bear interest from the date of its issuance and delivery until maturity (or earlier redemption) at the rate of five percent (5.0%) per annum, provided, however, that if for any interest payment date (a) the real estate taxes with respect to the Project Area becoming delinquent upon the delinquency date next preceding such interest payment date have been paid in full and (b) such taxes available for

deposit to or deposited in the Bond Fund (as hereinafter established and defined), together with any other monies in the Bond Fund, are insufficient to pay the interest on the Bond then due and owing, the amount of interest accruing on the Bond shall not be reduced, but shall be paid from the Bond Fund as and to the extent of funds then available for deposit to or deposited in such Bond Fund. The principal of the Bond shall become due on December 31, 2028, provided that such principal amount shall be subject to mandatory redemption from "Available Funds" as described in Section 5 below on June 1 and October 1 of each year. All such interest upon the Bond shall be payable semiannually on June 1 and October 1 of each year, commencing June 1, 2015. The Bond shall be in fully registered form. The Agency's Treasurer (the City Clerk/Treasurer of the City of Wayne) is hereby designated as paying agent and registrar for the Bond (the "Agent"). The Agent shall serve in such capacities pursuant to the terms of this Resolution. The interest due on each interest payment date prior to maturity shall be payable to the registered owner of record as of the last business day of the calendar month immediately preceding the calendar month in which such interest payment date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. Payments of interest due on the Bond, except for payments due on final maturity date, or other final payment, shall be made by the Agent by mailing a check or draft in the amount then due for interest on the Bond to the registered owner of the Bond, as of the Record Date for such interest payment date, to such owner's registered addresses as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal and interest due at final maturity or other final payment shall be made by the Agent to the registered owner upon presentation and surrender of the Bond to the Agent at the Agency's offices at City Hall in the City of Wayne, Nebraska. The Agency and the Agent may treat the registered owner of the Bond as the absolute owner of the Bond for the purpose of making

payments thereon and for all other purposes and neither the Agency nor the Agent shall be affected by any notice or knowledge to the contrary, whether the Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of the Bond in accordance with the terms of this resolution shall be valid and effectual and shall be a discharge of the Agency and the Agent, in respect of the liability upon the Bond or claims for interest to the extent of the sum or sums so paid.

Section 3. The Agent shall keep and maintain for the Agency books for the registration and transfer of the Bond at the Agency's offices at City Hall in Wayne, Nebraska. The name and registered address of the registered owner of the Bond shall at all times be recorded in such books. The Bond may be transferred pursuant to its provisions at the Agency's offices by surrender of such Bond for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to the Agent, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Agent on behalf of the Agency will register such transfer upon its books and make notation thereof on the Bond and deliver the Bond at its office to the transferee owner (or send it by registered mail to the transferee owner thereof at such transferee owner's expense). All transfers of the Bond shall be upon the basis of a private placement and each proposed transferee registered owner shall furnish the Agent with assurances in form satisfactory to the Agent that such Bond is being purchased for investment purposes only, without view to redistribution and upon the independent credit judgment and investigation of the proposed transferee. The Agency and the Agent shall not be required to transfer the Bond during any period from any Record Date until its immediately following interest payment date or to transfer the Bond when called for redemption, in whole or in part, for a period of 15 days next preceding any date fixed for redemption or partial redemption.

Section 4. In the event that payments of interest or for mandatory partial redemption due on the Bond on any interest payment date are not timely made, such interest or redemption price shall cease to be payable to the registered owner as of the Record Date for such interest payment date and shall be payable to the registered owner of the Bond as of a special date of record for payment of such defaulted interest or redemption price as shall be designated by the Agent whenever monies for the purpose of paying such defaulted interest or redemption price become available.

Section 5. At any time the Agency shall have the option of prepaying in whole or in part principal of the Bond. Any such optional prepayment of principal shall be accompanied by an amount equal to all accrued but unpaid interest on the principal amount being prepaid. Notice of any optional redemption for the Bond shall be given at the direction of the Agency by the Agent by mail not less than 15 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner at the Bond at said owner's registered address. Notice of call for redemption may be waived in writing by any registered owner. In the event of prepayment in whole the Bond shall be cancelled. The determination of the amount and timing of any optional redemption of the Bond shall be in the absolute discretion of the Agency. The Bond shall also be subject to mandatory partial redemption, without notice, on each interest payment date from all funds to be available in the Bond Fund (as hereinafter established and defined), excluding amounts, if any, from investment earnings for such fund which the Agency shall be entitled to apply to administrative costs related to the Bond, rounded down to the nearest one hundred dollars, after payment of all accrued but unpaid interest on each interest payment date (which funds are referred to in this Resolution as "Available Funds"). Available Funds shall be applied to the prepayment of principal on each interest payment date and shall be remitted to the

registered owner of the Bond with interest payments. The Agent shall mark the Agent's records with respect to each mandatory partial principal prepayment made from Available Funds and it shall not be necessary for the registered owner to present the Bond for notation of such prepayment. The records of the Agent shall govern as to any determination of the principal amount of the Bond outstanding at any time and the registered owner shall have the right to request information in writing from the Agent at any time as to the principal amount outstanding upon the Bond. In the event the monies collected and held in that special fund established under Section 18-2147 of the Nebraska Revised Statutes and pursuant to the Redevelopment Plan and the Resolution authorizing the issuance of this Bond are insufficient to pay in full all amounts due and owing at a date fifteen (15) years from the effective date of the Redevelopment Plan, and all excess ad valorem taxes generated by the Redevelopment Project, as set forth in the Redevelopment Plan, have been collected by the City of Wayne, Nebraska, and have been paid, as required by the Redevelopment Contract and this Resolution, towards the retirement of the amounts due hereunder, then, at said date fifteen (15) years from the effective date set forth in the Redevelopment Contract, neither the Community Development Agency or the City of Wayne, Nebraska, shall have any further payment or other obligations under the Bond and the Holder shall, in writing, waive and otherwise forgive any unpaid portion of the principal and interest upon the request of the Community Development Agency or the City.

Section 6. The Bond shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF WAYNE

TAX INCREMENT REVENUE BOND OF THE COMMUNITY
DEVELOPMENT AGENCY OF THE CITY
OF WAYNE, NEBRASKA
(PROGRESSIVE PROPERTY INSPECTIONS, LLC Project)
SERIES 2013 A

<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Final Maturity Date</u>
\$130,000.00	5.0%	December 31, 2028

KNOW ALL PERSONS BY THESE PRESENTS: That the Community Development Agency of the City of Wayne, Nebraska, hereby acknowledges itself to owe and for value received promises to pay, but only from the sources herein designated, to the registered owner designated on the reverse hereof, or registered assigns, the principal sum shown above in lawful money of the United States of America with such principal sum to become due on the maturity date set forth above, with interest on the unpaid balance from date of delivery hereof until maturity or earlier redemption at the rate of five percent (5.0%) per annum, subject to limitation as set forth in the authorizing resolution. Said interest shall be payable semiannually on June 1 and October 1 of each year commencing on June 1, 2015. The payment of principal and interest due upon the final maturity is payable upon presentation and surrender of this bond to the Treasurer of said Agency, as Paying Agent and Registrar for said Agency, at the offices of the Community Development Agency of the City of Wayne at City Hall, in Wayne, Nebraska. The payments of interest and of mandatory redemption of principal on each interest payment date (other than at final payment) will be paid when due by a check or draft mailed by said Paying Agent and Registrar to the registered owner of this bond, as shown on the books or record maintained by the Paying Agent and Registrar, at the close of business on the last business day of the calendar month immediately preceding the calendar month in which the interest payment date occurs, to such owner's address as shown on such books and records. Any payment of interest or mandatory redemption of principal not timely paid when due shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the registered owner of this bond on such special record date for payment of such defaulted interest or redemption price as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

The Agency, however, reserves the right and option of prepaying principal of this bond, in whole or in part, from any available sources at any time at the principal amount thereof plus accrued interest to the date fixed for redemption. Notice of any such optional prepayment shall be given by mail, sent to the registered owner of this bond at said registered owner's address in the manner provided in the resolution authorizing said bond. The principal of this bond shall be subject to mandatory redemptions made in part on any interest payment date from "Available Funds" (as defined in the resolution authorizing the issuance of this bond) without any requirement for notice. Such optional and mandatory prepayments shall be made upon such terms and conditions as are provided for in the resolution authorizing this bond.

This bond is a single bond in the total principal amount of One Hundred Thirty Thousand Dollars and no cents (\$130,000.00) issued by the Agency for the purpose of paying the costs of redevelopment of certain real estate located in the City of Wayne, as designated in that redevelopment contract containing a redevelopment plan recommended by the Agency and approved by the Mayor and City Council of the City of Wayne, Nebraska, (the "Plan"), all in compliance with Article 21 of Chapter 18, Reissue Revised Statutes of Nebraska, 2012, as amended, and has been duly authorized by resolution passed and approved by the Mayor and City Council of the City of Wayne, acting as the governing body of the Agency (the "Resolution").

This bond constitutes a limited obligation of the Agency payable exclusively from that portion of the ad valorem real estate taxes mentioned in subdivision (1)(b) of Section 18-2147, R.R.S. Neb. 2012, as levied, collected and apportioned from year to year with respect to certain real estate located within the "Project Area" (as defined in the Resolution). Pursuant to the Resolution and Section 18-2150, R.R.S. Neb. 2012, said portion of taxes has been pledged for the payment of this bond, both principal and interest as the same fall due or become subject to mandatory redemption. This bond shall not constitute a general obligation of the Agency and the Agency shall be liable for the payment thereof only out of said portion of taxes as described in this paragraph. This bond shall not constitute an obligation of the State of Nebraska or of the City or Wayne (except for such receipts as have been pledged pursuant to Section 18-2150 R.R.S. Neb. 2012) and neither the State or Nebraska nor the City of Wayne shall be liable for the payment thereof from any fund or source including but not limited to tax monies belonging to either thereof (except for such receipts as have been pledged pursuant to Section 18-2150 R.R.S. Neb. 2012). Neither the members of the Agency's governing body nor any person executing this bond shall be liable personally on this bond by reason of the issuance hereof. The resolution authorizing said issue designates the terms upon which additional bonds payable from said taxes may be issued in the future.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender of this bond for notation of transfer as provided on the reverse hereof and subject to the conditions provided for in the resolution authorizing the issuance of this bond. The Agency, the Paying Agent and Registrar and any other person may treat the person whose name this bond is registered as the absolute owner hereof for the purposes of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

THIS BOND, UNDER CERTAIN TERMS SET FORTH IN THE RESOLUTION AUTHORIZING ITS ISSUANCE, MAY ONLY BE TRANSFERRED TO PERSONS OR ENTITIES DELIVERING AN INVESTMENT LETTER TO THE PAYING AGENT AND REGISTRAR CONFORMING TO REQUIREMENTS SET FORTH IN SAID RESOLUTION.

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

In the event the monies collected and held in that special fund established under Section 18-2147 of the Nebraska Revised Statutes and pursuant to the redevelopment plan and the Resolution authorizing the issuance of this Bond are insufficient to pay in full all amounts due and owing at a date fifteen (15) years from the effective date established in the redevelopment contract related to redevelopment project, and all excess ad valorem taxes generated by the Redevelopment Project, as set forth in the Redevelopment Plan, have been collected by the City of Wayne, Nebraska, and have been paid, as required by the redevelopment contract and this Bond, towards the retirement of the amounts due hereunder, then, at said date fifteen (15) years from such effective, neither the Community Development Agency or the City of Wayne, Nebraska, shall have any further payment or other obligations under this Bond and the Holder shall, in writing, waive and otherwise forgive any unpaid portion of the principal and interest upon the request of the Community Development Agency or the City.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond, did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said Agency, including this bond, does not exceed any limitation imposed by law.

IN WITNESS WHEREOF, the Mayor and City Council of the City of Wayne, Nebraska, as the governing body of the Community Development Agency of the City of Wayne have caused this bond to be executed on behalf of said Agency by being signed by the Chair and Secretary of the Agency and by causing the official seal of said Agency to be affixed hereto, all as of the date of issue shown above.

Delivered this ____th day of May, 2013.

(SEAL)

COMMUNITY DEVELOPMENT
AGENCY OF THE CITY OF
WAYNE, NEBRASKA

By: _____ (do not sign) _____
Chair

ATTEST:

_____(do not sign) _____
Secretary

PROVISION FOR REGISTRATION

The ownership of this Bond shall be registered as to both principal and interest on the books and records of the Community Development Agency of the City of Wayne, Nebraska, kept by the Paying Agent and Registrar identified in the foregoing bond, who shall make notation of such registration in the registration blank below, and the transfer of this Bond may thereafter be registered only upon an assignment duly executed by the registered owner or such owner's attorney or legal representative, in such form as shall be satisfactory to said Paying Agent and Registrar, such registration of transfer to be made on such books and endorsed hereon by said Paying Agent and Registrar

Date of Registration	Name of Registered Owner	Signature of Paying Agent and Registrar

Section 7. The Plan sets forth January 1, 2014, as the effective date after which ad valorem taxes on real property located within the Project Area may be apportioned pursuant to Section 18-2147, R.R.S. Neb. 2012. From and after said effective date that portion of the ad valorem taxes on all real estate located within the Project Area which is described in subdivision (1)(b) of Section 18-2147, R.R.S. Neb. 2012 (the "Project Area Tax Receipts"), shall be paid into a special fund of the Agency to be designated as the "PROGRESSIVE PROPERTY INSPECTIONS, LLC, Project Fund" (the "Bond Fund") to be held by the Agent. The Agency hereby pledges for the payment of the Bond both principal and interest as the same fall due, equally and ratably, all Project Area Tax Receipts as so paid into the Bond Fund as a prior and first lien upon said receipts for the security and payment of the Bond.

Section 8. The Bond shall be executed on behalf of the Agency by the Mayor and City Clerk and sealed with the Agency's seal. Upon execution the Bond shall be registered by the Agent in the name of the initial registered owner as directed by the original purchaser and shall thereupon be delivered to the Redeveloper (or its designee, including any pledgee), as the original purchaser thereof for a price equal to the principal amount thereof. The original purchaser and initial registered owner shall deliver an investment representation letter satisfactory in form to the officers of the Agency, or any one of them.

Section 9. If the date for payment of the interest or principal on the Bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Wayne, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking Institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 10. The City Clerk shall make and certify one or more transcripts of the Agency precedent to the issuance at the Bond one of which copies shall be delivered to the original purchaser of the Bond.

Section 11. The Chair, and Secretary of the Agency, and the Mayor and City Clerk or any one of them are hereby authorized to take any and all actions, and to execute any and all documents deemed by them necessary to effect the transactions authorized by this Resolution.

Section 12. The proceeds of the Bond after payment of issuance costs, shall be paid to the Agency and applied to make payment of a development grant to the Redeveloper with such grant to be made upon such conditions as are set forth in that Redevelopment Contract by and between the Agency and Redeveloper which Redevelopment Contract, as to its terms and conditions, is hereby approved in the form presented. The Chair, and Secretary of the Agency are hereby authorized to execute and deliver said Redevelopment Contract in substantially the form presented but with such changes as such executing officers shall deem appropriate for and on behalf of the Agency.

Section 13. The authorization for the Bond provided for in this Resolution is based upon expectations as to valuation and proposed tax rates suggested by the Redeveloper. The Agency has not given and hereby gives no assurances that such expectations will in fact be fulfilled.

Section 14. The Mayor and City Council sitting as the Community Development Agency of the City of Wayne, Nebraska, specifically find, as follows:

(a) The project described in the redevelopment contract and plan attached thereto, would not be economically feasible without the use of tax-increment financing;

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

(c) 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 interests of the community impacted by the project.

Section 15. The purchase price of the Bond may be off set against the grant provided in the Redevelopment Contract in the event that the Redeveloper is the purchaser of said Bond.

Section 16. This Resolution shall be in force and take effect from and after its adoption as provided by law.

PASSED AND APPROVED this 7th day of May, 2013.

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

ATTEST:

By: _____
Chair

By: _____
Clerk

Said motion was seconded by Member _____ and upon roll call vote on the question of adoption of said resolution, the following voted AYE: _____

_____. The following voted NAY:

_____. More than a majority of the governing body having voted in favor of the passage of the resolution, the same was declared adopted by the Agency's Chairperson.

I, the undersigned Secretary for the Community Development Agency of the City Wayne, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and City Council, acting as the governing body of said Agency on May _____ 2013; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the Agency; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members or the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Secretary

TOWER

S 02°08'05" E 1250.41'

N 87°33'55" E 700.55'

N 02°08'09" W 495.54'

N 89°36'23" E 326.49'

S 89°35'41" W 326.55'

Bressini Court

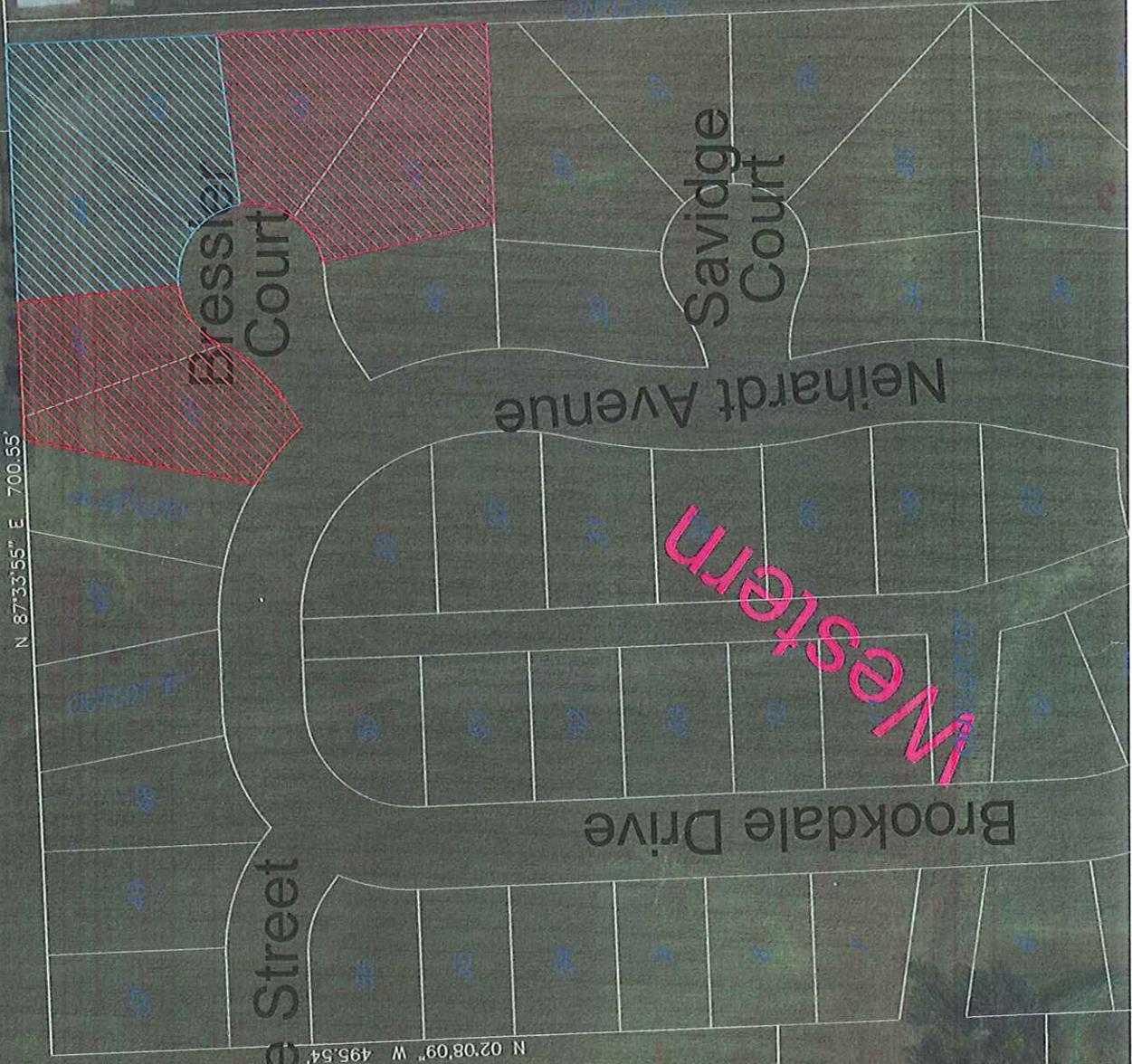
Savidge Court

Neihardt Avenue

Brookdale Drive

LaPorte Street

Western



RESOLUTION NO. 2013-44

A RESOLUTION AUTHORIZING THE TEMPORARY TRANSFER OF ELECTRIC RESERVE FUNDS TO THE WAYNE COMMUNITY DEVELOPMENT AGENCY TO BE USED FOR THE PURCHASE OF PROPERTY/REAL ESTATE.

WHEREAS, the Community Development Agency is desirous of purchasing the following described property:

The West 75' of Lot 5 and the West 75' of the North 5' of Lot 4, Block 1, Spahr's Addition to the City of Wayne, Wayne County, Nebraska (939 Main Street)

The East 75' of Lot 5 and the East 75' of the North 5' of Lot 4, Block 1, Spahr's Addition to the City of Wayne, Wayne County, Nebraska (109 E. 10th Street); and

WHEREAS, funds are needed by the Community Development Agency to purchase said property and are being requested to come from the Electric Fund Reserves.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the Wayne Community Development Agency shall borrow from the City of Wayne Electric Fund the amount of \$112,000.00 to be used to purchase said property, and that the Mayor of the City of Wayne, Nebraska, is authorized and directed to execute on behalf of the City of Wayne, Nebraska, any necessary documents as are deemed appropriate.

PASSED AND APPROVED this 7th day of May, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk