

**AGENDA
CITY COUNCIL MEETING
September 3, 2013**

1. [Approval of Minutes – August 19 and 20, 2013](#)

2. [Approval of Claims](#)

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

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

3. [Proclamation — September as “Stand for the Silent Month”](#)

4. [Action Directing Staff to Prepare “Request for Proposals” for Keno in Wayne](#)

5. [Resolution 2013-87: Accepting Work in Street Improvement District No. 2010-1 and Street \(Sidewalk\) Improvement District Nos. 2010-2, 2010-3, and 2010-4](#)

Background: We financed these special improvement districts with short-term loans. Past Councils created these districts and designed and built the projects, but the districts are financially separate from the city’s budget. Now it’s time to formally accept the projects as complete and issue permanent municipal bond financing that will be paid off over the next 15 years at about a 3.5% interest rate. Those parts of the projects that benefit the general public will be paid for using real estate taxes, and those parts of the project that benefit private property owners will be paid off by annual assessments to the abutting property owners. The project engineers calculate the division of those benefits.

Recommendation: The recommendation of Nancy Braden, Finance Director, Garry Poutre, Supt. of Public Works and Utilities, and the project engineers is to accept the work so permanent financing can be secured.

6. [Resolution 2013-88: Accepting Work in Street Improvement District No. 2010-5, in Sanitary Sewer Extension District No. 2010-1, and in Water Extension District No. 2010-1](#)

Background and Recommendation is the same as for Resolution No. 2013-87.

7. [Resolution 2013-89: Accepting Work Consisting of Pheasant Run Road Improvements](#)

Background and Recommendation is the same as for Resolution No. 2013-87.

8. [Resolution 2013-90: Accepting Work Consisting of Western Ridge Phase II Road Improvements](#)

Background and Recommendation is the same as for Resolution No. 2013-87.

9. [Ordinance 2013-42: Authorizing the Issuance of Various Purpose Bonds, Series 2013, in the Principal Amount of \\$1,165,000 to pay a portion of the cost of improvements in Street Improvement District Nos. 2010-1 and 2010-5; Street \(Sidewalk\) Improvement District Nos. 2010-2, 2010-3, and 2010-4; Water Extension District No. 2010-1; and Sanitary Sewer Extension District No. 2010-1](#)

Background: This Ordinance authorizes Finance Director Nancy Braden and City Bond Agent Phil Lorenzen to sell long-term municipal bonds to repay the short-term loans used for the projects listed in Resolution Nos. 2013-87 and 2013-88.

Recommendation: The recommendation of Nancy Braden, Finance Director, and Lowell Johnson, City Administrator, is to approve the Ordinance and to waive the required three readings to take advantage of current market opportunities.

10. [Ordinance 2013-43: Authorizing the Issuance of Highway Allocation Fund Pledge Bonds, Series 2013B, in the Principal Amount of \\$390,000 for the Purpose of Paying the Costs of Construction of Certain Streets in the City](#)

Background: This Ordinance authorizes Finance Director Nancy Braden and City Bond Agent Phil Lorenzen to sell long-term municipal bonds to repay the short-term loans used for the projects listed in Resolution Nos. 2013-89 and 2013-90.

Recommendation: The recommendation of Nancy Braden, Finance Director, and Lowell Johnson, City Administrator, is to approve the Ordinance and to waive the required three readings to take advantage of current market opportunities.

11. **Public Hearing:** Budget Hearing (Advertised Time: 5:30 p.m.)

Background: The budget advertised is the budget presented here for public hearing. The General Fund Budget keeps the mill levy the same as the past two years at about 46 mills or \$460 per year on a home valued at \$100,000. The utility budgets are operated at break even, while maintaining a cash reserve of at least one year's revenues. This year, by Council directive when the wastewater plant was approved, the water department will begin paying \$150,000 towards the \$7 million wastewater plant debt service. In order to raise that amount annually, we increased the water rates by 30%. The Sales Tax Capital Project Budget lists the projects proposed by Council retreat goals, staff budget requests and public requests. A copy of this total budget proposal is linked to the City of Wayne website at www.waynene.org

12. [Ordinance 2013-44: Approving Annual Appropriation Bill](#)

Background: This is a State requirement for the Council to authorize itself to spend the funds budgeted.

Recommendation: The recommendation of Lowell Johnson, City Administrator, is to approve the Ordinance and waive the required three readings.

13. Action on Approving Allowable 1% Increase in Base Limitation of Restricted Funds Budget

Background: In 1996, the legislature established a maximum spending cap for each city based on the city's individual budget for that year. The legislature also provided for the City Council to increase the cap each year by 1%.

Recommendation: The recommendation of Nancy Braden, Finance Director, is to approve the increase.

14. Resolution 2013-91: Adopting 2013-2014 Budget

Background: This motion approves the proposed budget or can include any amendments to the proposed budget. If amended, the new budget will be advertised in the next issue of the Wayne Herald.

Recommendation: This is the option of the elected officials.

15. Public Hearing: Tax Asking/Property Tax Levy (Advertised Time: 5:30 p.m.)

Background: This is the opportunity to solicit input from the public.

16. Resolution 2013-92: Approving Final Property Tax Request for 2013-2014

Recommendation: This must be approved for the County to levy the real estate taxes

17. Action on Capital Project's City Sales Tax Budget

Recommendation: This motion can approve the budget as presented or amend the budget as a part of the motion. It is the option of the elected officials.

18. Ordinance 2013-34: Amending Wayne Municipal Code, Section 34-61 Growth Permitted; Control and Maintenance (Third and Final Reading)

19. Ordinance 2013-45: Amending Wayne Municipal Code by adding Section 35-62 Method for Serving Notice and Lien Filing Procedure

Background: This would change our current informal procedure of waiting for Council approval to file a lien for unpaid mowing charges, and harmonize our procedure with State Statutes that authorize the City Clerk to file mowing liens.

20. Ordinance 2013-40: Amending Sec. 90 Zoning – Multi-Family Dwellings (Second Reading)

21. Resolution 2013-93: Making Findings and Declaring Portions of the City previously declared Blighted and Substandard pursuant to the Nebraska Community Development Act no longer Blighted and Substandard

Background: This will remove the 18-acre parcel of land north of the west water tower from a blight determination and make it ineligible for TIF benefits.

22. [Resolution 2013-94: Ordering Publication and Setting the Board of Equalization Hearing Dates Regarding Street Improvement District No. 2010-5, Water Extension District No. 2010-1, and Sanitary Sewer Extension District No. 2010-1 \(Benscoter Addition\) for September 17, 2013, at or about 5:30 p.m.](#)

Background: The City Council created these improvement districts and completed the projects. The project engineer has divided out the project costs between the City and the property owners and will assess those private property costs to the lots benefited.

23. [Resolution 2013-95: Accepting and Authorizing Execution of Agreement for Services with NNEDD for Blight Study on an Area West of the Wayne State College Campus a/k/a “College First Addition Blight Study”](#)

Background: This will retain NNEDD to perform a blight determination study for a 4 block area (see attached map) west of the campus. If approved, that will make that area eligible for TIF financing for future housing projects.

Recommendation: The recommendation of Lowell Johnson, City Administrator, is to hire NNEDD to complete the study.

24. [Action on Approving Statewide System Electric Charging Station to be Located in Wayne](#)

Background: UNL, Nebraska Energy Office and a group of Nebraska cities are trying to put together a statewide system of high voltage charging stations to service electric plug-in cars and an on-line map for motorists. They are offering to cover the costs above \$3,500 for Wayne to install one to fill a gap in their network. It could be located either on public or private property.

Recommendation: We will eventually be part of a network through heavy subsidies, and this gets us in up front if you choose to do it at this time.

25. [Recess](#)
- a. [Convene as Community Development Agency](#)
 - b. [Approve Minutes – August 6, 2013](#)
 - c. [CDA Claims](#)
 - d. [Consideration and Action on CDA Res. 2013-10 Authorizing the Issuance of a Tax Increment Revenue Bond — Angel Acres](#)

Background: This action is required to authorize Nancy to issue the TIF financing already approved.

- e. Consideration and Action on CDA Res. 2013-11 Authorizing the Issuance of a Tax Increment Revenue Bond – Western Ridge III Addition (Pick/Meyer)

Background: This action is required to authorize Nancy to issue the TIF financing already approved.

- f. Adjourn CDA and Reconvene as Council

26. Appointment of Lois Shelton to the Civil Service Commission (replace Darrel Heier)

27. Reappointment of Dave Hix and Don Buryanek to the Board of Appeals

28. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

Wayne Airport Authority Meeting Minutes – July 8 & July 24, 2013

August 19, 2013

The Wayne City Council met in special session at City Hall on Monday, August 19, 2013, at 4:15 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jennifer Sievers, Kaki Ley, and Matt Eischeid; City Attorney Eric Knutson; City Administrator Lowell Johnson; Finance Director Nancy Braden; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase, Nick Muir and Jill Brodersen.

Notice of the convening meeting was given in advance by posting in three places (City Hall, Community Activity Center, and Library) on August 14, 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.

Nancy Braden, Finance Director, presented the proposed 2013-2014 budget.

Councilmember Muir arrived at 4:45 p.m. and Councilmember Haase arrived at 6:20 p.m.

Council reviewed the General Fund Revenue Sources and Expenditures along with the Utility Revenue Sources and Expenditures for the upcoming FY2013-2014 Budget.

The Equalization Fund increased revenues by about \$50,000 this year. The Equalization Fund is based on our valuation and what our tax levy is. If we would use sales tax for property tax reduction, the amount we would receive from this fund would be jeopardized.

Personnel wages were discussed. The budget proposes a merit increase with a 2% cost of living adjustment. It was noted that while the 2% cost of living adjustment is included in the budget, the Council can forego or reduce the percentage when the wage resolution is acted upon.

The valuations will be received from the County Assessor's office on August 20th.

Some of the items Council discussed were as follows:

- Contracted cleaning services - consensus was to keep the contracted cleaning services in lieu of hiring full-time staff.
- Full-time Youth Services position at the Library
- Exit door from the children's room at the Library
- Increase Senior Center Maintenance Budget to include window replacement
- Lobbyist expenditure
- Building inspections conducted by the City of Norfolk
- Metering the golf course water usage
- Rugby fields by the Summer Softball Complex
- Decrease general fund reserves by an amount to redo the rugby fields for soccer (install irrigation, etc.).

Wes Blecke, Executive Director of Wayne Area Economic Development, presented their request for funding. Along with the monetary request of \$93,000, WAED was also requesting that the City continue to provide internet services to the office at no cost along with the technical support it currently provides; to allow WAED employees access to the health care insurance (WAED pays premiums); and to fund the gap between the City's self-insured deductible and the plan's deductible for health care insurance.

There being no further discussion, Council adjourned at 10:00 p.m.

August 20, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, August 20, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 8, 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 Sievers, whereas, the Clerk has prepared copies of the Minutes of the meeting of August 6, 2013, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERITAS, SE, 2014.22; APPEARA, SE, 156.96; BAKER & TAYLOR BOOKS, SU, 988.66; BANK FIRST, FE, 120.00; CITY EMPLOYEE, RE, 92.30; BROWN SUPPLY, SU, 198.55; CARHART LUMBER, SU, 570.87; CERTIFIED TESTING SERVICE, SE, 2297.30; CITY EMPLOYEE, RE, 203.95; CITY OF NORFOLK, SE, 183.54; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 65919.05; CITY OF WAYNE, RE, 6.03; CITY OF WAYNE, RE, 808.95; CITY OF WAYNE, RE, 50.00; COMMUNITY HEALTH, RE, 4.00; COUNTRY NURSERY, SE, 1000.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEARBORN NATIONAL

LIFE, SE, 1729.11; EASYPERMIT POSTAGE, SU, 1711.16; ECHO GROUP, SU, 359.75; CITY EMPLOYEE, RE, 66.12; ED. M FELD EQUIPMENT, SU, 983.75; EMPLOYERS MUTUAL CASUALTY, RE, 96.02; FASTENAL, SU, 25.08; FLOOR MAINTENANCE, SU, 194.93; FREDRICKSON OIL, SE, 123.22; FRY & ASSOCIATES, SU, 10638.68; GROSSENBURG IMPLEMENT, SU, 58.53; HARDING & SHULTZ, SE, 26.00; HD SUPPLY WATERWORKS, SU, 2686.89; CITY EMPLOYEES, RE, 40.95; HEIKES AUTOMOTIVE, SU, 248.00; HUNKE MANUFACTURING, SE, 1050.00; ICMA, SE, 6272.87; INGRAM BOOK CO, SU, 19.82; IRS, TX, 23764.27; JOHN & MOLLY TEMME, RE, 65000.00; JOHN'S WELDING AND TOOL, SE, 120.17; CITY EMPLOYEE, RE, 27.61; KRIZ-DAVIS, SU, 9065.74; KTCH, SE, 1851.32; LANGEMEIER, WAYNE, SE, 450.00; LEAGUE OF NEBRASKA, FE, 6148.00; MAIN STREET AUTO CARE, SE, 90.00; MARCO INC, SE, 1096.17; MARK KAI, RE, 500.00; CITY EMPLOYEE, RE, 341.60; MIDWEST LABORATORIES, SE, 258.50; MIDWEST TAPE, SU, 84.98; NAPA OF WAYNE, SU, 56.78; NE DEPT OF REVENUE, TX, 3251.62; NE LIBRARY COMMISSION, FE, 1250.00; NE POWER REVIEW BOARD, FE, 567.76; NE SAFETY COUNCIL, FE, 295.00; NPPD, SE, 358297.48; NIAGARA CONSERVATION CORP, SU, 970.45; N.E. NE AMERICAN RED CROSS, RE, 29.62; NNPPD, SE, 12664.36; OLSSON ASSOCIATES, SE, 2063.75; OVERHEAD DOOR CO, SE, 158.80; CITY EMPLOYEE, RE, 123.20; PLUNKETT'S PEST CONTROL, SE, 97.34; PRESTO X COMPANY, SE, 147.60; PROVIDENCE MEDICAL CENTER, SE, 1092.00; PUSH-PEDAL-PULL, SU, 30.69; RANDOM HOUSE, SU, 240.00; CITY EMPLOYEE, RE, 26.63; S & S WILLERS, SU, 259.14; SEBADE CONSTRUCTION, RE, 500.00; SHOPKO, SU, 302.91; SPARKLING KLEAN, SE, 2134.89; STATE NATIONAL BANK, SE, 61.04; STEVE HARRIS CONSTRUCTION, SE, 228645.07; TONI HYTREK, SE, 150.00; CITY EMPLOYEE, RE, 269.54; TYLER TECHNOLOGIES, SE, 15550.51; UNITED WAY, RE, 6.20; UTILITIES SECTION, FE, 2707.00; WAED, SE, 6383.33; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 4912.34; WESCO, SU, 1705.19; WAPA, SE, 33382.48; WESTERN OFFICE PRODUCTS, SU, 79.99; ZACH OIL, SU, 6179.45; AMAZON.COM, SU, 337.44; BLACK HILLS ENERGY, SE, 382.21; CITY EMPLOYEE, RE, 726.81; BROWN SUPPLY, SU, 128.00; CITY OF NORFOLK, SE, 162.87; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 187.50; DAKOTA BUSINESS SYSTEMS, SE, 104.50; DEMCO, SU, 537.90; DUTTON-LAINSON, SU, 432.18; ECHO GROUP, SU, 1573.33; ED. M FELD EQUIPMENT, SU, 224.85; FLOOR MAINTENANCE, SU, 43.61; HD SUPPLY WATERWORKS, SU, 578.19; JACK'S UNIFORMS, SU, 261.75; KELLY SUPPLY, SU, 282.61; KIM BENTJEN, RE, 500.00; KRIZ-DAVIS, SU, 193.83; CITY EMPLOYEE, RE, 26.74; MERCY MEDICAL CLINICS, SE, 30.00; MERIT MECHANICAL, SE, 1308.54; MSC INDUSTRIAL, SU, 103.48; NE PUBLIC HEALTH, SE, 710.00; NE SAFETY COUNCIL, SE, 8.38; OCLC, SU, 107.44; OLSSON ASSOCIATES, SE, 1074.13; PAC N SAVE, SU, 189.36; PITNEY BOWES, SU, 648.00; QUILL, SU, 702.45; STATE NATIONAL BANK, RE, 351.75; VERIZON, SE, 226.11; VOSS LIGHTING, SU, 1797.24; WAYNE AUTO PARTS, SU, 354.57

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried.

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

John Hassett of Advanced Gaming Technologies gave a presentation on Keno.

Todd Hegwer, Rate Consultant for Northeast Nebraska Public Power District, gave a presentation on what options he believes Wayne will have to exercise the limit or reduce a section of our current contract with NPPD to take advantage of current favorable market conditions and how an early phase-out would affect our Capacity Lease Agreement with NPPD that pays Wayne \$650,000 per year for control of our power plant.

Administrator Johnson requested Council consideration to sharing in the cost of the evaluation of the proposals negotiation with Northeast Nebraska Public Power District. Wayne's cost would be \$3,700 for three months.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen approving the cost-share amount of \$3,700 to Northeast Nebraska Public Power District for electric power contract solicitations. Mayor Chamberlain stated the

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendations in regard to amending Sec. 90-146 Minimum Area Requirements in an A-2 Agricultural Residential District. The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, provided background on the matter. This amendment to the Code would change the minimum lot size for new residential lots from the current 2.5 acres per lot in A-2 Zones to 3 acres for homes with septic systems and 1.5 acres for homes connected to city sewer, and lower the minimum lot width to 160 feet. This was requested by the City of Wayne and was originally recommended by RDG Consulting who has been working to prepare a zoning ordinance update to harmonize the zoning ordinance with the comprehensive plan.

Mr. Hansen clarified that this is not an issue about one specific parcel of real estate; it is about all A-2 properties. In addition, the intent of the A-2 district is agricultural residential. It is a transitional zone. In town, you have R-1, R-2 and R-3 zones. That typically is not going to change. The idea of the A-2 is that it is a buffer between ag land which is A-1 and the rest of the community. It is expected as a community grows, that property will transition to residential and obviously, you'll have a denser population in those areas.

The Planning Commission held a public hearing on August 5, 2013, and recommended amending Section 90-146 Minimum Area Requirements of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Those speaking against the proposed amendments to the Section 90-146 were:
Kris Giese, Eileen Johnson, Daryl Wilcox and Breck Giese.

Lou Bencoter, representing Bencoter Development, was present and spoke in favor of the proposed amendments to Section 90-146.

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

Councilmember Sievers made a motion to table action on proposed Ordinance No. 2013-39 amending Section 90-146 Minimum Area Requirements in an A-2 Agricultural Residential District for two weeks. Said motion died for lack of a second.

Mayor Chamberlain asked for any other motions. There being none, said Ordinance died for lack of a motion.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendations in regard to amending Sec. 90 Zoning regarding multi-family dwellings. The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, provided background on the matter. The City Council has heard from concerned citizens regarding the sudden increase of multi-family developments being built in Wayne and their impact on the neighborhoods. Enclosed with the packet were some suggested amendments to the municipal code with regards to multi-family dwellings. In both the R-2 and R-3 Districts, a multi-family dwelling would move from a permitted use to a conditional use. A conditional use means that his office would only be able to issue a permit if certain conditions were met. It would be up to the Planning Commission and the Council to determine those conditions. He provided some

suggestions in the proposed language. He also provided language that would change the density calculations from a per dwelling unit to a per sleeping room.

The proposed permitted conditional uses in both the R-2 and R-3 zones is as follows:

3. For a multi-family dwelling unit, to a maximum of six units:
 1. The maximum number of sleeping rooms shall not exceed one per 1,000 square feet of lot area.
 2. The front of the building facing the street shall include one of the following:
 - a. A door and eight (8) percent of the surface area covered with windows.
 - b. Ten (10) percent of the surface area covered with windows.
 3. The primary means of egress for the building shall not face a side yard.
 4. Twenty (20) percent of the lot must be maintained as landscaping which is not paved.

The Planning Commission held a public hearing on August 5, 2013, and recommended amending Section 90 Zoning regarding multi-family dwellings, with the "Findings of Fact" being:

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

Those speaking that had concerns about the proposed amendments were Kelby Herman and Tom Jacobsen.

Those speaking for the proposed amendments were Wendy Vawser, Joe Blankenau and Daryl Wilcox.

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

Councilmember Brodersen introduced Ordinance 2013-40, and moved for its approval; Councilmember Giese seconded.

ORDINANCE NO. 2013-40

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 3 R-2 RESIDENTIAL DISTRICT, SECTION 90-232 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-234 PERMITTED CONDITIONAL USES; AND SECTION 90-238 HEIGHT AND AREA REGULATIONS; AND

DIVISION 4 R-3 RESIDENTIAL DISTRICT, SECTION 90-262 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-264 PERMITTED CONDITIONAL USES; AND SECTION 90-268 HEIGHT AND AREA REGULATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

It was noted that amendments to this ordinance could be made at the next meeting.

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

Mayor Chamberlain stated that the public hearing to consider the Planning Commission's recommendation regarding a rezoning request of Windom Ridge, Inc., to rezone property from A-2 Agricultural Residential to R-1 Residential is being pulled from the agenda pursuant to the applicant's request.

Councilmember Giese introduced Ordinance 2013-34, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2013-34

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, SECTION 34-61 GROWTH PERMITTED; CONTROL AND MAINTENANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

The following ordinance will add restricted parking from 3:00 a.m. to 5:30 a.m. on the north side of the centerline of East 10th Street from the east line of Logan Street to the west line of Windom Street.

Councilmember Brodersen introduced Ordinance 2013-41, and moved for its approval; Councilmember Eischeid seconded.

ORDINANCE NO. 2013-41

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE SECTION 78-135 RESTRICTED PARKING FROM 3:00 A.M. TO 5:30 A.M. ON CERTAIN STREETS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Sievers made a motion and Councilmember Muir 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 Ley who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2013-41. Mayor Chamberlain stated the

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

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade, which will include Band Day, on Saturday, September 28, 2013.

Councilmember Sievers introduced Resolution No. 2013-78 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-78

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

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

Garry Poutre, Superintendent of Public Works & Utilities, reviewed the Electric Cost of Service Study that was completed by Western Consulting Group. The last cost of service study was done in 2005. However, annual reviews are done by Western Consulting Group with recommendations.

The cost of service study looks at all of our rates and all of our rate classes to make sure that each rate class is self-supporting.

The recommendation of Western Consulting Group is to adjust the rates as follows:

❖ Residential.....7.43%

- ❖ General Service6.19%
- ❖ General Service – Demand6.61%
- ❖ Large Power6.50%
- ❖ Municipal4.00%
- ❖ Supplemental8.30%

The overall rate increase is 6.5%.

Councilmember Giese introduced Resolution 2013-79, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2013-79

A RESOLUTION ESTABLISHING A SCHEDULE OF ELECTRICAL RATES.

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

The following Resolution would amend the water rates pursuant to the recommendation of the Nebraska Rural Water Association who did a rate analysis on the same.

Councilmember Sievers introduced Resolution No. 2013-80 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-80

A RESOLUTION TO ESTABLISH RESIDENTIAL, COMMERCIAL AND SPECIAL USE WATER SERVICE AND USE RATES.

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

Joel Hansen, Building Inspector, stated two bids were received for the demolition of 939 Main Street and 109 E. 10th Street. The bids received were from: Milo Meyer Construction - \$17,800 and Robert Woehler & Sons Construction - \$29,132.90. Recommendation is to award the contract to the low bidder – Milo Meyer Construction for \$17,800.

Councilmember Sievers introduced Resolution No. 2013-81 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2013-81

A RESOLUTION ACCEPTING BID ON THE DEMOLITION AND REMOVAL OF THE STRUCTURES LOCATED AT 939 MAIN STREET AND 109 EAST 10TH STREET.

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

The following Resolution would direct the City Clerk to file a lien against 111 Fairgrounds Avenue for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

Councilmember Sievers introduced Resolution No. 2013-82 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-82

A RESOLUTION DIRECTING CITY CLERK TO CERTIFY RAZING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON TAX LOT 22 (50X100 FT. TRACT) IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 111 FAIRGROUNDS AVENUE, WAYNE, NEBRASKA.

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

The following Resolution would approve the agreement with the State of Nebraska for the advancement of compressed natural gas and electric vehicle infrastructure and compressed natural gas and electric vehicle use. This is not a commitment to do this, but it is a commitment to be a part of a group of seven towns that are working with the University of Nebraska and the Nebraska Department of Energy. They are willing to pay \$15,000 of the cost towards a new natural gas pickup or an electric vehicle. In return, we would have to keep some data on costs of operation, etc. This makes us part of the group to apply for the grant.

Councilmember Sievers introduced Resolution No. 2013-83 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-83

A RESOLUTION APPROVING INTERLOCAL AGREEMENT FOR THE ADVANCEMENT OF COMPRESSED NATURAL GAS AND ELECTRIC VEHICLE INFRASTRUCTURE AND COMPRESSED NATURAL GAS AND ELECTRIC VEHICLE USE.

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

The following Resolution would approve the agreement with the Northeast Nebraska Economic Development District for the general administration of the Comprehensive Investment and Stabilization Grant for a sum of \$1,000.

Councilmember Giese introduced Resolution No. 2013-84 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2013-84

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF THE COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT.

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

The following Resolution would approve the contract with the Nebraska Department of Economic Development for the Comprehensive Investment and Stabilization Grant. By approving this contract, we accept the grant and will use the funds as specified.

Councilmember Giese introduced Resolution No. 2013-85 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-85

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE A CONTRACT BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT.

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

Marlen Chinn, Police Chief, stated he had received one bid on the Removal and Installation of the Emergency Civil Defense Siren Project — Schmader Electric of West Point, Nebraska, in the amount of \$110,655.

Councilmember Brodersen introduced Resolution No. 2013-86 and moved for its approval, subject to amending the date the bid was received in said Resolution to August 9, 2013; Councilmember Sievers seconded.

RESOLUTION NO. 2013-86

A RESOLUTION ACCEPTING BID AND AWARDING THE CONTRACT ON THE REMOVAL AND INSTALLATION OF THE EMERGENCY CIVIL DEFENSE SIREN PROJECT TO SCHMADER ELECTRIC OF WEST POINT, NEBRASKA, FOR \$110,655.

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

Mayor Chamberlain requested Council consideration to approving the following appointments:

- a. Reappointment of Dave Shelton to the Board of Appeals
- b. Reappointment of Rozan Pedersen, Nancy Jo Powers and Pearl Hansen to the Board of Adjustment
- c. Reappointment of Jane Collier and Nancy Jo Powers to the Recreation/Leisure Services Commission

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Dave Shelton to the Board of Appeals; reappointment of Rozan Pedersen, Nancy Jo Powers and Pearl Hansen to the Board of Adjustment; and reappointment of Jane Collier and Nancy Jo Powers to the Recreation/Leisure Services Commission. Mayor Chamberlain stated the motion, and the

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

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who was absent, the Mayor declared the motion carried and the meeting adjourned at 8:30 p.m.

[Back to Top](#)

CLAIMS LISTING SEPTEMBER 3, 2013

4IMPRINT	ENERGY WISE PENS/STICKY NOTES	954.81
AMERICAN TEST CENTER	ANNUAL SAFETY BUCKET TRUCK INSPECTION	500.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,046.92
APPEARA	LINEN & MAT SERVICE	202.26
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	135.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	66.14
BLACK HILLS ENERGY	GAS BILLS	218.59
BLUE CROSS BLUE SHIELD	HEALTH INSURANCE PREMIUM	24,234.52
BOMGAARS	FAN/COUPLINGS/ROUND UP/HOSE ETC	566.88
CITY EMPLOYEE	HEALTH REIMBURSEMENT	3,346.22
BROWN SUPPLY CO	TRAFFIC PAINT/PLUG	411.40
BSN SPORTS, INC	FOOTBALLS	167.94
CARROT-TOP INDUSTRIES	FLAGS	248.40
CITY EMPLOYEE	HEALTH REIMBURSEMENT	93.01
CENTRAL COMMUNITY COLLEGE	CHLORINATION TRAINING	110.00
CENTURYLINK	TELEPHONE CHARGES	315.69
CITY OF WAYNE	DRIVEWAY DEPOSIT REFUNDS	1,000.00
CITY OF WAYNE	FIREHALL DEPOSIT REFUND	150.00
CITY OF WAYNE	PAYROLL	71,524.71
CITY OF WAYNE	UTILITY REFUNDS	155.17
COMMUNITY HEALTH	PAYROLL DONATIONS	4.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	182.99
DALE ALEXANDER	COST SHARE SIDEWALK	488.25
DE LAGE LANDEN FINANCIAL	SENIOR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	86.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	390.21
CITY EMPLOYEE	HEALTH REIMBURSEMENT	178.36
ECHO GROUP INC JESCO	SECURITY LIGHT-WALL PACKS	742.50
ELECTRONIC ENGINEERING CO	10 YR FCC LICENSE	95.00
FASTENAL CO	BALL BEARINGS/CAP SCREWS	80.49
FIRST CONCORD GROUP LLC	FLEX ACCOUNT	3,700.86
FIRST SOURCE TITLE&ESCROW	TITLE SEARCHES	468.00
FIVE STAR ENTERPRISES	LIBRARY NAME BADGE	8.20
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	90.24
GERHOLD CONCRETE CO INC.	BLOCK	800.00
HOMETOWN LEASING	POLICE COPIER LEASE	73.51
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	6,276.45
IRS	FEDERAL WITHHOLDING	24,791.64
GODFATHERS PIZZA	MEAL-BUDGET SESSIONS	112.00
JANWAY COMPANY	MAGNETS/PENCILS	371.25
JERRY BAIER	SIDEWALK COST SHARE	200.25
CITY EMPLOYEE	HEALTH REIMBURSEMENT	200.99
KRIZ-DAVIS COMPANY	FUSES	791.29
CITY EMPLOYEE	COMPUTER PURCHASE	875.00

CITY EMPLOYEE	CLOTHING REIMBURSEMENT	32.09
MADISON COUNTY COURT	BOND	300.00
MIKE TOWNE	RATE STUDY	1,200.00
NLA/NSLA	LIBRARY CONFERENCE REGISTRATIONS	485.00
NE DEPT OF ENVIRONMENTAL	TRANSFER STATION OPERATING FEE	500.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,297.01
NORFOLK SPORTING GOODS	PLAQUE	60.00
NORTHEAST NE PUBLIC POWER	ELECTRICITY	5,702.00
OLSSON ASSOCIATES	RICE COMPLIANCE	1,315.84
OVERHEAD DOOR COMPANY	DOOR REPAIR	382.35
CITY EMPLOYEE	HEALTH REIMBURSEMENT	67.08
PIEPER & MILLER	ATTORNEY FEES	7,666.00
RON'S RADIO	REPROGRAM PAGERS	235.00
STIOUX CITY WINNELSON	WATER COOLER	412.78
VERIZON WIRELESS SERVICES	CELL PHONES	101.86
VIAERO	CELL PHONES	245.80
VOSS LIGHTING	LED BULBS	129.60
WAYNE AREA ECONOMIC DEVEL	BUSINESS AFTERHOURS/CONTRIBUTION	6,453.33
WESCO DISTRIBUTION INC	FUSES	766.80

DELETE FROM CLAIMS LISTING 8/20/13

CITY EMPLOYEE - HEALTH REIMBURSEMENT \$726.81

**CITY OF WAYNE
OFFICE OF THE MAYOR**

Proclamation

WHEREAS, youth from across Nebraska are standing up against bullying thru Stand for the Silent; and

WHEREAS, ServeNebraska – the Nebraska Volunteer Service Commission, Oriental Trading Company, and the University of Nebraska Lincoln athletics, are lead supporters of Stand for the Silent to inspire and aid all Nebraska citizens to take a stand against bullying; and

WHEREAS, Oriental Trading Company, Regal Print, Xpedex has provided corporate in-kind contributions and has committed to local communities across Nebraska to engage all in anti-bullying practices; and

WHEREAS, ServeNebraska has provided statewide leadership, resources and a commitment to engaging tomorrow's leaders; and

WHEREAS, this year through the efforts of Stand for the Silent and ServeNebraska, more than 360,000 youth and community members will have the opportunity to stand in silence for 7 seconds, as a reflection to the statistic that every 7 seconds someone is bullied, the participants will release the balloon the 7th second and recite the pledge that speaks of love, hope, and respect; and

WHEREAS, schools and non-profit youth organizations in all areas of Nebraska will be impacted by Stand for the Silent in their local communities through their efforts in combating bullying; and

WHEREAS, the month of September is an opportune time for citizens to reflect with their community young and old alike, to introduce, promote and reinforce anti-bullying practices in Nebraska, showing that their lives matter, that they can make a difference for generations to come; and

NOW, THEREFORE, I, Ken Chamberlain, Mayor of the City of Wayne, Nebraska, do hereby proclaim

the month of September as Stand for the Silent Month

in the City of Wayne, and I urge all citizens of all ages to be a part of this important event and aid to the end of bullying.

In WITNESS THEREOF, I have hereby unto set by hand this 3rd day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Ken Chamberlain, Mayor

ATTEST:

City Clerk



D.A. Davidson & Co.
member SIPC

CITY OF WAYNE, NEBRASKA

Issue Various Purpose Bonds, Series 2013

*Recommended \$1,165,000, Series 2013
Various Purpose Bonds,
Dated on or before October 15, 2013
June 15, 2028 Final Maturity
Funds Project Cost of Downtown Revitalization
Retires \$935,000 Bond Anticipation Notes –Interim Financing
Funds Benscoter Addition Project Costs*

Issue Highway Allocation Bonds, Series 2013B

*Recommended \$390,000, Series 2013B
Highway Allocation Fund Pledge Bonds,
Dated on or before October 15, 2013
June 15, 2026 Final Maturity
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*

August 28, 2013

Recommended Adoption

Resolutions Ratifying Acceptance of Work

*Street Improvement District No. 2010-1
Street (Sidewalk) Improvement District Nos. 2010-2, 2010-3 and 2010-4
(downtown street and sidewalk)*



*Street Improvement District No. 2010-5 (Benscoter)
Sanitary Sewer Extension District No. 2010-1 (Benscoter)
Water Extension District No. 2010-1 (Benscoter)*



Pheasant Run Road Improvements



Western Ridge II Improvements

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK IN STREET IMPROVEMENT
DISTRICT NO. 2010-1 AND STREET (SIDEWALK) IMPROVEMENT
DISTRICT NOS. 2010-2, 2010-3 AND 2010-4 IN THE CITY OF
WAYNE, NEBRASKA

WHEREAS, the City of Wayne, Nebraska did heretofore enter into a contract with M.E. Collins Construction, Wahoo, Nebraska, for the construction of improvements in Street Improvement District No. 2010-1 and Street (Sidewalk) Improvement District Nos. 2010-2, 2010-3, and 2010-4, which contract was duly approved by the Mayor and City Council and executed in accordance with such action.

WHEREAS, the contract for the work has heretofore been completed according to the terms and stipulations of the plans and specifications according to the reports and recommendations of JEO Consulting, the City's Special Engineers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the certificate of completion and the recommendations of acceptance by the City's Engineers and the work completed in Street Improvement District No. 2010-1 and Street (Sidewalk) Improvement District Nos. 2010-2, 2010-3, and 2010-4 in the City of Wayne, Nebraska, previously accepted, and that the improvements constructed under the contract referred to above previously accepted are hereby formally approved and accepted and the prior approvals of the Mayor and City Council are hereby ratified, confirmed and approved.

Passed and approved this 3rd day of September 2013.

CITY OF WAYNE, NEBRASKA

ATTEST:

Mayor

City Clerk

[SEAL]

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK IN STREET IMPROVEMENT
DISTRICT NO. 2010-5, IN SANITARY SEWER EXTENSION
DISTRICT NO. 2010-1 AND IN WATER EXTENSION DISTRICT NO.
2010-1 IN THE CITY OF WAYNE, NEBRASKA

WHEREAS, the City of Wayne, Nebraska did heretofore enter into a contract with Sioux City Engineering for the construction of street and related improvements in Street Improvement District No. 2010-5, and with Benscoter Plumbing for sanitary sewer and water improvements in Sanitary Sewer Extension District No. 2010-1, and in Water Extension District No. 2010-1, which contracts was duly approved by the Mayor and City Council and executed in accordance with such action.

WHEREAS, the contract for the work has heretofore been completed according to the terms and stipulations of the plans and specifications according to the reports and recommendations of Olsson Associates, the City's Special Engineers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the certificate of completion and the recommendations of acceptance by the City's Engineers and the work completed in Street Improvement District No. 2010-5, in Sanitary Sewer Extension District No. 2010-1, and in Water Extension District No. 2010-1 in the City of Wayne, Nebraska, previously accepted, and that the improvements constructed under the contract referred to above previously accepted are hereby formally approved and accepted and the prior approvals of the Mayor and City Council are hereby ratified, confirmed and approved.

Passed and approved this 3rd day of September 2013.

CITY OF WAYNE, NEBRASKA

ATTEST:

Mayor

City Clerk

[SEAL]

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK CONSISTING OF PHEASANT
RUN ROAD IMPROVEMENTS IN THE CITY OF WAYNE,
NEBRASKA

WHEREAS, the City of Wayne, Nebraska did heretofore enter into a contract with Elkhorn Paving Contractors for the construction of Pheasant Run Road improvements, which contract was duly approved by the Mayor and City Council and executed in accordance with such action.

WHEREAS, the contract for the work has heretofore been completed according to the terms and stipulations of the plans and specifications according to the reports and recommendations of Advanced Consulting, the City's Special Engineers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the certificate of completion and the recommendations of acceptance by the City's Engineers and the work completed for Pheasant Run Road in the City of Wayne, Nebraska, previously accepted, and that the improvements constructed under the contract referred to above previously accepted are hereby formally approved and accepted and the prior approvals of the Mayor and City Council are hereby ratified, confirmed and approved.

Passed and approved this 3rd day of September 2013.

CITY OF WAYNE, NEBRASKA

ATTEST:

Mayor

City Clerk

[SEAL]

RESOLUTION NO. _____

RESOLUTION ACCEPTING WORK CONSISTING OF WESTERN
RIDGE PHASE II ROAD IMPROVEMENTS IN THE CITY OF WAYNE,
NEBRASKA

WHEREAS, the City of Wayne, Nebraska did heretofore enter into a contract with LUXA Contracton for the construction of Western Ridge Phase III Road improvements, which contract was duly approved by the Mayor and City Council and executed in accordance with such action.

WHEREAS, the contract for the work has heretofor been completed according to the terms and stipulations of the plans and specifications according to the reports and recommendations of Advanced Consulting, the City's Special Engineers.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the certificate of completion and the recommendations of acceptance by the City's Engineers and the work completed for Western Ridge Phase III in the City of Wayne, Nebraska, previously accepted, and that the improvements constructed under the contract referred to above previously accepted are hereby formally approved and accepted and the prior approvals of the Mayor and City Council are hereby ratified, confirmed and approved.

Passed and approved this 3rd day of September 2013.

CITY OF WAYNE, NEBRASKA

ATTEST:

Mayor

City Clerk

[SEAL]

Recommended Issuance

*Not to Exceed \$1,165,000, Series 2013
Various Purpose Bonds,
Dated on or before October 15, 2013
June 15, 2028 Final Maturity*

Funds Project Cost of Downtown Revitalization



Retires Bond Anticipation Notes –Interim Financing



Funds Benscoter Addition Project Costs

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.

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 Official Statement.

**Book-Entry-Only
New Issue**

**Nonrated
Bank Qualified**

PRELIMINARY OFFICIAL STATEMENT DATED SEPTEMBER __, 2013

**\$1,165,000
CITY OF WAYNE, NEBRASKA
VARIOUS PURPOSE 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 Official Statement 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 Official Statement is, or shall be, relied on as a promise or representation by the Underwriter. The Official Statement 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 Official Statement 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

This Preliminary Official Statement 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 Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement 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.

\$1,165,000
CITY OF WAYNE, NEBRASKA
VARIOUS PURPOSE BONDS, SERIES 2013

<u>Principal Amount</u>	<u>Maturing June 15</u>	<u>Interest Rate</u>	<u>Price</u>
\$ 70,000	2015	%	
70,000	2016		
75,000	2017		
75,000	2018		
75,000	2019		
80,000	2020		
80,000	2021		
82,000	2022		
85,000	2023		
85,000	2024		
90,000	2025		
100,000	2026		
100,000	2027		
100,000	2028		

The Series 2013 Bonds maturing on and after June 15, 2019 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."

WAYNE, NEBRASKA
 GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2013
 DOWNTOWN, BENSCOTER, PHEASANT RUN, & WESTERN RIDGE

 Debt Service Schedule

Date	Principal	Coupon	Interest	Period Total	Fiscal Total
6/15/14			23,800.15	23,800.15	23,800.15
12/15/14			16,866.25	16,866.25	
6/15/15	70,000.00	0.700000	16,866.25	86,866.25	103,732.50
12/15/15			16,621.25	16,621.25	
6/15/16	75,000.00	1.000000	16,621.25	91,621.25	108,242.50
12/15/16			16,246.25	16,246.25	
6/15/17	75,000.00	1.400000	16,246.25	91,246.25	107,492.50
12/15/17			15,721.25	15,721.25	
6/15/18	75,000.00	1.850000	15,721.25	90,721.25	106,442.50
12/15/18			15,027.50	15,027.50	
6/15/19	75,000.00	2.200000	15,027.50	90,027.50	105,055.00
12/15/19			14,202.50	14,202.50	
6/15/20	80,000.00	2.600000	14,202.50	94,202.50	108,405.00
12/15/20			13,162.50	13,162.50	
6/15/21	80,000.00	2.900000	13,162.50	93,162.50	106,325.00
12/15/21			12,002.50	12,002.50	
6/15/22	80,000.00	3.150000	12,002.50	92,002.50	104,005.00
12/15/22			10,742.50	10,742.50	
6/15/23	85,000.00	3.350000	10,742.50	95,742.50	106,485.00
12/15/23			9,318.75	9,318.75	
6/15/24	85,000.00	3.550000	9,318.75	94,318.75	103,637.50
12/15/24			7,810.00	7,810.00	
6/15/25	90,000.00	3.800000	7,810.00	97,810.00	105,620.00
12/15/25			6,100.00	6,100.00	
6/15/26	95,000.00	4.000000	6,100.00	101,100.00	107,200.00
12/15/26			4,200.00	4,200.00	
6/15/27	100,000.00	4.150000	4,200.00	104,200.00	108,400.00
12/15/27			2,125.00	2,125.00	
6/15/28	100,000.00	4.250000	2,125.00	102,125.00	104,250.00
	1,165,000.00		344,092.65	1,509,092.65	
ACCRUED	1,165,000.00		344,092.65	1,509,092.65	

Dated 10/ 1/13 with Delivery of 10/ 1/13

Bond Years 10,066.972
 Average Coupon 3.418035
 Average Life 8.641178
 N I C % 3.562691 % Using 98.7500000

Weighted Bond Years 10,066.972
 Weighted Average Life 8.641178
 Weighted N I C % 3.562691 % Using 98.7500000
 T I C % 3.541211 % From Delivery Date
 Arbitrage Yield 3.369399 %

Micro-Muni Sizing Date: 08-28-2013 @ 14:25:09 Filename: WAYNE Key: VP2013D

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

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

WAYNE, NEBRASKA
 GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2013
 DOWNTOWN, BENSCHOTER, PHEASANT RUN, & WESTERN RIDGE

=====

Sources and Uses of Funds

=====

Delivery Date: 10/ 1/13

Sources of Funds

=====

Par Amount of Bonds.....	\$1,165,000.00	
+Premium /-Discount.....	\$0.00	
Bond Proceeds.....		1,165,000.00
Grant Funds applied.....		109,086.00
Initial Special Assessments paid.....		8,250.34
		\$1,282,336.34

Uses of Funds

=====

Total Project Costs.....		1,227,938.70
Added Cost Recovery less than 5%.....		35,000.00
Fiscal, Marketing, Underwriting		
Legal Opinion.....		1,747.50
Underwriters Discount.....(1.250000%)...		14,562.50
Contingency.....		3,087.64
		\$1,282,336.34

Micro-Muni Sizing Date: 08-28-2013 @ 14:24:54 Filename: WAYNE Key: VP2013D

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2013 OF THE CITY OF WAYNE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$1,165,000) TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2010-1 AND 2010-5; STREET (SIDEWALK) IMPROVEMENT DISTRICT NOS. 2010-2, 2010-3 AND 2010-4; WATER EXTENSION DISTRICT 2010-1; AND SANITARY SEWER EXTENSION DISTRICT 2010-1; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City find and determine that pursuant to ordinances heretofore duly adopted by the Mayor and City Council, Street Improvement District Nos. 2010-1 and 2010-5 and Street (Sidewalk) District Nos. 2010-2, 2010-3, and 2010-4 were created in the City and certain street and sidewalk improvements therein have been constructed, the improvements in Street Improvement District Nos. 2010-1 and 2010-5 and Street (Sidewalk) District Nos. 2010-2, 2010-3, and 2010-4 have been completed and accepted, and are hereby accepted by the City; the cost of all of said improvements as heretofore reported by the City Engineer and determined by the Mayor and City Council are not less than \$1,080,586; that additional expenses properly chargeable as part of the cost of improvements in said District have been incurred or must be expended for interest, legal, fiscal expenses, discount on the sale of bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements in the amount of \$45,174; the total cost of said improvements is not less than \$1,125,760, of which \$394,008 is the cost of improving intersections, areas formed by the crossing of streets, avenues and alleys and streets adjacent to real estate owned by the City and \$731,752 is the Districts' cost; special assessments have been levied according to law on the real estate in the District specially benefited by said improvements

and are be valid liens as the lots and tracts of land upon which they are assessed; that after applying such special assessments and other funds of the City as are available for such purpose, there still remains due and payable on the costs of the improvements of said Street Improvement District not less than \$1,022,493; that of such costs not less than \$397,000 is hereby determined to be for intersection costs and \$625,493 for costs of improvements opposite abutting property; and that all conditions, acts and things required to be done precedent to the issuance by the City of its Intersection Paving Bonds in the principal amount of \$397,000 and its District Improvement Bonds in the principal amount of \$625,493, pursuant to Sections 17-516 and 17-520 Reissue Revised Statutes of Nebraska, 2007 have been done as provided by law.

Section 2. The Mayor and Council further find and determine that pursuant to an ordinance heretofore duly adopted, Sanitary Sewer Extension No. 2010-1 was created in the City and certain improvements therein have been constructed, the improvements in Sanitary Sewer Extension No. 2010-1 have been completed and accepted, and are hereby accepted by the City; the cost of all of said improvements as heretofore reported by the City Engineer and determined by the Mayor and City Council are not less than \$85,955; that additional expenses properly chargeable as part of the cost of improvements in said District have been incurred or must be expended for interest, legal, fiscal expenses, discount on the sale of bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements in the amount of \$3,592; the total cost of said improvements is not less than \$78,547; that after applying such other funds of the City as are available for such purpose, there still remains due and payable on the costs of the improvements of said District not less than \$78,547; and that all conditions, acts and things required to be done precedent to the issuance by the City of its District Sanitary Sewer Service Extension Bonds of said Sanitary Sewer Extension District No. 2010-1 in the principal amount of \$78,547, pursuant to Section 19-2405, Reissue Revised Statutes of Nebraska, 2007, have been done as provided by law.

Section 3. The Mayor and Council further find and determine that pursuant to an ordinance heretofore duly adopted, Water Extension District No. 2010-1 was created in the City and certain improvements therein have been constructed, the improvements in Water Extension District No. 2010-1 have been completed and accepted, and are hereby accepted by the City; the cost of all of said improvements as heretofore reported by the City Engineer and determined by the Mayor and City Council are not less than \$61,398; that additional expenses properly chargeable as part of the cost of improvements in said District have been incurred or must be expended for interest, legal, fiscal expenses, discount on the sale of bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements in the amount of \$2,562; the total cost of said improvements is not less than \$63,000; that after applying such other funds of the City as are available for such purpose, there still remains due and payable on the costs of the improvements of said District not less than \$63,960; and that all conditions, acts and things required to be done precedent to the issuance by the City of its District Water Service Extension Bonds of said Water Extension District No. 2010-1 in the principal amount of \$63,960, pursuant to Section 19-2405, Reissue Revised Statutes of Nebraska, 2007, have been done as provided by law.

Section 4. The Mayor and Council further find and determine that (a) to provide interim financing for the costs of the improvements described in Sections 1, 2 and 3 hereof, the City has previously issued and outstanding \$935,000 of its Bond Anticipation Notes, Series 2010, dated August 6, 2009 and maturing October 15, 2013 (the "Notes"), which Notes constitute a contractual obligation of the City and require payment not later than the date of maturity of said Notes, and (b) that the issuance of the Bonds herein authorized is necessary to carry out such further contractual obligation; and that all conditions, acts and things required to exist or to be done precedent to the issuance of Various Purpose Bonds of the City, in the principal amount of One Million One Hundred Sixty-Five Thousand Dollars (\$1,165,000) pursuant to Sections 16-623,

16-626, 19-2405, and 18-1801 and 18-1802, Reissue Revised Statutes of Nebraska, 2012, to pay a portion of the costs of the improvements described in Sections 1, 2 and 3 hereof, and to provide for the payment and redemption of the Notes on or prior to their date of maturity, do exist and have been done as required by law.

Section 5. For the purposes set forth in Sections 1, 2, 3 and 4, hereof, there shall be and there are hereby ordered issued Various Purpose Bonds, Series 2013, of the City of Wayne, Nebraska, in the principal amount of One Million One Hundred Sixty-Five Thousand Dollars (\$1,165,000) (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on June 15 of each year as indicated below:

<u>Principal Amount</u>	<u>Maturing June 15</u>
\$ 70,000	2015
75,000	2016
75,000	2017
75,000	2018
75,000	2019
80,000	2020
80,000	2021
80,000	2022
85,000	2023
85,000	2024
90,000	2025
95,000	2026
100,000	2027
100,000	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 and City Treasurer 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 11 below, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$1,165,000, 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 in maturities of June 15, 2015 through June 15, 2023, but may increase by any amount in maturities of June 15, 2024 through June 15, 2028.*

- (c) *the longest maturity of the Bonds may not be later than June 15, 2028;*
- (d) *the true interest cost 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 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 June 15, 2014 (or such other dates as may be determined in the Designation, each an "Interest Payment Date"), and the Bonds shall bear interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 7 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 6 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

Recommended Issuance

*Not to Exceed \$390,000, Series 2013B
Highway Allocation Fund Pledge Bonds,
Dated on or before October 15, 2013
June 15, 2026 Final Maturity*

Funds Pheasant Run Improvements



Funds Western Ridge II Improvements

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.

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 2013B 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 2013B Bonds is exempt from Nebraska income taxation by the State of Nebraska and (3) the Series 2013B Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. See "TAX MATTERS" in this Official statement.

PRELIMINARY OFFICIAL STATEMENT DATED SEPTEMBER __, 2013

**Book-Entry-Only
New Issue**

**Nonrated
Bank Qualified**

\$390,000

**CITY OF WAYNE, NEBRASKA
HIGHWAY ALLOCATION FUND PLEDGE BONDS
SERIES 2013B**

Dated: Date of Delivery

Due: Serially as shown below

The Series 2013B 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 2013B Bonds. Purchases of the Series 2013B 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 2013B Bonds purchased so long as DTC or a successor securities depository acts as the securities depository for the Series 2013B Bonds. So long as Cede & Co. is the registered owner of the Series 2013B Bonds, references to the Registered Owners shall mean Cede & Co., and shall not mean the Beneficial Owners (herein defined) of the Series 2013B Bonds. So long as DTC or its nominee, Cede & Co., is the registered owner of the Series 2013B Bonds, payments of principal or redemption price of and interest on the Series 2013B 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.**" 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 2013B Bonds (the "**Registrar**") as provided herein.

MATURITY SCHEDULE – REVERSE OF COVER

The information contained in the Official statement 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 Official statement is, or shall be, relied on as a promise or representation by the Underwriter. The Official statement 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 Official statement nor any sale made thereunder shall create an implication that information therein is correct as of any time subsequent to its date.

The Series 2013B 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 2013B Bonds in definitive form will be available for delivery through DTC on or about _____, 2013.

Dated: _____, 2013



D.A. Davidson & Co.

member SIPC

This Preliminary Official statement 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 Official statement is delivered in final form. Under no circumstances shall this Preliminary Official statement 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.

\$390,000
CITY OF WAYNE, NEBRASKA
HIGHWAY ALLOCATION FUND PLEDGE BONDS
SERIES 2013B

<u>Principal Amount</u>	<u>Maturing June 15</u>	<u>Interest Rate</u>	<u>Price</u>
20,000	2016		
20,000	2017		
25,000	2018		
25,000	2019		
25,000	2020		
25,000	2021		
50,000	2022		
50,000	2023		
50,000	2024		
50,000	2025		
50,000	2026		

The Series 2013B Bonds maturing on and after June 15, 2019 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 Bonds are also subject to mandatory sinking fund payments at par plus accrued interest prior to maturity as follows: See **“REDEMPTION PROVISIONS.”**

TBD

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			6,128.67	5,128.67	
6/15/14			6,340.00	5,340.00	12,468.67
12/15/14			6,340.00	5,340.00	
6/15/15			6,340.00	5,340.00	12,680.00
12/15/15			6,340.00	5,340.00	
6/15/16	20,000.00	2.200000	6,340.00	25,340.00	32,680.00
12/15/16			6,120.00	5,120.00	
6/15/17	20,000.00	2.200000	6,120.00	25,120.00	32,240.00
12/15/17			5,900.00	5,900.00	
6/15/18	25,000.00	2.200000	5,900.00	30,900.00	36,800.00
12/15/18			5,625.00	5,625.00	
6/15/19	25,000.00	2.200000	5,625.00	30,625.00	36,250.00
12/15/19			5,350.00	5,350.00	
6/15/20	25,000.00	3.150000	5,350.00	30,350.00	35,700.00
12/15/20			4,956.25	4,956.25	
6/15/21	25,000.00	3.150000	4,956.25	29,956.25	34,912.50
12/15/21			4,562.50	4,562.50	
6/15/22	50,000.00	3.150000	4,562.50	54,562.50	59,125.00
12/15/22			3,775.00	3,775.00	
6/15/23	50,000.00	3.550000	3,775.00	53,775.00	57,550.00
12/15/23			2,887.50	2,887.50	
6/15/24	50,000.00	3.550000	2,887.50	52,887.50	55,775.00
12/15/24			2,000.00	2,000.00	
6/15/25	50,000.00	4.000000	2,000.00	52,000.00	54,000.00
12/15/25			1,000.00	1,000.00	
6/15/26	50,000.00	4.000000	1,000.00	51,000.00	52,000.00
	390,000.00		122,181.17	512,181.17	
ACCRUED					
	390,000.00		122,181.17	512,181.17	

Dated 6/21/13 with Delivery of 6/21/13
Bond Years 3,533.500
Average Coupon 3.457794
Average Life 9.060256
N I C % 3.457794 % Using 100.000000

Weighted Bond Years 3,533.500
Weighted Average Life 9.060256
Weighted N I C % 3.457794 % Using 100.000000
T I C % 3.435274 % From Delivery Date
Arbitrage Yield 3.435274 %

Micro-Muni Sizing Date: 08-28-2013 @ 14:27:05 Filename: WAYNE Key: HWY2013BB

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

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

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.....	\$390,000.00	
+Premium /-Discount.....	\$0.00	
Bond Proceeds.....		390,000.00

		\$390,000.00

Uses of Funds

Base Project Bid.....		385,651.00
Legal Opinion.....		1,000.00
Marketing + Underwriting.....(1.250000%)...		4,875.00
Contingency.....		-1,526.00

		\$390,000.00

Micro-Muni Sizing Date: 08-28-2013 @ 14:27:07 Filename: WAYNE Key: HWY2013BB

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF WAYNE, NEBRASKA, SERIES 2013B, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000) 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 streets consisting primarily of Pheasant Run Road and Western Ridge II project costs, together with other necessary street improvements and incidental related project costs, 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 awarded a contract for the construction of the aforesaid street improvements and said project improvements have been completed and placed in service and have been previously accepted and the acceptance of the projects is hereby ratified and confirmed; 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, including issuance costs, in an amount not less than \$390,000; 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 not to exceed \$390,000 through the issuance of its Highway Allocation Bonds, Series 2013B (the "Series 2013B 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 outstanding as of the date of issuance of the Bonds authorized herein certain bonds issued pursuant to Section 66-4,101, Reissue Revised Statutes of Nebraska, 2009 (or any predecessor statute thereto) consisting of the City's Highway Allocation Fund Pledge Bonds, Series 2013, dated June 21, 2013, issued in the original principal amount of \$620,000, of which \$620,000 principal amount of bonds remain outstanding (the "2013 Bonds"); the greatest annual combined debt service on the 2013 Bonds and the Series 2013B Bonds authorized under this ordinance will not exceed \$487,788 through the final payment of bonds issued under authority of said Section 66-4,101, Reissue Revised Statutes of Nebraska, 2009; 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 2013B in the amount of not to exceed \$390,000 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 2013B, in the principal amount of not to exceed Three Hundred Ninety Thousand Dollars (\$390,000) (the "Bonds" or the "Series 2013B Bonds") with said Bonds to become due on June 15 of each year as follows:

<u>Principal Amount</u>	<u>Maturing June 15</u>
20,000	2016
20,000	2017

25,000	2018
25,000	2019
25,000	2020
25,000	2021
50,000	2022
50,000	2023
50,000	2024
50,000	2025
50,000	2026

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 and the City 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 8 below, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$390,000, 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, 2026;*
- (d) the true average interest cost 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

ORDINANCE NO. 2013-44

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2013, through September 30, 2014. All sums of money contained in the budget statement as fund totals are hereby appropriated for the necessary expenses and liabilities of the City of Wayne. A copy of the budget document shall be forwarded, as provided by law, to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Wayne County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED this 3rd day of September, 2013.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-91

A RESOLUTION TO ADOPT THE 2013-2014 BUDGET FOR THE CITY OF WAYNE.

WHEREAS, LB 989 changed budget limitation provisions regarding restricted funds for political subdivisions; and

WHEREAS, LB 1114 established Levy Limits for local governments; and

WHEREAS, the 2013-2014 Budget document meets the requirements of the legislative laws; and

WHEREAS the Mayor and Council of the City of Wayne, Nebraska, has conducted a public hearing as prescribed by law and heard and considered comments concerning the 2013-2014 budget for the City of Wayne; and

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska, hereby finds and determines that it is in the best interest of the City that the 2013-2014 Budget be adopted as the Official Budget for fiscal year 2013-2014.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the 2013-2014 Budget of the City of Wayne, Nebraska, be and is hereby adopted.

PASSED AND APPROVED this 3rd day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-92

**A RESOLUTION APPROVING FINAL PROPERTY TAX
REQUEST FOR FY2013-2014.**

WHEREAS, Nebraska Revised Statute 77-16-01.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wayne passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Wayne that the property tax request for the current year be different than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that:

1. The 2013-2014 property tax request be set at \$746,200.00; said calculated levy being \$.402255; and
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 1, 2013.

PASSED AND APPROVED this 3rd day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-34

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE II, SECTION 34-61 GROWTH PERMITTED; CONTROL AND MAINTENANCE; 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 34, Article II, Section 34-61 of the Wayne Municipal Code is amended to read as follows:

Sec. 34-61. Growth permitted; control and maintenance

- (a) It shall be the duty of each owner, **owner's** agent, **and** occupant ~~or person in possession, charge or control~~ of any lot, tract or parcel of land in the city to cut and remove from such lot, tract, or parcel of land, together with half of the abutting streets or alleys, ~~all weeds and other rank vegetation 12 inches in height or greater~~ **excessive growth of weeds, grasses or worthless vegetation**. Such ~~weeds and other rank growth of vegetation~~ **growth** shall be cut as close to the ground level as possible and shall be maintained as close to the ground level as possible throughout the period of May 1 to October 15 of each year. Growing or permitting the growing of weeds, **grasses, or vegetation** ~~or other rank growth of vegetation~~ in violation of this subsection is a nuisance and is prohibited.
- (b) It shall be unlawful for any owner, **owner's** agent **or** occupant ~~or person in possession, charge or control~~ of any premises described in subsection (a) of this section to allow to grow or to maintain any weeds, ~~or other rank growth of~~ **grasses, or worthless** vegetation 12 inches in height or greater. ~~so as to be injurious to the public health, declared to be noxious by the state, conducive to fires or combustion, or creating a nuisance.~~
- (c) The **City Administrator or his or her designee** ~~superintendent of public works~~ shall cause to be published in a legal newspaper of general circulation throughout the city for one time at least ten days before May 1, and on any other date designated by resolution of the council, a general notice to owners, **owner's** agents, **or** occupants ~~or persons in possession, charge or control~~ of real estate within the city to cut and remove **excessive** weeds, **grasses** and **worthless** vegetation **12 inches in height or greater** ~~and other rank growth of vegetation~~ from such premises. The notice shall specify that the weeds and other rank growth of vegetation shall be cut as close to the ground level as possible throughout the period of May 1 to October 15.
- (d) The **City Administrator or his or her designee** ~~public works superintendent~~ is authorized and empowered to notify, in writing, the owner, **or owner's** agent, **and** occupant ~~or person in possession, charge or control~~ of any such lot, place or area within the city to cut, destroy and remove any such weeds, **grasses or worthless vegetation 12 inches in height or greater** ~~or deleterious unhealthful growths, or other noxious matter, found growing, lying or~~ located on such property.

- (e) Such notice shall be ~~by United States mail, postage prepaid, addressed to such owner, agent, occupant or person at his last known address, or shall be served personally,~~ given by first class mail, and shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the City to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the City Clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the City Administrator. The City Administrator shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the City may have such work done.
- (f) **If the owner or occupant of the lot or piece of ground does not request a hearing with the City, or** upon the failure, ~~neglect or refusal~~ of any such owner, **owner's** agent, or occupant ~~or person in possession~~ so notified to cut, destroy and remove such weeds, grasses **or worthless vegetation 12 inches in height or greater** ~~or deleterious unhealthful growths, or other noxious matter, growing, lying or located upon such property,~~ within five days after **receipt, personal service** of written notice provided for in subsection (d) of this section, **the City may have such work done.** ~~or within seven days after the mailing date of such notice, the public works superintendent is authorized and empowered to pay for the cutting, destroying and removal of such weeds, grass or deleterious unhealthful growths or other noxious matter, or to order the removal by the city.~~ The costs **and expenses of any such work shall be paid by the owner.** ~~of any such cutting, destroying or removing shall be at the expense of the owner, agent, occupant, or person in possession, charge or control of such property.~~
- (g) If the costs **and expenses mentioned in subsection (f) of this section are of cutting, destroying or removing weeds, and other rank growth of vegetation and costs of removing any refuse, debris or other obstructions to permit such cutting** unpaid for two months **after such work is done, the City may either (i) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (ii) recover in a civil action the costs and expenses of the work upon the lot or piece of ground.** ~~the city clerk shall certify to the county treasurer the amount of such expense; and such expense shall become a lien on the property upon which the removal measures were taken as a special assessment levied on the date of such measures. The county treasurer shall add such expense to and it shall become and form a part of the taxes on such land and shall bear interest at the same rate as taxes. Nothing contained in this section shall be construed to limit satisfaction of the obligation imposed by this section in whole or in part by tax foreclosure. The expense may be collected by suit instituted for the purpose as a debt due the city or by any other or additional remedy otherwise available. Amounts collected under this section shall be paid over to the city treasurer.~~

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

Section 3. This Ordinance shall be in full force and effect on September 6, 2013.

PASSED AND APPROVED this 3rd day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-40

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 3 R-2 RESIDENTIAL DISTRICT, SECTION 90-232 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-234 PERMITTED CONDITIONAL USES; AND SECTION 90-238 HEIGHT AND AREA REGULATIONS; AND

DIVISION 4 R-3 RESIDENTIAL DISTRICT, SECTION 90-262 PERMITTED PRINCIPAL USES AND STRUCTURES; SECTION 90-264 PERMITTED CONDITIONAL USES; AND SECTION 90-268 HEIGHT AND AREA REGULATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That the Planning Commission held a public hearing on August 5, 2013, regarding these amendments, and have recommended approval thereof subject to the following "Findings of Fact":

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

Section 2. That Chapter 90, Article IV Residential Districts, Division 3. R-2 Residential District, Section 90-232 Permitted Principal Uses and Structures, Section 90-234 Permitted Conditional Uses, and Section 90-238 Height and Area Regulations of the Wayne Municipal Code shall be amended as follows:

Sec. 90-232. Permitted principal uses and structures

The following shall be permitted as uses by right in an R-2 District:

1. Single-family dwellings;
2. Two-family dwellings;
3. **Townhouses**; ~~Multifamily dwellings, to a maximum of six units;~~
4. Public and private schools;
5. Public parks, buildings and grounds;
6. Community buildings owned and/or occupied by public agencies;
7. Child care homes; and
8. Manufactured homes for residential purposes, provided the home complies with all provisions of Section 90-711.

Sec. 90-234. Permitted conditional uses

A building or premises in an R-2 district may be used for the following in conformance with the prescribed conditions:

1. For a bed and breakfast guest home:
 - a. Parking as required in section 90-710.
 - b. Signs in conformance with section 90-713.
 - c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.
3. **For a multi-family dwelling unit, to a maximum of six units:**
 1. **The maximum number of sleeping rooms shall not exceed one per 1,000 square feet of lot area.**
 2. **The front of the building facing the street shall include one of the following:**
 - a. **A door and eight (8) percent of the surface area covered with windows.**
 - b. **Ten (10) percent of the surface area covered with windows.**
 3. **The primary means of egress for the building shall not face a side yard.**
 4. **Twenty (20) percent of the lot must be maintained as landscaping which is not paved.**

Sec. 90-238. Height and area regulations

The maximum height and minimum area regulations in an R-2 district shall be as follows:

1. General requirements:

Area Regulations	Dwelling, Single-Family	Dwelling, Two-Family	Townhouse	Multifamily Dwellings	Other Permitted Uses
Lot Area (in sq. feet)	7,000	3,000 per family	3,000 per unit	3,000 per unit 1,000 per sleeping room	3,000
Lot Width (in feet)	60	30 per family	30 per unit	60	60
Required Front Yard (in feet)	25	25	25	25	25
Required Side Yard (in feet)	5	5 if party wall	5 if party wall	7	5
Required Rear Yard (in feet)	Smaller of 35' or 20% of lot	Smaller of 35' or 20% of lot			
Height (in feet)	35	35	35	35	35

2. The height of all structures shall be in conformance with the airport zoning regulations.
3. On cul-de-sac and loop streets, each lot shall have not less than 40 feet of frontage.
4. Adjustments to the front yard may be made in accordance with the provisions of Section 90-709.

Section 3. That Chapter 90, Article IV Residential Districts, Division 4. R-3 Residential District, Section 90-262 Permitted Principal Uses and Structures, Section 90-264 Permitted Conditional Uses, and Section 90-268 Height and Area Regulations of the Wayne Municipal Code shall be amended as follows:

Sec. 90-262. Permitted principal uses and structures

The following shall be permitted as uses in an R-2 District:

1. Single-family dwellings;
2. Two-family dwellings;
3. **Townhouses;** ~~Multiple family dwellings~~
4. Public and private schools;
5. Public parks, buildings and grounds;
6. Child care homes;
7. Community buildings owned and/or occupied by public agencies; and
8. Manufactured homes for residential purposes, provided the home complies with all provisions of section 90-711.

Sec. 90-264. Permitted conditional uses

A building or premises in an R-3 district may be used for the following in conformance with the prescribed conditions:

1. For a bed and breakfast guest home:
 - a. Parking as required in Section 90-710.
 - b. Signs in conformance with Section 90-713.
 - c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.
3. **For a multi-family dwelling unit.**
 1. **The maximum number of sleeping rooms shall not exceed one per 500 square feet of lot area.**
 2. **The front of the building facing the street shall include one of the following:**
 - a. **A door and eight (8) percent of the surface area covered with windows.**
 - b. **Ten (10) percent of the surface area covered with windows.**
 3. **The primary means of egress for the building shall not face a side yard.**
 4. **Twenty (20) percent of the lot must be maintained as landscaping which is not paved.**

Sec. 90-268. Height and area regulations

The maximum height and minimum area regulations in an R-3 district shall be as follows:

1. General requirements:

Area Regulations	Dwelling, Single-Family	Dwelling, Two-Family	Townhouse	Multifamily Dwellings	Other Permitted Uses
Lot Area (in sq. feet)	5,500	2,750 per family	2,000 per unit	1,500 per unit 500 per sleeping room	3,000
Lot Width (in feet)	50	30 per family	25 per unit	50	-
Required Front Yard (in feet)	25	25	25	25	25
Required Side Yard (in feet)	5	5 if party wall	5 if party wall	5 if party wall	-
Required Rear Yard (in feet)	Smaller of 20' or 20% of lot	Smaller of 20' or 20% of lot			
Height (in feet)	35	35	35	35	35

2. The height of all structures shall be in conformance with the airport zoning regulations.
3. On cul-de-sac and loop streets, each lot shall have not less than 40 feet of frontage.
4. Adjustments to the front yard may be made in accordance with the provisions of Section 90-709.

Section 4. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this _____ day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY PREVIOUSLY DECLARED BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT NO LONGER BLIGHTED AND SUBSTANDARD.

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 2012 as amended, known as the Community Development Law, is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning implementation of urban redevelopment projects; and

WHEREAS, the City Council, by resolution, has previously declared the real property described on Exhibit A as substandard and a blighted area as defined in said Community Development Law and in need of redevelopment; and

WHEREAS, the evidence demonstrates that said area, as shown and described on Exhibit A, no longer constitutes a substandard and blighted area as defined in said Community Development Law, and no longer is in need of redevelopment through the powers of the Community Development Law;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, as follows:

1. That it is hereby found and determined that the area shown and described on Exhibit A no longer constitutes a substandard and blighted area as defined by Section 18-2103, R.R.S., 2012, as amended, and that said area is no longer in need of redevelopment pursuant to the Community Development Law.

PASSED AND APPROVED this 3rd day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By: _____
Mayor

ATTEST:

City Clerk

EXHIBIT "A"

RESOLUTION NO. 2013-94

A RESOLUTION ORDERING PUBLICATION AND SETTING THE BOARD OF EQUALIZATION HEARING DATE REGARDING STREET IMPROVEMENT DISTRICT NO. 2010-5, WATER EXTENSION DISTRICT NO. 2010-1, AND SANITARY SEWER EXTENSION DISTRICT NO. 2010-1.

BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska.

Section 1. The Mayor and City Council will meet as a Board of Equalization at 5:30 o'clock p.m. on the 17th day of September, 2013, in the Council Chambers in the Municipal Building in Wayne, Nebraska, for the purposes of hearing objections to and for equalizing assessments proposed to be levied in Street Improvement District No. 2010-5, Water Extension District No. 2010-1, and Sanitary Sewer Extension District No. 2010-1.

Section 2. The notice of said meeting and hearing shall be published in the Wayne Herald on the following dates:

September 5, 2013
September 12, 2013

Section 3. The City Clerk be and hereby is instructed to mail a copy of said notice to all known resident and non-resident owners of property in said Street Improvement District No. 2010-5, Water Extension District No. 2010-1, and Sanitary Sewer Extension District No. 2010-1 and to any other party appearing to have a direct interest in such action or proceedings.

Section 4. At said time and place, the Mayor and City Council of the City of Wayne, Nebraska, will sit as a Board of Equalization and will grant a hearing to all persons interested and will pass a resolution making said special assessments as provided by law.

PASSED AND APPROVED this 3rd day of September, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-95

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 \$1,945.20 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 3rd day of September, 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 College Hill First 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 #1 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 \$1,945.20 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 #2.
 - 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: _____

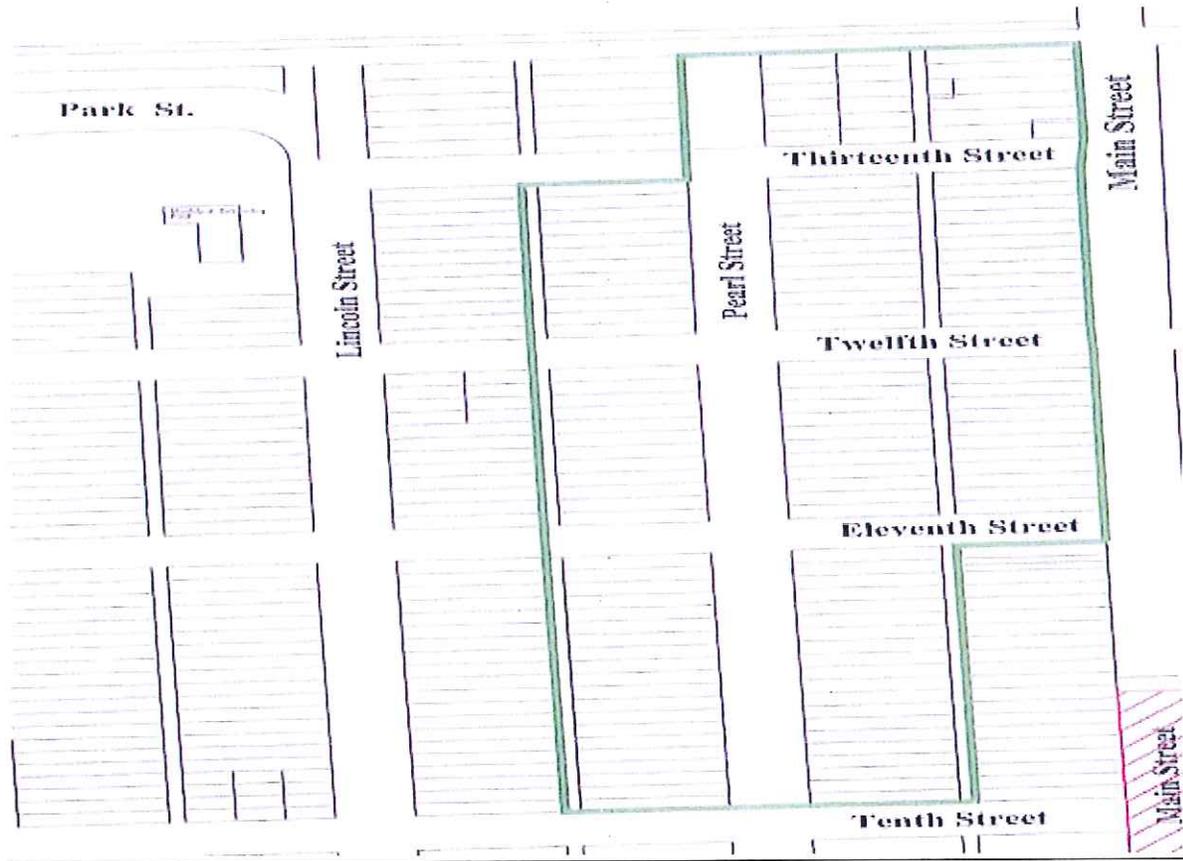
DATE: _____

NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT

BY: _____

TITLE: Executive Director _____

DATE: _____



CLIENT COST ESTIMATE

City of Wayne- College Hill First Addition		8/28/2013
Estimated 49 property lots		
Milage Cost	75	\$ 42.38
Staff Time	30.17	1,810.20
Draft copies for review will be provided via email		-
2 final color copies (includes electroic copy via email)		-
Sub Total		\$ 1,852.58
Margin	5.00%	92.63
Total (not to exceed contract)		\$ 1,945.20
<i>* Additonal study copies can be provide for \$6.00 per copy</i>		

CDA RESOLUTION NO. 2013-10

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 AN AMENDED 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 (the "Act") of the State of Nebraska; that there has been prepared a redevelopment plan entitled "Redevelopment Contract" [Benscoter, Inc., Angel Acres Project] which constitutes a Redevelopment Plan (the "Plan") for the redevelopment of the following described real estate:

Lots One through twenty six, inclusive, Angel Acres Addition to the City of Wayne,

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 Benscoter, Inc., (hereafter referred to as the "Redeveloper") is 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. The Agency has entered into a Redevelopment Contract with the Redeveloper related to the Plan and issued its Tax Increment Revenue Bond in the principal amount of \$210,000.00 designated the Benscoter, Inc., Angel Acres Project, Series 2013A. Pursuant to Section 18-2117 of the Act, this Resolution amends the Plan by providing for the Amendment of the Redevelopment Contract and the issuance of a Series 2013B Bond. The Agency has determined that the Plan amendment provided by the Amendment of the Redevelopment Contract does not substantially change the

Plan as there has been no change in the elements of the Plan as defined in Section 18-2111 of the Act.

Section 2. A tax increment revenue bond in the principal amount and denomination of \$150,000.00, is hereby ordered issued in accordance with Section 18-2125 of the Act, by the Agency and shall be designated as its "Tax Increment Revenue Bond" (Benscoter, Inc., Angel Acres Project) Series 2013 B" (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 six percent (6.0%) 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, 2038, 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.

The Bond shall not be delivered until the Redeveloper shall provide a written agreement, executed by the registered holder of the Series 2013 A Bond, (and endorsed by any lienholder of such Series 2013 A Bond) with the Agency that the pledge of payment of ad valorem taxes divided by Section 18-2147 (1)(b) of the Act, for the Series 2013 A Bond shall be made *Pari Passu* with the pledge of ad valorem taxes divided by Section 18-2147 (1)(b) of the Act pursuant to this Resolution.

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 anytime 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 Act 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 Contract and amendments thereto, 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 amendments thereto and this Bond, towards the retirement of the amounts due hereunder, then, at said date fifteen (15) years from the effective date 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.

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
(Benscoter, Inc., Angel Acres Project,)
SERIES 2013 B

<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Final Maturity Date</u>
\$150,000.00	6.0%	December 31, 2038

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 six percent (6.0%) 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 Fifty Thousand Dollars and no cents (\$150,000.00) 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 amended redevelopment contract containing an amended redevelopment plan approved by the Agency, (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, PROVIDED, HOWEVER, IN ALL EVENTS, THE PAYMENT FROM SUCH PORTION OF TAXES SHALL BE IN PARI PASSU WITH THAT PORTION OF TAXES PLEDGED TO THAT TAX INCREMENT REVENUE BOND OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA (Benscoter, Inc., Angel Acres Project,) SERIES 2013 B. 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, R.R.S. Neb. 2012 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 for the division of taxes under Section 18-2147 of the Nebraska Revised Statutes, 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 the effective date, 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 September, 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. In accordance with Section 18-2147 of the Act and the terms of the Resolution, the Agency hereby provides that any ad valorem tax on any Lot or Lots located in the Redevelopment Project Area including but not limited to the Redevelopment Project Property: to wit: Lots One through twenty six, inclusive, Angel Acres Addition to the City of Wayne, Wayne County, Nebraska, as currently platted identified from time to time by the Redeveloper (such Lot or Lots being referred to herein as a "Phase") as identified in a written notice from the Redeveloper to the Agency in substantially the form provided by the Agency (each, a "Redevelopment Contract Amendment Notice") for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract Amendment Notice and reflected in a Redevelopment Contract Amendment, consistent with the Redevelopment Plan. Said taxes shall be divided as follows:

(a) That portion of the ad valorem tax on real property in each Phase which is produced by levy at the rate fixed each year by or for each public body upon the "redevelopment project valuation" (as defined in the Act) of the Lots within such Phase shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That portion of the ad valorem tax on real property in each Phase in excess of such amount (the "Incremental Ad Valorem Tax"), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency (designated in the Resolution as the "Bond Fund") to pay the principal of, the interest on, and any premium due in connection with the Bond. When such Bond, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and

all ad valorem taxes upon real property in such Phase shall be paid into the funds of the respective public bodies.

Provided a Redevelopment Contract Amendment Notice (together with a Redevelopment Contract Amendment in form satisfactory to the Agency and signed by the Redeveloper, and a proposed form of "Notice to Divide Tax for Community Redevelopment Project", all prepared in accordance with this Redevelopment Contract and the Act) is delivered to the Agency no later than July 1 of any year, the Agency shall: (a) executed the Redevelopment Contract Amendment, and (b) file before August 1 of such year a "Notice to Divide Tax for Community Redevelopment Project" for such Phase with the office of the Wayne County Treasurer and Wayne County Assessor, without requirement of additional hearings or public notice. No Redevelopment Contract Amendment providing for the division of taxes pursuant to this Redevelopment Contract and Section 18-2147 of the Act shall be made after January 1, 2024.

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 "Benscoter, Inc., Angel Acres 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 to be paid *Pari Passu* with the obligations for payment on the series 2013 A 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 3rd day of September, 2013.

THE COMMUNITY DEVELOPMENT AGENCY OF THE
CITY OF WAYNE, NEBRASKA

By _____
Chair

(SEAL)
ATTEST:

Secretary

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 September ____ 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

CDA RESOLUTION NO. 2013-11

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" [WESTERN RIDGE, A PARTNERSHIP Project] which constitutes a Redevelopment Plan (the "Plan") for the redevelopment of the following described real estate:

Lot 5A of the Replat of Lot 5, Western Ridge III Addition in the City of Wayne,
Wayne County, Nebraska,

together with that portion of Milo Street adjacent thereto, 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

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 WESTERN RIDGE, A PARTNERSHIP, (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 \$93,000.00, 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" (WESTERN RIDGE, A PARTNERSHIP 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, 2016. 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 anytime 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
(WESTERN RIDGE, A PARTNERSHIP Project)
SERIES 2013 A

<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Final Maturity Date</u>
\$93,000.00	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, 2016. 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 Ninety Three Thousand Dollars and no cents (\$93,000.00) 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 September, 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 "WESTERN RIDGE, A PARTNERSHIP, 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 3rd day of September, 2013.

THE COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF WAYNE, NEBRASKA

By _____
Chair

(SEAL)
ATTEST:

Secretary

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 September ____ 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

WAYNE MUNICIPAL AIRPORT AUTHORITY
July 24, 2013
2:00 P.M.
Emergency Airport Board Meeting

The Emergency Airport Authority meeting was called to order at 1400 by Chairman Mitchell Nissen

The following members were present: Carl Rump, Todd Luedeke, Jerry Conrad, and Mitch Nissen. Also present were Nancy Braden and Kyle Dahl Airport Authority Attorney.

Motion by Jerry Conrad, second by Todd Luedeke to go into executive session per 84-1410 for potential legal implications not of public interest at 1401. Invited to remain in the executive session are legal council Kyle Dahl and Nancy Braden. Roll was called with all members voting aye. Motion carried.

Motion from Todd Luedeke, second from Jerry Conrad to exit executive session at 1423, all in favor

Reconvened regular meeting at 1423

Motion from Todd Luedeke, second from Jerry Conrad to remove Clay Bode from 2 hangers ASAP no later than Aug 1, 2013 for extreme safety issues and interruption of an established business on the field. Board directed attorney Kyle Dahl to prepare a letter pursuant to this motion. The board also requested that the letter be delivered to Clay Bode by the Wayne Co Sheriff. Roll was called with members Jerry Conrad, Mitchell Nissen, Todd Luedeke in favor, Carl Rump against, Motion carries.

Discussion was held on the Airport house use per Airport manager.

Discussion on maintenance issues with current gas pump.

Motion by Todd Luedeke second by Carl Rump for new gas pump and accompanying supplies, Nancy Braden is authorized to take care of the issues, all members voting aye. Motion carried.

Motion to adjourn by Jerry Conrad second by Carl Rump, all members present voting in favor. Meeting adjourned.

Todd Luedeke
204 Fairway Circle
Wayne NE 68787

WAYNE MUNICIPAL AIRPORT AUTHORITY

July 8, 2013

7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Airport Pilots Lounge on the above date and time by Chairman Mitchell Nissen. The following members were present: Mitchell Nissen, Jerome Conradt, Todd Luedeke, Carl Rump and David Ley. Also, attending the meeting were Nancy Braden Treasurer, Tom Becker FBO & Airport Manager, Karma Schulte, Kyle Dahl Airport Authority Attorney, Dana Tompkins, Scott Morgan, Norm Slama, and David Zach.

Luedeke moved and Conradt 2nd to accept the Minutes of June 10 & 17, 2013 with corrections. Roll was called with the following results: Yeas: Nissen, Luedeke, Conradt, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Luedeke 2nd to accept the Claims as presented on July 8, 2013. Roll was called with the following results: Yeas: Nissen, Luedeke, Conradt, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Luedeke moved and Conradt 2nd to table discussion on City/County Airport until further information was available. Roll was called with the following results: Yeas: Nissen, Luedeke, Conradt, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Rump 2nd to pass Resolution 2013-1 preliminary levy allocation from City of Wayne. Roll was called with the following results: Yeas: Nissen, Luedeke, Conradt, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Nancy Braden Treasurer presented a letter to all owners of airplanes based on the airport requesting information to be used for future grant purposes. The authority authorized the mailing of a letter.

Luedeke moved and Conradt 2nd to move to executive session according to 84-1410 this concerning possible litigation on TradeWind Energy Negotiations. Roll was called with the following result: Yeas: Nissen, Luedeke, Conradt, Rump and Ley. Nays: None. The Chairman declared the motion carried. The Board went into executive session at 7:44 PM.

Luedeke moved and Rump 2nd that we come out of executive session. Roll was called with the following result. Yeas: Nissen, Luedeke, Conradt, Rump and Ley. Nays: None. The chairman declared the motion carried. The Board came out of executive session at 8:20 PM.

Luedeke moved and Ley 2nd for the committee to continue negotiations with TradeWind Energy. Roll was called with the following results: Yeas: Nissen, Luedeke, Conradt, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal actions on these matters were needed.

There being no further business Luedeke moved and Conratt 2nd that the meeting be adjourned.
All voting in the affirmative the meeting was adjourned.

David R. Ley
Secretary