

RESOLUTION NO. 2014-65

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, CALLING A SPECIAL ELECTION ON THE PROPOSITION OF THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINE HUNDRED THOUSAND DOLLARS (\$2,900,000) TO PROVIDE FUNDS TO CONSTRUCT AND EQUIP AN OUTDOOR SWIMMING POOL FACILITY AND RELATED IMPROVEMENTS CONNECTED TO THE WAYNE COMMUNITY ACTIVITY CENTER; AND IMPOSING AN ADDITIONAL SALES AND USE TAX OF ONE-HALF OF ONE PERCENT (0.50%), UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX, FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST OF SAID BONDS AS THE SAME FALL DUE, WITH SAID SALES AND USE TAX TO REMAIN IN EFFECT ONLY SO LONG AS ANY OF THE INDEBTEDNESS EVIDENCED BY SAID BONDS (INCLUDING REFUNDING BONDS ISSUED TO REFUND SUCH INDEBTEDNESS) SHALL REMAIN OUTSTANDING AND UNPAID.

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska (the “City”) as follows:

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

(a) it is necessary, desirable, advisable and in the best interest of the City and its residents that the City provide funds to construct and equip an Outdoor Swimming Pool and related improvements connected to the Wayne Community Activity Center (the “Project”); and

(b) there has not been submitted to the electors of the City a proposition for the issuance of bonds to pay the costs of the Project or any similar purpose preceding the date of election provided for in this Resolution within the six months last past, nor on the question of the levy of a sales and use tax to provide revenues for the payment of principal and interest of such bonds within the twenty-three months last past.

Section 2. A special election is hereby called to be held on November 4, 2014, in conjunction with the statewide general election to be held on such date, at which there shall be submitted to the qualified electors of the City the following proposition:

"Shall the City of Wayne, Nebraska issue bonds of said City in the principal amount of not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) to provide funds to construct and equip an Outdoor Swimming Pool and related improvements connected to the Wayne Community Activity Center; said bonds to bear interest at rate or rates to be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and

"Shall the City of Wayne, Nebraska, impose an additional sales and use tax of one-half of one percent (0.50%), upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, for the purpose of paying the principal and interest of said bonds as the same fall due, with said sales and use tax to remain in effect only so long as any of the indebtedness evidenced by said bonds (including refunding bonds issued to refund such indebtedness) shall remain outstanding and unpaid?"

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of Wayne shall be authorized to issue said bonds and shall be empowered as provided by Section 77-27,142 to levy said sales and use tax and shall forthwith proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of Wayne shall not issue said bonds and shall not impose such tax.

The ballots to be voted upon and cast at said election shall have printed thereon the foregoing proposition, followed by the words: "FOR said bonds and sales tax" and "AGAINST said bonds and said sales tax" following proposition.

Section 3. Notice of said election shall be given to the qualified electors of said City by publication at least one time each week for three successive weeks prior to such election and a copy of the sample ballot shall be published one time not more than fifteen days nor less than two days prior to the election, such notice and sample ballot to be published in the *Wayne Herald*, a newspaper published in and of general circulation in said City, and the City Clerk of the City be and hereby is directed to cause such notice and sample ballot to be published.

Section 4. The City Clerk of the City shall be and hereby is authorized and directed to certify a copy of this Resolution to the County Clerk/Election Commissioner of Wayne County not later than September 1, 2014, who shall designate polling places and determine voting procedures as set out in Section 32-902 through 32-960 Reissue Revised Statutes of Nebraska, 2008, as amended, appoint the election officials and otherwise conduct the election as provided by law. The City does hereby agree to reimburse said County Clerk for the expenses of conducting the election. As required by Section 32-802, Reissue Revised Statutes of Nebraska, 2008, as amended, the County Clerk/Election Commissioner shall provide for publication of the Notice of Election in a newspaper designated by the County Clerk/Election Commissioner no later than forty (40) days prior to the day of said election and such notice shall be posted in the office of the County Clerk no later than forty (40) days prior to such date of election.

Section 5. The form of ballot and form of notice of said bond election shall be substantially in the form submitted to this meeting, a copy of which forms shall be made a part of the minutes. The City Clerk is hereby authorized and directed, in conjunction with the County Clerk/Election Commissioner conducting the election, to arrange for the printing of the necessary ballots for said election and to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the City as above provided.

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

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

EXTRACT FROM MINUTES OF MEETING
OF THE MAYOR AND COUNCIL
OF THE CITY OF WAYNE, NEBRASKA

The Mayor stated it was necessary for the Council to consider the calling of a bond election to provide funds to construct and equip an outdoor swimming pool facility and related improvements connected to the Wayne Community Activity Center; and to provide for approval of the levy of a one-half of one percent (0.50%) sales and use tax upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, for the purpose of paying the principal and interest of said bonds as the same fall due, that the question of issuing such bonds and providing for the levy of such sales tax should be submitted to the electors of the City at a special election to be held in conjunction with the statewide General Election on November 4, 2014.

After discussion, Council Member Eischeid introduced Resolution No. 2014-65, which was read by title and moved the adoption of said resolution:

NOTE: Resolution calling election must be certified to the County Clerk of Wayne County on or before September 1, 2014, as provided by law.

The foregoing Resolution having been read by title, Council Member Eischeid moved its passage, which motion was seconded by Council Member Sievers. After consideration, the roll was called and the following members voted in favor of the passage and adoption of said Resolution:

Giese, Greve, Haase, Sievers, Muir, Ley, Eischeid and Brodersen.

The following members voted against the same: None. The following members were absent or did not vote: None.

The passage of said Resolution having been consented to by a majority of the members of the Council, the Mayor declared the Resolution duly passed and adopted.

DATED this 19th day of August 2014.

City Clerk

[SEAL]

I, the undersigned City Clerk for the City of Wayne, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on August 19, 2014; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting..

City Clerk

(SEAL)

**NOTICE OF ELECTION
CITY OF WAYNE, NEBRASKA**

Public Notice is hereby given to the qualified electors of the City of Wayne, Nebraska, that a special election has been called and will be held in the City of Wayne, Nebraska, on Tuesday, November 4, 2014, in conjunction with the Statewide General Election, at which there shall be submitted to the qualified electors of said City the following proposition:

"Shall the City of Wayne, Nebraska issue bonds of said City in the principal amount of not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) to provide funds to construct and equip an Outdoor Swimming Pool and related improvements connected to the Wayne Community Activity Center; said bonds to bear interest at rate or rates to be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and

"Shall the City of Wayne, Nebraska, impose an additional sales and use tax of one-half of one percent (0.50%), upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, for the purpose of paying the principal and interest of said bonds as the same fall due, with said sales and use tax to remain in effect only so long as any of the indebtedness evidenced by said bonds (including refunding bonds issued to refund such indebtedness) shall remain outstanding and unpaid?"

- FOR said bonds and said sales and use tax
- AGAINST said bonds and said sales and use tax

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of Wayne shall be authorized to issue said bonds and shall be empowered as provided by Section 77-27,142 to levy said sales and use tax and shall forthwith proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of Wayne shall not issue said bonds and shall not impose such tax.

The polling places will be such places as shall be determined by the County Clerk/Election Commissioner of Wayne County. Such polling places will be open continuously from 8:00 a.m. to 8:00 p.m. on said date. Such polling places are accessible to individuals with physical mobility limitations.

Qualified electors wishing to vote early, as permitted by law, may do so in person or by requesting a ballot for early voting from the County Clerk/Election Commissioner of Wayne County, at such County Clerk/Election Commissioner's offices in Wayne, Nebraska, 510 Pearl Street, Wayne, Nebraska 68787.

BY ORDER OF THE MAYOR AND CITY COUNCIL OF SAID CITY.

City Clerk

Mayor

(SEAL)

POST – in County Clerk's office at least 40 days prior to election:

September 25, 2014

PUBLISH – One time at least 40 days prior to election – County Clerk:

September 25, 2014

PUBLISH - 3 successive weeks (4 publications) immediately prior to election (City Clerk):

October 9, October 16, October 23 and October 30, 2014

(SAMPLE BALLOT)
(OFFICIAL BALLOT)
(OFFICIAL BALLOT FOR EARLY VOTING)

BOND ELECTION
CITY OF WAYNE, NEBRASKA

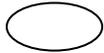
TUESDAY, NOVEMBER 4, 2014

"Shall the City of Wayne, Nebraska issue bonds of said City in the principal amount of not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) to provide funds to construct and equip an Outdoor Swimming Pool and related improvements connected to the Wayne Community Activity Center; said bonds to bear interest at rate or rates to be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and

"Shall the City of Wayne, Nebraska, impose an additional sales and use tax of one-half of one percent (0.50%), upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, for the purpose of paying the principal and interest of said bonds as the same fall due, with said sales and use tax to remain in effect only so long as any of the indebtedness evidenced by said bonds (including refunding bonds issued to refund such indebtedness) shall remain outstanding and unpaid?"



FOR said bonds and sales tax



AGAINST said bonds and sales tax

Electors voting in favor of said proposition shall blacken the oval opposite the words "FOR said bonds and sales tax" following said proposition and electors voting against said proposition shall blacken the oval opposite the words "AGAINST said bonds and sales tax" following said proposition.

NOTICE TO PUBLISHER: PUBLISH – One time not more than 15 or less than 2 days prior to election. October 30, 2014

CERTIFICATE OF FILING

STATE OF NEBRASKA)
)
COUNTY OF WAYNE) ss.
)
CITY OF WAYNE)

I, the undersigned, the duly qualified and acting Clerk of the Wayne, Nebraska, do hereby certify that attached hereto is a true and correct copy of a Resolution of the Mayor and City Council of the City of Wayne, calling a special bond election to be held in the City of Wayne, in conjunction with the Statewide General Election on the 4th day of November 2014.

IN WITNESS WHEREOF, I have hereunto set my hand officially this 26th day of August, 2014.

Betty A. McGuire, City Clerk

[SEAL]

I, the undersigned, the duly qualified and acting County Clerk/Election Commissioner of the County of Wayne, in the State of Nebraska, do hereby acknowledge receipt of the aforesaid Resolution calling a special bond election to be held in the City of Wayne, Nebraska, in conjunction with the Statewide General Election on the 4th day of November 2014.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of my office this 26th day of August, 2014.

County Clerk/Election Commissioner,
Wayne County, Nebraska

[SEAL]