

**AGENDA  
CITY COUNCIL MEETING  
November 15, 2016**

1. [Approval of Minutes – November 1, 2016](#)

2. [Approval of Claims](#)

The City Council will be hearing public comments on the following agenda items: \_\_\_\_\_

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. [Appointment: Jessi Hansen – Recreation-Leisure Services Commission](#)

4. [Public Hearing:           Redevelopment Plan for Sebade Housing, LLC \(Chad Sebade\)  
\(Advertised Time: 5:30 p.m.\)](#)

**Background:** Because the Planning Commission did not have a quorum at their meeting on Monday evening, there was no recommendation to the Council. This public hearing will be held over to the December 6<sup>th</sup> Council meeting.

5. [Resolution 2016-74: Approving a Redevelopment Plan as Contained in a Redevelopment Contract \(Sebade Housing, LLC – Chad Sebade\)](#)

6. [Public Hearing:           To consider the Planning Commission’s recommendation on the  
“Community Schools Addition to the City of Wayne Final Plat”  
\(Advertised Time: 5:30 p.m.\)](#)

**Background:** Because the Planning Commission did not have a quorum at their meeting on Monday evening, there was no recommendation to the Council. This public hearing will be held over to the December 6<sup>th</sup> Council meeting.

7. [Resolution 2016-75: Approving the “Community Schools Addition to the City of Wayne Final Plat”](#)

8. [Ordinance 2016-15: Amending Wayne Municipal Code Chapter 54, Article I. In General by adding Sec. 54-8 Unlawful Library Conduct and Sec. 54-9 Penalties Imposed; Recovery in Civil Action \(Second Reading\)](#)

9. [Resolution 2016-76: Accepting bid and awarding contract on the “City Hall Painting Project”](#)

**Background:** Bids are due Thursday at 2:00 p.m. Administrator Johnson will review the same and have a recommendation to you at meeting time.

10. [Resolution 2016-77: Accepting bid and awarding contract on the “City Hall Sheet Rock Project”](#)

**Background:** Bids are due Thursday at 2:00 p.m. Administrator Johnson will review the same and have a recommendation to you at meeting time.

11. [Resolution 2016-78: Accepting bid and awarding contract on the purchase of a 2017 Ford Fusion](#)

**Background:** Bids are due Thursday at 2:00 p.m. Administrator Johnson will review the same and have a recommendation to you at meeting time.

12. [Resolution 2016-79: Approving the Amended Guidelines for the Down Payment Assistance Program](#)

**Background:** The revised guidelines include the change from 100% AMI to 120% AMI as previously discussed with Council. Also, in the review by the Department of Economic Development, they recommended several other required changes that bring the guidelines up to today’s program requirements. Nancy Braden, Finance Director, and Megan Weaver, Wayne Community Housing Development Director, recommend approval of these guidelines.

13. [Action on Contractor’s Application for Payment No. 1 in the amount of \\$86,889.56 to Penro Construction Co., for the “Nebraska Street Water Main Replacement Project”](#)

**Background:** This is for work completed in accordance with our contract and approved by the project engineer for payment.

14. [Action on Certificate of Substantial Completion – “Community Activity Center Parking Lot Project”](#)

15. [Action on Change Order No. 2 \(Final\) for the “Community Activity Center Parking Lot Project” for a decrease of \\$372.00 for final quantity adjustments — Progressive Property Inspectors, LLC](#)

16. [Action on Contractor’s Application for Payment No. 4 \(Final\) in the amount of \\$12,153.71 to Progressive Property Inspectors, LLC for the “Community Activity Center Parking Lot Project”](#)

**Background:** This is for work completed in accordance with our contract and approved by the project engineer for payment.

17. [Ordinance 2016-16: Authorizing the Termination of both the City’s Wholesale Power Contract and Capacity Purchase Agreement with Nebraska Public Power District](#)

18. [Review of Engineer Proposals to conduct an Annexation Study](#)

**Background:** Administrator Johnson has contacted JEO Consulting Group, ACES and McLaury Engineering to submit proposals to conduct an annexation study for the event center property. Those proposals will be distributed at the Council meeting for your review.

19. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

**MINUTES  
CITY COUNCIL MEETING  
November 1, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, November 1, 2016, 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, and Jason Karsky; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Council President Jill Brodersen and Councilmember Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 20, 2016, 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 Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 18, 2016, 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 Council President Jill Brodersen and Councilmember Matt Eischeid who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**CORRECTIONS TO CLAIMS LIST OF 10-28-16:** DELETE LESEBERG MASONRY, RE, 323.00; NE CHAPTER IAEI, FE, 300.00

**VARIOUS FUNDS:**

**FISCAL YEAR 2015-2016:** DUNCAN & ALLEN, SE, 7436.00; C. H. GUERNSEY, SE, 1582.00; ERIKSEN CONSTRUCTION, SE, 20000.00; JOHN'S WELDING, SE, 17.50; NORTHEAST NE ENERGY SYSTEMS, SE, 2157.50; NNPPD, SE, 2733.40; PROGRESSIVE PROPERTY INSPECTORS, SE, 115645.43; RUTJENS CONSTRUCTION, SE, 283749.48; THE GLASS EDGE, SU, 1416.00

**FISCAL YEAR 2016-2017:** ALLESCO, SU, 277.74; AMERICAN RED CROSS, RE, 10.00; AMERITAS, SE, 89.36; AMERITAS, SE, 72.00; AMERITAS, SE, 50.28; AMERITAS, SE, 2234.44; APPEARA, SE, 166.00; BLACK HILLS ENERGY, SE, 354.33; BLUE CROSS BLUE

SHIELD, SE, 34279.40; BOMGAARS, SU, 677.40; BROWN SUPPLY, SU, 1631.54; CENTURYLINK, SE, 416.27; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, PY, 68759.78; CITY EMPLOYEE, RE, 6.46; CITY EMPLOYEE, RE, 3727.12; CITY EMPLOYEE, RE, 32.63; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, RE, 3248.80; CITY OF WAYNE, RE, 6.21; COMMUNITY HEALTH, RE, 4.00; CREATIVE DISPLAYS, SU, 42.88; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 96.32; DISPLAY SALES, SU, 2828.00; ECHO GROUP, SU, 975.00; FAITH REGIONAL PHYSICAN SERV., SE, 30.00; FIREMAN'S ASSOCIATION, SE, 5000.00; CITY EMPLOYEE, RE, 3248.80; FLOOR MAINTENANCE, SU, 423.15; GAMBLE LANDSCAPING, SE, 1043.00; GERHOLD CONCRETE, SE, 3808.81; ICMA, SE, 7750.62; INTERSTATE BATTERY SYSTEM, SU, 455.80; IRS, TX, 10915.21; IRS, TX, 11874.26; IRS, TX, 2777.04; JEO CONSULTING GROUP, SE, 6939.50; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KELSEY SHIPE, RE, 150.00; KEN JORGENSEN, RE, 75000.00; LESEBERG MASONRY & CONST, RE, 323.00; LIBRARY IDEAS, SU, 1589.00; LIVING HERE, SU, 32.00; MAIN STREET AUTO CARE, SE, 569.28; MCLAURY ENGINEER, SE, 4614.50; MICHAEL TODD & CO, SU, 69.15; MUNICIPAL SUPPLY, SU, 347.63; NDEQ, FE, 150.00; NDEQ, FE, 150.00; NE DEPT OF REVENUE, TX, 3624.80; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 362.00; NE SAFETY COUNCIL, SE, 19.40; NNPPD, SU, 364.38; NOVA HEALTH EQUIPMENT, SU, 7126.83; O'KEEFE ELEVATOR CO, SE, 327.68; OLSSON ASSOCIATES, SE, 1245.93; RATH WALLING AND ASSOC, RE, 400.00; SEBADE CONSTRUCTION, SE, 8400.00; STATE NEBRASKA BANK & TRUST, RE, 8275.00; UNITED WAY, RE, 5.00; VIAERO, SE, 221.41; W.T. COX SUBSCRIPTIONS, SU, 1892.34; WAYNE COUNTY COURT, RE, 150.00; WAYNE KIWANIS, FE, 141.00; WESCO, SU, 38.52; ZEE MEDICAL SERVICE, SU, 49.54; AMERICAN BROADBAND, SE, 2472.20; APPEARA, SE, 64.32; CARHART LUMBER, SU, 1299.60; CHARGEPOINT, INC., SE, 280.00; CITY EMPLOYEE, RE, 822.49; CITY EMPLOYEE, RE, 38.00; CITY EMPLOYEE, RE, 193.80; CITY EMPLOYEE, RE, 417.50; CITY EMPLOYEE, SU, 96.29; CITY EMPLOYEE, RE, 485.47; CITY EMPLOYEE, RE, 151.98; CITY OF PONCA, RE, 15016.25; CITY OF WEST POINT, RE, 21796.80; CITY OF WISNER, RE, 2269.50; CORNERSTONE, RE, 500.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DGR & ASSOCIATES, SE, 5462.00; DISPLAY SALES, SU, 315.00; DUTTON-LAINSON, SU, 266.81; ECHO GROUP, SU, 2925.00; FASTENAL, SU, 59.71; FIRST CONCORD GROUP, SE, 3072.98; GERHOLD CONCRETE, SU, 527.50; GOODE, KELLEN, RE, 129.24; GROSSENBURG IMPLEMENT, SU, 43.60; HELENA CHEMICAL, SU, 80.00; HOLIDAY INN-DOWNTOWN, SE, 617.70; HOMETOWN LEASING, SE, 412.86; KAY PARK REC CORP, SU, 4753.60; KRIZ-DAVIS, SU, 278.20; LESEBERG MASONRY & CONST, RE, 273.00; LITE-FORM TECHNOLOGIES, SU, 55.56; LOZA, COLLEEN, RE, 191.86; MEYER, BRYCE, RE, 257.85; O'REILLY AUTOMOTIVE STORES, SU, 63.98; PONCA RURAL FIRE BOARD, RE, 3593.38; QUALITY FOOD, SU, 35.59; S & S WILLERS, SU, 302.92; STADIUM SPORTING GOODS, SU, 220.00; STATE NEBRASKA BANK, RE, 100.89; TYLER TECHNOLOGIES, SE, 200.00; US BANK, SU, 4214.10; VILLAGE OF WINSIDE, RE, 4803.48; WESCO, SU, 561.75; ZIMCO SUPPLY, SU, 120.00

Councilmember Haase made a motion, which was seconded by Councilmember Greve, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen and Councilmember Eischeid who were 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.

Roger Protzman, JEO Consulting Group, was present to review the bids received on the “2016 Lagoon Sludge Removal & Application Project.” This matter was tabled from the last meeting.

Two bids were received. He noted that the bids were higher than in 2012. He contacted the contractor and the biggest part of the cost is a result of rising labor wages. His recommendation was to award the contract to the low bidder, Midwest Injection, Inc., for \$249,000.

Councilmember Giese introduced Resolution No. 2016-70 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2016-70

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “2016 LAGOON SLUDGE REMOVAL & APPLICATION PROJECT TO MIDWEST INJECTION INC., FOR \$249,000.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen and Councilmember Eischeid who were absent, the Mayor declared the motion carried.

Barbara Hayford, Professor of Biology at Wayne State College, gave a presentation regarding future lagoon use options. They propose developing a city lake modified from the former wastewater treatment plant. They propose the creation of this city lake for use as a natural resource for education, conservation and economic development in the City of Wayne. They want to sustain the lagoon in the short term. Water sources have been shut off for several months and the lagoon is going dry. Developing the lagoon into a city lake will create a natural

resource amenity designed to improve the quality of life in Wayne, as well as boost the underutilized and growing experiential economy.

After some discussion, Councilmember Giese stated he would ask City staff to:

1. Check on the cost of putting water from the lagoon, from the treatment plant, if we can;
2. Pumping it in from the stream; and
3. Checking with the contractor to see if they care if we do put more water in there, and see what all of our options are.

Attorney Miller stated the following Ordinance would amend the current City Code to add two sections, similar to what the City of Norfolk has, to make our Library policy for late returns, destroying books, etc., enforceable. The Library Director has been having issues with people not returning their library books, etc.

Councilmember Giese introduced Ordinance 2016-15, and moved for its approval; Councilmember Greve seconded.

#### ORDINANCE NO. 2016-15

AN ORDINANCE AMENDING CHAPTER 54 LIBRARY, ARTICLE I IN GENERAL, BY ADDING SECTION 54-8 UNLAWFUL LIBRARY CONDUCT AND SECTION 54-9 PENALTIES IMPOSED; RECOVERY IN CIVIL ACTION; 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 Council President Brodersen and Councilmember Eischeid who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Eischeid arrived at 6:13 p.m.

Lowell Heggemeyer, Public Works employee, stated four bids were received for a 2016 Bobcat Compact Excavator for the Street, Water, Sewer and Electric Departments. Staff has reviewed the bids and recommends that the same be awarded to the low bidder, Nebraska Harvestore Systems, for \$40,826.96.

Councilmember Haase questioned the need for this piece of equipment.

Councilmember Giese questioned what it would cost to rent this type of equipment.

Councilmember Greve introduced Resolution No. 2016-72 and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2016-72

#### A RESOLUTION ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A NEW 2016 BOBCAT COMPACT EXCAVATOR.

Councilmember Karsky stated that even if the rental cost would pencil out, you are not guaranteed that the equipment would be available or in a timely fashion.

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

Administrator Johnson stated the City did not receive any bids on the "Sanitary Sewer Line Repair Project" by St. Mary's Catholic Church. Jeff Brady, Water/Wastewater Foreman, advised that the department will monitor the line through the winter and rebid it next year.

Steve Rames of McLaury Engineering, Inc., presented Contractor's Application for Payment No. 3 on the "Community Activity Center Parking Lot Project" for \$26,624.09 to Progressive Property Inspectors, LLC.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving Contractor's Application for Payment No. 3 for \$26,624.09 to Progressive Property Inspectors, LLC, for the "Community Activity Center Parking Lot Project." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Discussion took place regarding funding alternatives for the \$5,000 in LB840 administrative costs.

At the last meeting, the Council asked staff to provide alternative sources of funding for the \$5,000 LB840 administrative fees. The two most simple sources are the from City's general fund or from the annual business development funding for future growth from the electric fund. Currently,

about \$90,000 of that goes towards the City's agreement for area business development services annually with WAED, and the remaining \$40,000 to \$50,000 is allocated to the Wayne Community Redevelopment Authority, which is an appointed board of representatives of the school, county, banks, city council, and citizens.

Staff recommendation is to redirect \$5,000 of the Community Redevelopment Authority allocation to Wayne Area Economic Development for the LB840 administrative costs.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to redirect \$5,000 of the Community Redevelopment Authority allocation to Wayne Area Economic Development for the LB840 administrative costs. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Olsson Associates presented change Order No. 4 on the Wayne Airport Lift Station Project for a decrease of \$7,500 for quantity adjustment – seeding. Mark Albenesius, Inc., is the contractor on the project. This brings the total contract price down to \$80,504.00.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 4 on the “Wayne Airport Lift Station Project” for a decrease of \$7,500 for quantity adjustment – seeding to Mark Albenesius, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Olsson Associates presented Certificate of Payment No. 1 (Final) on the “Wayne Airport Lift Station Project” for \$80,504.00 to Mark Albenesius, Inc.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving Certificate of Payment No. 1 (Final) for \$80,504.00 to Mark Albenesius, Inc., for the “Wayne Airport Lift Station Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

The City has received the Annual Renewal Maintenance Agreement from the Nebraska Department of Roads. This is a standard form agreement.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the Annual Renewal Maintenance Agreement (2017) with the Nebraska Department of Roads. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Don Buryanek and Dave Hix to the Board of Appeal.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Don Buryanek and Dave Hix to the Board of Appeal. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Ellen Imdieke to the Library Board.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Ellen Imdieke to the Library Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Mark Sorensen and Jessie Piper to the Planning Commission.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Mark Sorensen and Jessie Piper to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas,

with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Nancy Jo Powers and Nick Hochstein to the Recreation-Leisure Services Commission.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the reappointment of Nancy Jo Powers and Nick Hochstein to the Recreation-Leisure Services Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the reappointment of Amy Miller as City Attorney effective January 1, 2017 through December 31, 2017.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, approving the reappointment of Amy Miller as City Attorney effective January 1, 2017, through December 31, 2017. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Council President Brodersen who was absent, the Mayor declared the motion carried.

Discussion took place regarding sewer options for the proposed Wayne Area Event Center north of the golf course. Administrator Johnson stated when a city grows and has giant leaps outside city limits, someone has to assume the cost of extending city services. The Electric Department is estimating it will cost around \$100,000 to get a 3-phase line to this area. This only includes extending the line for the facility. Steve Rames of McLaury Engineering gave an estimate of \$4-500,000 to extend sewer to this area. Tim Sutton, Line Supervisor, advised that this area is the service area of Northeast Nebraska Public Power District. However, if this area were annexed, it would become the service area of the City of Wayne.

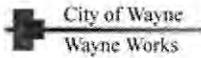
Councilmember Eischeid wanted to try to figure out what it would cost each homeowner in this area to be annexed (assessments, hook-up fees, taxes, etc.) before anything is done.

Administrator Johnson stated an annexation study can be done to get a financial analysis on what it would cost to extend city services to this area, as well as revenue received.

Mayor Chamberlain noted that growth is expensive and has a lot of upfront costs. The majority of what Council's do is not planning for the next couple of years, but planning for the next few generations.

Administrator Johnson advised Josie Broders in a month he could give her a timeline for all of this.

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 Council President Brodersen who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:01 p.m.



Vendor	Payable Description	Payment Total
ADVANCED CONSULTING ENGINEERING SERVICES	MAIN ST WATER MAIN IMPROVEMENTS	750.00
AMERICAN RED CROSS	PAYROLL DEDUCTION	10.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	50.53
AMERITAS LIFE INSURANCE	POLICE RETIREMENT EMPLOYEE DONATION	72.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT PERCENT	105.34
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,287.48
APPEARA	MAT SERVICE	105.35
ARNIE'S FORD INC	TRANSMISSION SENSOR REPAIR	876.55
BAIRD HOLM LLP	WHOLESALE POWER CONTRACT ATTORNEY FEE	4,948.50
BAKER & TAYLOR BOOKS	BOOKS	994.23
BAKER & TAYLOR BOOKS	ROAD ATLAS	22.29
BARONE SECURITY SYSTEMS	ANNUAL INSPECTION	87.70
CERTIFIED TESTING SERVICES INC	CAC PARKING LOT/NEBRASKA ST WATER MAIN	1,341.50
CHAD SMITH	BUILDING PERMIT DEPOSIT REFUND	250.00
CHARTWELLS	SENIOR CITIZEN MEALS	4,401.35
CITY EMPLOYEE	SAFETY BOOT/VISION REIMBURSEMENT	160.99
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	306.58
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	375.09
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	315.98
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	721.55
CITY OF WAYNE	PAYROLL	67,969.66
CITY OF WAYNE	WAED MEDICAL REIMBURSEMENT	624.99
COMMUNITY HEALTH	PAYROLL DEDUCTION	3.00
COPY WRITE PUBLISHING	SHIPPING CHARGES	188.43
DEARBORN NATIONAL LIFE	LIFE/DISABILITY	2,119.07
DISPLAY SALES INC	CHRISTMAS LIGHTS	415.97
DOESCHER APPLIANCE	REFRIGERATOR DEFROST REPAIR	115.00
DUSTIN SWISHER	BUILDING PERMIT DEPOSIT REFUND	100.00
EASYPERMIT POSTAGE	POSTAGE	1,805.15
ECHO GROUP INC JESCO	LED LIGHT BULBS/CODE BOOK/BRACKETS	3,352.35
ED. M FELD EQUIPMENT CO INC	HEADBAND CUSHIONS	84.80
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	624.99
FLOOR MAINTENANCE	TOILET PAPER/DETERGENT/PAPER TOWELS	237.98
FOURTH GENERATION FAMILY LTD	TIF PRINCIPAL & INTEREST	12,278.49
FREDRICKSON OIL CO	MOWER TIRE REPAIR	14.00
GALE GROUP	BOOKS	74.72
GEMPLER'S INC	GLOVES/WRENCH	212.75
GERHOLD CONCRETE CO INC.	CONCRETE	926.22
GILL HAULING, INC	SANITATION SERVICE	170.50
GROSSENBURG IMPLEMENT INC	MOWER RECOIL STARTER	39.37
HAWKINS, INC	HYDROFLUOSILICIC ACID	881.10

Vendor	Payable Description	Payment Total
HOLIDAY INN OF KEARNEY	LODGING-BREITKREUTZ/SCHROEDER	379.80
IAEI	MEMBERSHIP DUES	240.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	7,753.98
INGRAM BOOK COMPANY	BOOKS	19.85
IRS	MEDICARE WITHHOLDING	2,770.06
IRS	FEDERAL WITHHOLDING	10,926.70
IRS	FICA WITHHOLDING	11,844.60
JAMES SEAL	AUDITORIUM DEPOSIT REFUND	150.00
KANSAS MUNICIPAL UTILITIES	WORKSHOP REGISTRATION	870.00
KAREN MECSEJI	ENERGY INCENTIVE	500.00
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTION	243.00
KNIFE RIVER MIDWEST LLC	ASPHALT MIX	810.00
KRIZ-DAVIS COMPANY	AMR METERS	505.04
KTCH AM/FM RADIO	RADIO ADS AND NOTICES	1,028.00
LAQUINTA INNS & SUITES	LODGING-B KESTING	91.00
LOUIS BENSCOTER	BUILDING PERMIT DEPOSIT REFUND	250.00
LUTT OIL	GASOLINE	4,714.71
MARCO INC	COPIER LEASE	126.36
MARK ALBENESIUS, INC.	AIRPORT LIFT STATION	80,504.00
MATHESON-LINWEL	OXYGEN	18.60
MCLAURY ENGINEER, INC	CAC PARKING LOT/NE ST/BANK STABILIZATION/LAND STUDY	11,890.00
MIDWEST LABORATORIES, INC	WASTE WATER ANALYSIS	362.00
MILLER LAW	NOV 2016 ATTORNEY FEE	5,416.67
NAPA OF WAYNE	MIST DETAILER	134.69
NE DEPT OF ENVIRONMENTAL QUALITY	WASTE WATER OP LICENSE RENEWAL	150.00
NE DEPT OF LABOR	CAC BOILER INSPECTION	96.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,609.31
NE RURAL WATER	REGISTRATION	150.00
NORFOLK DAILY NEWS	POLICE OFFICER AD	199.35
NORTHEAST NE PUBLIC POWER	ELECTRICITY	4,090.00
NORTHERN SAFETY CO, INC.	DRUM PLUG WRENCHES/FREIGHT CHARGE	223.05
NOVELTY MACHINE & SUPPLY	ROLLER CHAIN	352.43
ONE CALL CONCEPTS, INC	DIGGERS HOTLINE	91.95
OVERHEAD DOOR	TRANSMITTERS	192.00
PAC N SAVE	SENIOR CENTER MONDAY MEALS/COMP MTG COOKIES	60.96
PARRAMORE, CHERI	UTILITY REFUND	44.56
PENGUIN RANDOM HOUSE LLC	CD'S	273.75
PROGRESSIVE PROPERTY INSPECTORS LLC	CAC PARKING LOT	26,624.09
PRONUNCIATOR	ANNUAL LIBRARY SUBSCRIPTION	450.00
QUALITY FOOD	SENIOR CENTER MONDAY MEALS	236.99
RAY MCCALLA	BUILDING PERMIT DEPOSIT REFUND	100.00
REG GNIRK	AUDITORIUM DEPOSIT REFUND	150.00
RESCO	SECTIONALIZING CABINET	507.64
SCHWARTE, KRISTIN	UTILITY REFUND	39.52
SHEDA, FRANK	LIBRARY/SR CENTER JANITORIAL SERVICE	131.25
SHOPKO	INDEX/KLEENEX/DISINFECTANT/WHISTLE/TEA LIGHTS	82.68

<b>Vendor</b>	<b>Payable Description</b>	<b>Payment Total</b>
SIOUX CITY JOURNAL	POLICE OFFICER AD	758.12
TITAN MACHINERY	SPINDLE	557.69
UNITED WAY	PAYROLL DEDUCTION	5.00
UTILITIES SECTION	HEARTLAND DIESEL CONFERENCE	675.00
WARGA, SARAH	UTILITY REFUND	117.33
WAYNE AREA ECONOMIC DEVELOPMENT	NOV 16 CONTRIBUTION	7,216.66
WAYNE AREA ECONOMIC DEVELOPMENT	TRAVEL CONTRIBUTION	6,000.00
WAYNE AUTO PARTS	GREASE/CABLE/FILTERS/BUFFING PAD/FUEL PUMP	318.82
WAYNE COUNTY CLERK	FILING FEES	48.00
WAYNE HERALD	ADS AND NOTICES	860.43
WAYNE HERALD	CAC ADS	426.00
WAYNE KIWANIS	ANNUAL DUES- L JOHNSON	141.00
WAYNE VETERINARY CLINIC	DOG/CAT IMPOUND	448.00
WESCO DISTRIBUTION INC	3 PADMOUNT TRANSFORMERS/FUSES/ELBOWS	19,751.13
WESTERN AREA POWER ADMIN	ELECTRICITY	21,228.39
WILTMAN, JOHN	UTILITY REFUND	154.15
WISNER WEST	FD GASOLINE	177.10
	<b>Grand Total:</b>	<b>280,739.30</b>

**RESOLUTION NO. 2016-74**

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.**

**WHEREAS**, the City of Wayne, Nebraska a municipal corporation has determined it to be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

**WHEREAS**, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 2012, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

**WHEREAS**, The City has previously declared an areas of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

**WHEREAS**, The Community Redevelopment Authority of the City of Wayne, Nebraska (the Authority) has prepared a Redevelopment Plan as contained in a Redevelopment Contract pursuant to Section 18-2111 of the Act:

**NOW, THEREFORE**, be it resolved by the Mayor and City Council of the City of Wayne, Nebraska:

1. The Redevelopment Plan as contained in the Redevelopment Contract in the form attached to this Resolution as Exhibit A is hereby determined to be feasible and in conformity with the general plan for the development of the City of Wayne as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act;

2. The Mayor and City Council 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.

3. Approval of the Redevelopment Plan is hereby approved, ratified and affirmed and the Authority is hereby authorized to execute the Redevelopment Contract and implement the Redevelopment Plan in accordance with the Act, with such amendments and revisions as are appropriate.

4. Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property described herein, shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be determined in the Redevelopment Contract or resolution providing for the issuance of tax increment revenue bonds related to the project as to the following described real estate, to wit:

Lots 1, 2 and 5, Block 3, Cecil Wriedt's 2<sup>nd</sup> Addition to the City of  
Wayne, Wayne County, Nebraska.

Said tax shall be divided, as follows:

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

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

5. The Mayor and Clerk are authorized and directed to execute and deliver to the County Treasurer and Assessor the Notice to Divide Tax with the appropriate description of real estate, as established pursuant to the Redevelopment Contract and Redevelopment Plan.

PASSED AND APPROVED this \_\_\_\_\_ day of December, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Exhibit A

**FORM OF REDEVELOPMENT CONTRACT**

**Redevelopment Plan  
Sebade Housing, LLC, Redevelopment Area  
2016**

**Sebade Housing, LLC, (the “Redeveloper”) intends to redevelop and improve the area, described in this Plan, pursuant to the Nebraska Community Development Law (Sections 18-2101 to 18-2144 and 18-2147 to 18-2153, R.S.S. Neb. 2012, as amended, the “Act”) by the development in phases of a multifamily residential subdivision.**

**A. General Project Description:**

THE REDEVELOPMENT IN PHASES OF UNDEVELOPED GROUND;

This plan provides for the subdivision of undeveloped real estate and the construction of up to three 3 unit townhomes and two 2 unit townhomes over time. This plan retains the flexibility to build apartments as opposed to townhomes, should the market demand. Real estate for the project will be acquired, the property subdivided, and development will occur in phases over a 5 year period.

Described on Exhibit “1” attached to this Plan is the legal description of real estate (the “Project Area”) which the Redeveloper intends to redevelop. Exhibit “2” shows the proposed layout of the Project Area.

The redevelopment of the Project Area is not financially feasible without assistance from tax increment financing because of high site acquisition and development costs and lack of adequate return on required investment. This project is intended to provide high quality, multifamily housing. The Redeveloper believes that the redevelopment of the Project Area will provide the City and its surrounding area with significant new housing.

**B. Boundaries of Project Area and Existing Conditions and Uses**

Exhibit “2” shows the outer boundaries of the Project Area.

The Project Area is currently undeveloped and will be acquired in two separate parcels.

No water or sanitary or storm sewer facilities are currently located within the Project Area. It will be necessary to provide for water and sewer service to City connections.

**C. Land Use Plan Showing Proposed Uses**

Exhibit “2” shows the ultimate use for the Project Area as well as the proposed configuration for the development.

**D. Information Concerning Population Densities, Land Coverage and Building Intensities**

The Project Area currently has no residents. Under this Plan, all of the Project Area is intended at full development to provide a minimum of 5 structures providing townhomes for up to 13 families, with the resultant increase in residential population for the Project Area. No families will be displaced in connection with redevelopment of the Project Area. Building densities will not exceed such densities as are permitted under local regulations. The site comprises 49,742 square feet.

**E. Statement as to Proposed Changes in Zoning, Street Layout, Street Levels or Grades**

The Project Area is currently zoned as: R-4 for multifamily residential development. No change in zoning is required. All construction will be subject to applicable building codes and ordinances. No change is contemplated in street layout and street levels.

**F. Site Plan for the Project Area**

Exhibit "2" shows the proposed site plan for the area. The site plan is subject to future change based on platting of the site.

**G. Statement as to Kind and Number of Additional Public Facilities**

Water and sewer line extensions throughout the Project Area will be provided in accordance with specifications and requirements of the City to provide connections to each structure. The Redeveloper will be responsible for all on-site utility infrastructure installation. The Redeveloper will be responsible for obtaining appropriate gas and electric service. Sidewalks and driveways on public right-of-way will be installed by the developer.

**Implementation of Plan**

No project redevelopment contract or agreement between the Authority and the Redeveloper will be entered into until the Redeveloper has provided evidence of a financing commitment from a recognized financial institution acceptable to the Authority for financing of the Redeveloper's costs.

**Description of Redevelopment Project**

The Redeveloper intends to develop a multifamily residential subdivision and construct five two and three family townhomes in phases over a period of 5 years. Phase one will result in the whole or partial site acquisition, site subdivision, site development, initial utility extension and building construction. Phase two and subsequent phases will result in the development of multi-family homes or apartments on the site during the 5-year build out period

Site preparation for the initial phase(s) would begin upon redevelopment contract approval. Construction of infrastructure is expected to begin in the spring of 2017.

The Redeveloper seeks assistance from the Community Redevelopment Authority of the City of Wayne (the "Authority") to overcome the site acquisition and development costs. The level of assistance requested is a grant in the total amount not to exceed \$230,000.00 from the sale of a Tax Increment Revenue Bond or Note. The grant shall be for the redevelopment project costs shown on Exhibit #3.

### **Plan of Finance**

The Redeveloper is expected to request grant assistance from the Authority in the estimated amount of \$230,000.00 to be provided for from the issuance of community development revenue bonds to be issued by the Authority in an amount not to exceed \$230,000.00 (the "Tax Increment Revenue Bond"). The incremental ad valorem tax revenues (the increase in real property taxes based upon the resulting increase in taxable valuation) for a period of up to fifteen years after a designated effective date of each phase would be pledged to pay debt service on the Tax Increment Revenue Bond. Such grant funding and application of incremental ad valorem tax revenues is expected to occur in phases as provided in the redevelopment contract. The Redeveloper is to have full responsibility for (i) the purchasing of the Tax Increment Revenue Bond from the Authority or (ii) arranging for the purchase of the Tax Increment Revenue Bond from the Authority. Any issuance of the Tax Increment Revenue Bond is to be upon the basis of a private placement with the purchaser signing and delivering an investment letter satisfactory in form to the Authority.

### **Description of Project Area**

TAX INCREMENT REVENUES TO PAY THE TIF INDEBTEDNESS IS TO COME FROM THE FOLLOWING REAL PROPERTY:

Lots 1, 2 and 5, Block 3, Cecil Wriedt's 2<sup>nd</sup> Addition to the city of Wayne, Wayne County, Nebraska.

The property shall be re subdivided into separate lots, and each development phase will occur on one or more lots, the incremental tax revenues from which will be dedicated to payment of the Tax Increment Revenue Bond. The tax increment revenues are to be allocated under the terms of Section 18-2147(1)(b) of the Act for those tax years for which the payments become delinquent within fifteen (15) years from the effective date as set forth in the redevelopment contract and annual amendments thereto. The effective date shall be, as to each phase the January 1, of the year following the issuance of a building permit as to an individual lot and, if taxes are received by the Wayne County Treasurer on or before December 31, of the 14<sup>th</sup> year after such effective date those such taxes as falling due on said December 31, may also be allocated to the Authority and applied to payment of principal and interest on the Tax Increment Revenue Bond. The effective date for such allocations for each phase shall be set forth in or determined pursuant to the project redevelopment contract and annual amendments thereto and/or the bond resolution authorizing the

issuance of the Tax Increment Revenue Bond and noticed to the County Assessor of Wayne County in accordance with the terms of Section 18-2147 of the Act as amended.

The real property ad valorem taxes on the current taxable valuation of the lot or lots associated with each phase of the Project for the year prior to redevelopment of such phase in accordance with this Plan and the Act will continue to be paid to the applicable taxing bodies in accordance with the terms of Section 18-2147 of the Act.

### **Statutory Pledge of Taxes.**

Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the lots within the Project Area for each phase shall be divided, for the period not to exceed 15 years after the effective date of the provision for each such phase as determined pursuant to the redevelopment contract. *Such effective date under this Plan shall be the January 1 of the year following the issuance of a building permit as to each subsequent phase for the platted lots designated for such phase. Such effective date may be confirmed and restated in the resolution authorizing the Tax Increment Revenue Bond and/or in the project redevelopment contract amendment to be entered into between the Authority and the Redeveloper. Provided, however in all events, no division of such taxes shall occur after January 1, 2023.*

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is to be pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed or otherwise, by the Authority to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances or indebtedness.

**The Tax Increment Revenue Bond shall be payable solely from the tax increment revenues available under Section 18-2147 and shall not otherwise constitute indebtedness of the Authority or the City.**

### **Redevelopment Plan Complies with the Act:**

The Community Development Law requires that a redevelopment plan and project consider and comply with a number of requirements. This Plan meets the statutory qualifications as set forth below.

#### **1. The project must be in an area declared blighted and substandard. [Section 18-2109]**

The Project Area has been declared blighted and substandard by action of the Mayor and Council of the City prior to the adoption and approval of this Plan. [Section 18-2109] Such declaration is required to be made after a public hearing with full compliance with the public notice requirements of Section 18-2115 of the Act. Approval occurred at a meeting of the Mayor and City Council of the City held on March 29, 2005

**2. Conformance to the general plan for the municipality as a whole. [Section 18-2103(13)(a) and Section 18-2110]**

The City of Wayne has adopted a Comprehensive Plan, (the “Comprehensive Plan”). This Plan and the project are consistent with the Comprehensive Plan, in that no changes in the Comprehensive Plan elements are intended or required and the project meets current zoning requirements.

**3. The Redevelopment Plan must be sufficiently complete to address the following items: [Section 18-2103(13)(b) and Section 18-2111]**

**a. Land Acquisition:** The Project Area will be acquired by the Redeveloper, by private purchase.

**b. Demolition and Removal of Structures:** The project to be implemented under this Plan does not require removal of any structures. Water and sewer plans will be provided to the City Planning Department for approval prior to commencement of construction.

**c. Future Land Use Plan:** See the attached map (Exhibit #2) for the proposed development land use. [Section 18-2103(b) and Section 18-2111 of the Act] The attached maps also show an accurate site plan of the area after redevelopment, showing the proposed uses projected for the Redevelopment Project. [Section 18-2111(3) and (5) of the Act].

**d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes.** The area is zoned R-4. There are no proposed changes to street layouts. No changes are anticipated in building codes or ordinances. Re-platting is contemplated. [Section 18-2103(b) and Section 18-2111 of the Act].

**e. Site Coverage and Intensity of Use.** The project as fully developed will provide a 5 multifamily residential lot subdivision, as shown on Exhibit #2 which indicates site coverage. [Section 18-2103(b) and §18-2111 of the Act].

**f. Additional Public Facilities or Utilities.** Water, storm and sanitary sewer connections to the city mains will be required. [Section 18-2103(b) and Section 18-2111 of the Act].

**4. The Act requires that a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation.** There are no residents or operating businesses currently located in the Project Area, and no relocation requirements apply or are contemplated. [Section 18-2103.02 of the Act].

**5. Conflicts of interest by an Authority member must be disclosed.** No member of the governing body of the Authority, nor any employee of the City or the Authority holds any interest in any property located in the Project Area. [Section 18-2106 of the Act].

**6. The Act requires that the Authority consider:**

**a. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.** The Redeveloper will acquire the property located in the Project Area using its grant funds from the Tax Increment Revenue Bond. There will be no property acquisition by the Authority, and, therefore, Section 18-2119 of the Act requiring publication of notice for contract proposals is not required. The Authority may enter into a project redevelopment contract with the Redeveloper having such undertakings as the Authority determines appropriate [Section 18-2119(2) of the Act]. Because all of the real property within the Project Area will be privately owned, the requirements of Section 18-2118 of the Act relating to transfers of property by the Authority do not apply. The Redeveloper intends to redevelop the Project Area with an investment of up to \$1,600,000 of funds from grant proceeds and private resources as described in this Plan (including bank or other financing).

**b. Statement of proposed method of financing the redevelopment project.**

This Plan contemplates that the Authority may issue its Tax Increment Revenue Bond in an amount sufficient to provide a grant from the Authority (after payment of the Authority's incurred costs) to the Redeveloper to bear interest at a rate to be determined by the Authority. The Tax Increment Revenue Bond shall be privately placed to obtain the proceeds needed to make the grant. The Redeveloper will purchase or cause the Tax Increment Revenue Bond to be purchased. Application of the proceeds of the Tax Increment Revenue Bond will be supervised by or on behalf of the Authority. The Tax Increment Revenue Bond shall be repaid from the tax increment revenues generated from the Project Area from and after January 1, 2018, through that December 31<sup>st</sup>, which represents the day immediately preceding the fifteenth anniversary of the effective date as to each phase of development as set forth in the project redevelopment contract and amendments thereto.

**c. Statement of feasible method of relocating displaced families.**

No families will be displaced as a result of this plan [Section 18-2114 of the Act].

**7. Statutory considerations prior to recommending a Redevelopment Plan.** Section 18-2113 of the Act requires that the governing body of an Authority observe certain considerations prior to recommending a Plan. In connection with the adoption of this Plan and prior to recommending it to the Mayor and City Council, the governing body of the Authority shall consider whether the

proposed land uses and building requirements in the redevelopment project area (as to this Plan, the Project Area) are designed with the general purpose of accomplishing, in conformance with the general plan (the City's Comprehensive Plan), a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight. The Authority shall undertake to make such considerations and findings prior to its recommending of this Plan by a Resolution separate from this Plan.

**8. Cost Benefit Analysis.** This Plan, when presented for recommendation and approval, shall be accompanied by a cost benefit analysis. Such analysis is as follows:

**a.** Tax shifts resulting from the approval of the use of funds pursuant to section 18-2147: Possible increase student load for the school system could result from the project development. However, implementation of the full project will take a number of years. Phase 1 of the project will not result in an influx of students. Any increase will be spread over the entire class range provided by the Wayne School District.

**b.** Public infrastructure and public service needs: The plan requires the redeveloper to pay for and install all infrastructure from grant proceeds.

**c.** Impacts on employers and employees within the project area: None exist. Therefore no impact is expected.

**d.** Impacts on employers and employees in the city, but not in the project area: The construction of the facility will increase temporarily employment through the construction process. The additional housing resulting from the project may have the effect of providing an additional employee pool for employers.

**e.** Other impacts: No significant negative additional impacts are anticipated. However, the project will invite population growth with its attendant spending and investment in the community.

**9. Time Frame for Development.** Development of the Project Area is anticipated to begin during the spring of 2017, with initial occupancy of the earliest properties developed in the 4th quarter of 2017. The base tax year for Phase one is expected to be calculated on the value of the property as of January 1, 2017.

**Exhibit #1**

**Legal Description of Redevelopment Project**

Lots 1, 2 and 5, Block 3, Cecil Wriedt's 2<sup>nd</sup> Addition to the City of Wayne, Wayne County, Nebraska.

**Exhibit #2**

**Site Plan**

**Exhibit #3**  
**Redevelopment Project Costs ,**

Water lines	\$20,000
Sewer lines	\$25,000
Sidewalks and drives	\$36,600
Street lights	\$ 3,000
Site acquisition	\$84,000
Site preparation	\$ 7,500
Onsite utility extension	\$13,000
Authority costs	<u>\$ 8,000</u>
Total requested grant	\$233,100

**RESOLUTION NO. 2016-75**

**A RESOLUTION APPROVING THE FINAL PLAT FOR THE "COMMUNITY SCHOOLS ADDITION TO THE CITY OF WAYNE."**

WHEREAS, the Planning Commission, upon review of the Final Plat of the "Community Schools Addition to the City of Wayne," legally described as:

**Legal Description:**

THAT PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP 26 NORTH, RANGE 3, EAST OF THE 6TH P.M., CITY OF WAYNE, COUNTY OF WAYNE, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; THENCE S01°D38'27"E, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, A DISTANCE OF 58.90 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 35; THENCE N88°D13'10"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 85.05 FEET TO THE POINT OF BEGINNING; THENCE N87°D52'36"E, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 206.60 FEET; THENCE N02°D06'13"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 21.73 FEET; THENCE N87°D31'04"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 560.05 FEET TO A LINE 150.00 FEET WEST, PERPENDICULAR MEASUREMENT, OF THE WEST RIGHT-OF-WAY LINE OF SHERMAN STREET; THENCE S02°D04'57"E, ALONG SAID 150.00 FOOT OFFSET, A DISTANCE OF 231.71 FEET TO THE SOUTHWEST CORNER OF A PARCEL DESCRIBED IN DOCUMENT NUMBER 150075, FILED ON JANUARY 20, 2015, OF THE WAYNE COUNTY RECORDER'S OFFICE; THENCE N87°D31'04"E, ALONG THE SOUTH LINE OF SAID INSTRUMENT NUMBER 150075, A DISTANCE OF 150.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SHERMAN STREET; THENCE S02°D04'57"E, ALONG THE SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 68.80 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN DOCUMENT NUMBER 061635, FILED ON DECEMBER 20, 2006, OF THE WAYNE COUNTY RECORDER'S OFFICE; THENCE S87°D31'04"W, ALONG THE NORTH LINE OF SAID DOCUMENT NUMBER 061635, A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER THEREOF, SAID CORNER ALSO BEING 150.00 WEST, PERPENDICULAR MEASUREMENT, OF THE WEST RIGHT-OF-WAY LINE OF SHERMAN STREET; THENCE S02°D04'57"E, ALONG SAID 150.00 FOOT OFFSET, A DISTANCE OF 151.86 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE ALLEY PLATTED ON THE NORTH SIDE OF BLOCK 2, SKEEN & SEWELL'S ADDITION TO THE CITY OF WAYNE; THENCE S88°D04'04"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 182.00 FEET TO THE INTERSECTION OF THE SAID NORTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF THE ALLEY PLATTED ON THE WEST SIDE OF SAID BLOCK 2; THENCE S01°D59'58"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 158.14 FEET TO THE APPARENT INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE NORTH RIGHT-OF-WAY LINE OF 5th STREET; THENCE S88°D04'04"W, ALONG THE EXTENSION OF SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 64.00 FEET; THENCE S01°D59'58"E, 64.00 FEET WEST, PERPENDICULAR MEASUREMENT, TO THE WEST RIGHT-OF-WAY LINE OF THE ALLEY PLATTED ON THE WEST SIDE OF BLOCKS 1 AND 2, SKEEN & SEWELL'S ADDITION TO THE CITY OF WAYNE, A DISTANCE OF 476.27 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF

4th STREET; THENCE N88°D04'04"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 64.00 FEET TO THE NORTHEAST CORNER OF BLOCK 3, SKEEN'S ADDITION TO THE CITY OF WAYNE; THENCE S01°D59'58"E, ALONG THE EAST LINE OF SAID BLOCK 3, A DISTANCE OF 166.00 FEET TO THE SOUTH LINE OF SAID SKEEN'S ADDITION; THENCE S88°D04'04"W, ALONG THE SAID SOUTH LINE OF SKEEN'S ADDITION, A DISTANCE OF 677.96 FEET TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 13; THENCE N01°D38'27"W, ALONG SAID NORTH-SOUTH QUARTER LINE, A DISTANCE OF 14.80 FEET TO THE NORTHEAST CORNER OF LOT 8, TAYLOR'S ADDITION TO THE CITY OF WAYNE; THENCE S88°D05'10"W, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 529.37 FEET TO THE EAST LINE OF OAK RIDGE ADDITION TO THE CITY OF WAYNE; THENCE N01°D32'04"W, ALONG SAID EAST LINE, A DISTANCE OF 1210.38 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY #35; THENCE N88°D04'43"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 351.97 FEET TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED IN DOCUMENT 011458, FILED ON NOVEMBER 2ND, 2001, IN THE WAYNE COUNTY RECORDER'S OFFICE; THENCE S01°D39'36"E, ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 196.55 FEET; THENCE N86°D48'11"E, ALONG THE SOUTH LINE OF SAID PARCEL AND ALONG THE SOUTH LINE OF A PARCEL DESCRIBED IN DOCUMENT 080748, FILED JUNE 6, 2008, IN THE WAYNE COUNTY RECORDER'S OFFICE, A DISTANCE OF 175.13 FEET TO THE NORTH-SOUTH QUARTER LINE OF SAID SECTION; THENCE N01°D38'27"W, ALONG SAID QUARTER LINE, A DISTANCE OF 1.30 FEET TO THE SOUTHWEST CORNER OF A PARCEL DESCRIBED IN DOCUMENT 131394, FILED ON OCTOBER 9, 2013, IN THE WAYNE COUNTY RECORDER'S OFFICE; THENCE N87°D13'16"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 85.03 FEET; THENCE N01°D37'43"E, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 189.87 FEET TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 1,485,989 SQUARE FEET OR 34.11 ACRES MORE OR LESS.

on \_\_\_\_\_, 2016, recommended approval thereof, based upon the following "Findings of Fact:"

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Final Plat of the "Community Schools Addition to the City of Wayne" be approved subject to the recommendations of the Planning Commission and the foregoing "Findings of Fact."

PASSED AND APPROVED this \_\_\_\_\_ day of December, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_ Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**ORDINANCE NO. 2016-15**

**AN ORDINANCE AMENDING CHAPTER 54 LIBRARY, ARTICLE I IN GENERAL, BY ADDING SECTION 54-8 UNLAWFUL LIBRARY CONDUCT AND SECTION 54-9 PENALTIES IMPOSED; RECOVERY IN CIVIL ACTION; 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 54, Article I, of the Wayne Municipal Code is hereby amended to add the following sections:

**54-8 UNLAWFUL LIBRARY CONDUCT.**

It shall be unlawful for any person to take or retain possession beyond the due date of, or to remove from the public library building, in violation of any bylaw, rule or regulation adopted by the Library Board or City Council for the protection and government of the public library or in violation of any agreement entered into by any person concerning utilization of the public library, or to willfully and maliciously write upon, deface, injure or destroy any book, periodical, record, film or other property owned by, or in custody of, the public library. Any person who shall violate the terms of any agreement concerning utilization of the public library, or who unlawfully takes or retains possession beyond the due date of, or removes from the public library building, writes upon, defaces, injures or destroys any book, periodical, record, film or other property owned by or in the custody of the public library, shall be guilty of an offense.

**54-9 PENALTIES IMPOSED; RECOVERY IN CIVIL ACTION.**

Penalties imposed or accruing under any bylaw, rule or regulation adopted by the Library Board or City Council may be recovered in a civil action before any court having jurisdiction thereof. Such action shall be instituted and maintained in the name of the city. This remedy shall be in addition to that provided in section 54-8.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 3. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2016-76**

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE  
"CITY HALL PAINTING PROJECT."**

WHEREAS, \_\_\_\_ bids were received on the "City Hall Painting Project" on November 10, 2016; and

WHEREAS, said bids were reviewed by City Staff; and

WHEREAS, City Staff is recommending that the bid of \_\_\_\_\_ be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the "City Hall Painting Project," as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

**Bidder**

**Amount of Bid**

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

PASSED AND APPROVED this 15<sup>th</sup> day of November, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2016-77**

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE  
"CITY HALL SHEET ROCK PROJECT."**

WHEREAS, \_\_\_\_ bids were received on the "City Hall Sheet Rock Project" on November 10, 2016; and

WHEREAS, said bids were reviewed by City Staff; and

WHEREAS, City Staff is recommending that the bid of \_\_\_\_\_ be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the "City Hall Sheet Rock Project," as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

**Bidder**

**Amount of Bid**

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

PASSED AND APPROVED this 15<sup>th</sup> day of November, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2016-78**

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE  
"2017 FORD FUSION."**

WHEREAS, \_\_\_\_ bids were received on the "2017 Ford Fusion" on November 10, 2016;  
and

WHEREAS, said bids were reviewed by City Staff; and

WHEREAS, City Staff is recommending that the bid of  
\_\_\_\_\_ be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of  
Wayne, Nebraska, that they find and declare that the bid for the "2017 Ford Fusion," as submitted  
by the following contractor, is reasonable and responsive, and the same is hereby accepted:

**Bidder**

**Amount of Bid**

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

PASSED AND APPROVED this 15<sup>th</sup> day of November, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2016-79**

**A RESOLUTION APPROVING THE AMENDED GUIDELINES FOR THE DOWN PAYMENT ASSISTANCE PROGRAM.**

WHEREAS, the City of Wayne desires to amend its guidelines for the down payment assistance program, particularly to change the 100% AMI to 120% AMI; and

WHEREAS, the Department of Economic Development, upon review of the City's guidelines, recommended changes therein to bring said guidelines up to today's program requirements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the "Amended Guidelines for the Down Payment Assistance Program" are hereby adopted as amended in Attachment "A."

PASSED AND APPROVED this 15<sup>th</sup> day of November, 2016.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## ATTACHMENT "A"

### CITY OF WAYNE AMENDED GUIDELINES FOR DOWN PAYMENT ASSISTANCE PROGRAM

#### PURPOSE

The purpose of the City of Wayne Affordable Housing Development Program is to provide financial assistance to low-to-moderate income families, for the purchase of single-family residential housing units, which are safe, decent, sanitary and affordable, utilizing Nebraska Affordable Housing Program Funds Trust Funds (NAHTF). It is an important goal to increase the number of good, habitable dwelling units and improve the housing stock by providing low-interest loans to homeowners to purchase a home in the City of Wayne. Wayne Community Housing Development Corporation (WCHDC) has been contracted / organized to facilitate and coordinate the development of housing and economic development initiatives. The City of Wayne will provide assistance to those persons of greatest need, improve the availability of housing, promote home ownership, and increase attractiveness of designated underdeveloped neighborhoods and increase local employment. This program will be operated and administrated by the City of Wayne and Wayne Community Housing Development Corporation (WCHDC).

This program is in compliance with the Fair Housing Act. The City of Wayne and the Wayne Community Housing Development Corporation will comply with the following sections of the Fair Housing act and the following regulations:

Section 818. [42 U.S.C. 3617] Interference, coercion, or intimidation enforcement by civil action. City of Wayne and WCHDC's housing programs do not coerce, intimidate, threaten, or interfere with any person seeking housing funds. City of Wayne and WCHDC do not discriminate when loaning housing funds based on race, color, religion, sex, handicap, familial status, or national origin and has adopted a Fair housing Resolution. The City of Wayne and WCHDC will follow the following CFR regulations for implementing the Fair Housing Act for HUD funded program.

Title 24 CFR 100 Subpart C provides City of Wayne's housing down payment assistance program with interpretations when providing financial assistance for the rehabilitation of a dwelling. City of Wayne does not discriminate when loaning rehabilitation funds based on race, color, religion, sex, handicap, familial status, or national origin and has adopted a Fair Housing Resolution.

Title 24 CFR 100 Subpart D provides City of Wayne's housing rehabilitation program with guidance to permit handicapped persons reasonable modifications of the existing dwelling that is being rehabilitated.

Title 24CFR 100 Subpart F provides the City of Wayne's housing rehabilitation program with guidance of conduct that is lawful under Section 818 of the Fair Housing Act.

Title 24 CFR 107 is used to take action necessary and appropriate to prevent discrimination because of race, color, religion, sex, handicap, familial status, or national origin. Under this section, the City of Wayne insures that all legal documents contain provisions regarding discrimination. The city of Wayne maintains racial, national origin and sex data required by the department in connection with its programs.

Title 24 CFR 110 sets forth regulations regarding the purpose and location of posters. The City of Wayne has its posters prominently displayed, and of proper size, so they can be read by all persons seeking housing. The City of Wayne's letterhead and all housing brochures bear the Fair

Housing logo.

## 1.0 APPLICATION PROCESS WILL BE BASED UPON NEED

### 1.1 General (Conflict of Interest)

No member of the governing body and no other official, employee, agent, or any member of their immediate family of the City of Wayne or the Wayne Community Housing Development Corporation who exercises policy, decision-making functions or responsibilities in connection with the planning and implementation of this Down Payment Assistance program shall directly or indirectly benefit from this program. This prohibition shall continue for one year after an individual's relationship with the City of Wayne and WCHDC ends. Any other employee, officer, or committee member may be eligible, but will be treated no differently in the determination of applications accepted for funding. Enclosed with this person's application shall be a statement of disclosure, which outlines the nature of the possible conflict and a description of how the public disclosure was made. Included will also be verification that the affected person has withdrawn from the active involvement in any Down Payment Assistance loan related issues.

### 1.2 Income Eligibility

All determinations for assistance will be based upon need. Households receiving assistance from this program will be using 24 CFR 5.609 Annual Gross Income (in accordance with HUD guidelines) for the household that does not exceed ~~100%~~  $\leq 120\%$  of the Area Median Income of Wayne the county in which they reside. ~~Annual Employer verification, recent pay stubs or tax returns will determine anticipated income.~~ Annual anticipated gross income as defined in HUD HUD 24 CFR 5.609 is the gross income of all adult household members that is anticipated to be received during the upcoming 12 months. Third party verifications and various credit checks, recent pay stubs and tax returns will determine the applicant's eligibility for the program. For the purpose of confidentiality, a statement by the Housing Specialist, who has been presented with adequate documentation to verify that program participants meet the income thresholds as defined by HUD, shall be deemed sufficient to document low-to moderate income status when applications are presented to the City of Wayne.

### 1.3 Family Status

To qualify for a home mortgage under this Down Payment Assistance Program, the applicant must be a minimum of a one-person household.

### 1.4 Real Property

In order to qualify under the program, an applicant shall not currently own or have any other interest in other real property. The property to be purchased must be the principal residence of the applicant during the period of the loan. ~~The property will not be inspected and we will not offer Down Payment Assistance on properties that are an occupied rental or the property had tenant occupancy within the last year.~~

### 1.5 Marketing Procedures

The City of Wayne and Wayne Community Housing Development Corporation will market the program to local, regional residents and tenants of public housing with income of ~~100%~~ 120% or less of the median area income for Wayne County. The marketing program will include news articles in the area papers, public access, posters and brochures displayed at area where qualified homebuyers might use on a regular basis. This will include those living in manufactured housing or other families assisted by public housing agencies. Included in the marketing program will be households who are least likely to apply but eligible under these guidelines.

## 2.0 PROPERTY ELIGIBILITY

## 2.1 Location

The housing units to be purchased by the ~~new construction grant program (07-HP-5004)~~ participants will be located in the ~~Western Ridge Subdivision~~ City of Wayne, Nebraska and subject to limitations set by individual NAHP grant rules.

## 2.2 Purchase Price

The ~~maximum purchase price of each housing unit will not exceed 95% of the median purchase price of the area. For more information see: <http://www.neded.org/community/community-info/documentslibrary-a-form/trust-fund>.~~ offered in the program shall not exceed the higher of the current single-family mortgage limits under Section 203(b) of the National Housing Act or the Nebraska Investment Finance Authority single-family price limits for existing properties.

## 2.3 Maximum Per Unit Subsidy

Financial assistance provided to the homebuyer shall not exceed the maximum per unit NAHP subsidy. ~~The subsidy limits by county can be located at the following website: <http://www.neded.org/community/community-info/documentslibrary-a-forms/trust-fund>.~~

## 2.4 Energy Efficiency Criteria

Newly-constructed housing will meet or exceed the ~~2006~~ 2009 (or most current) International Model Energy Code. All units assisted with Nebraska Affordable Housing Program (NAHP) will be made to meet Housing Quality Standards (HQS) and ~~NDED Minimum Rehabilitation Standards~~.

## 2.5 Owner-Occupied

The Down Payment Assistance program shall be for only owner-occupied principle residence purchase and shall not be retained for rental purposes. ~~Homebuyer and subsequent homebuyers must occupy the property purchased as a principal residence for at least 5 years. Regardless if resale or recapture provisions are utilized, the Affordability Period for the project must be a minimum of 5 years.~~

## 2.6 Unit Characteristics

~~Existing or newly constructed single-family housing units are eligible for this program.~~ Housing connected to other space used for commercial purposes, mobile homes, and rental properties are not eligible for assistance. Duplexes are eligible for assistance if the unit is owner-occupied and a definitive property boundary is established.

## 3.0 TYPES OF FINANCIAL ASSISTANCE

### 3.1 Loan Program

All applicants will be required to secure a Single-Family Mortgage Loan from a lender of their choice to purchase a single-family home. The applicant will need ~~pre-qualification letter and a good faith estimate or a pre-approval letter~~ ~~from the primary lender prior to applying for the down payment assistance funds.~~ The Primary Lender and its underwriting criteria determine the basis for City of Wayne Down Payment Assistance. The amount of the down payment ~~assistance~~ loan will be determined at the time of application and will not exceed 20% of the purchase price of the ~~housing unit and will be no more than \$30,000 for either an existing or newly constructed single family housing unit.~~ home. The maximum amount of down payment assistance to any borrower is \$30,000. The total loan will be used towards the down payment of one housing unit and associated closing costs. The applicant will be required to provide \$1,000 towards closing costs ~~for new construction activity.~~ The primary lender will appraise the property.

A subordinated lien will be placed upon the property at the time of signing the promissory note in an amount equal to the loan. This lien in favor of the City of Wayne will take a subordinate position to the primary lender's original mortgage. Future refinancing, home equity loans and all future liens will take a subordinated position to the City of Wayne loan. At the request of the borrower, future equity

loans, which require a release or subordination of the City of Wayne lien, will require our balance to be paid off unless the committee receives a written explanation of need. Any subordination must require at least an 80% loan-to-value (LTV) ratio. The homeowner will be required to pay all closing and filing costs associated with the refinancing and subordination if approved by the City of Wayne council members.

The loan shall consist of a 0% deferred loan. No debt service of the borrower will be required for the down payment assistance loan until the note to the primary lender for the purchase of the property is repaid. The forgivable loan is non-transferable, has no (0%) interest, and has a ~~10 to 15~~ 5 year recapture provision. See section 3.1a on Affordability period. Forgiveness of the loan is based on the number of full years the owner occupied the property as their primary residence. A year is calculated from the exact date of the loan closing to the corresponding date one year later. No forgiveness will be recognized for partial years. The amount of the loan forgiven will be 20% for each full year of residence after five (5) years with 100% forgiveness at the end of the the 10<sup>th</sup> year. ~~for a 15 year affordability period the amount of the loan forgiven will be 10% for each full year of residence after five (5) years with 100% forgiveness at the end of 15 years.~~

In the event the borrower or his/her heirs shall sell or move to another principal residence or transfer said property, repayment of the loan to the City of Wayne is required. If the net sale price received less the primary lender's loan is not sufficient to repay the City of Wayne. **The City of Wayne shall** allow the available proceeds from the resale to repay the homeowner's investment first. The subsidy is then repaid to the extent that proceeds are available. The purchaser may apply to the City of Wayne to assume the outstanding loan, but terms will be established based upon the purchaser's financial information.

3.1a Affordability Period

Trust Funds invested per Trust Funds-assisted unit:	Affordability Period
\$0- \$40,000 <b>\$30,000</b>	<del>10</del> 5 years
>\$40,000	15 years

The affordability period is based upon the amount of Trust Funds invested in a **Trust Fund assisted** particular unit. The amount of Trust Funds invested in each particular unit within the project may vary:

3.2 Foreclosure

Lender shall give the notice to Borrowers following Borrowers' breach of any covenant or agreement in the Note and the Deed of Trust of which it secures. The notice shall specify (a) the default, (b) the action required to cure the default, (c) a date not less than thirty (30) days from the date the notice is given to Borrowers' by which the default must be cured, and (d) failure to cure the default on or before the date specified in the notice may result in acceleration of the sum secured, the deed of trust and resale of the property. Upon acceleration of the sum secured and resale of the property, the City of Wayne shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale including, but not limited to, the City of Wayne's fees as permitted by Nebraska law and reasonable fees; (b) to all sums secured by this security agreement; and (c) any excess be recaptured by the City of Wayne. The City of Wayne will recapture the net proceeds in the case of foreclosure

3.3 Construction Subsidy

~~New Construction includes the hard costs for acquiring land, constructing homes and development subsidy (the difference between the cost to develop and build the home and the appraised value~~

~~of the home). If the purchase price of the housing unit is higher than income ratios or mortgage eligibility allow then gap subsidy (the difference between the appraised value and the sale price of the home) may be applied to lower the purchase price to allowable limits. This may be used in conjunction with or independent of down payment assistance.~~

#### **4.0 APPLICATION PROCESS**

##### 4.1. Application

~~The City of Wayne will give notice in the Wayne Herald and local radio stations.~~ In order to obtain the application forms the applicant must contact the Wayne Community Housing Development Corporation to schedule an appointment to make an application for assistance. Staff will explain the assistance available through the program and be responsible for processing the application, verifying income by third party verifications and determining the applicant's eligibility for participation in the program. During the application review, Wayne CHDC will make recommendations and referrals to other programs available such as USDA Direct Rural Housing Loans.

##### 4.2 Underwriting Criteria

The Wayne CHDC housing specialist will take into consideration the following mitigating factors in making a credit recommendation to the WCHDC Board of Directors:

- A. Credit Guidelines - Credit payment history, revolving accounts, any collections, judgments, liens, bankruptcy, foreclosures, repossessions, and credit depth.
- B. Debt to Income Ratios - Housing expense ratios between 25% - 28% and Total household expense ratios between 33% - 40%.
- C. Compensating Factors - Any of the following may be considered in compensating factors providing they are strong: ratios, equity, assets, credit scores, time on the job.
- D. ~~Loans to provide down payment assistance for the purpose of new single-family homes will be made to eligible families with an income no greater than 100% of the median income of the county in which they reside by Section 8 Part 5 standards established by HUD for lower income assisted housing and meeting all of the criteria that was previously set. The home mortgage loan must be obtained from a local financial institution.~~

##### 4.3 Procedure for Approval or Denial

Applications will be taken on a first ready, first serve basis. First ready will mean that the applicant will have completed a preliminary application/initial interview, receive income verification forms to include: SSI/SS Benefits, Child Support, Alimony, ADC, Pay stubs, Asset and other forms needed to determine income; Eligibility Worksheets/Income Calculations; pre-approval letter from primary lender and/or good faith estimate; income worksheet; board loan summary; and homebuyer education certificate. The Wayne CHDC shall maintain a list of applicants. All applicants will be notified as to approval or denial in writing. Approved applicants will be notified. Non-approved applicants will be notified stating the reason for not being selected.

##### 4.4 Purchase Agreement

Once the applicant is approved, the applicant will sign a purchase agreement and attend a Homebuyer Education Workshop.

##### 4.5 Request for Funds

Following the signing of a purchase agreement and the determination of down payment and closing cost assistance, a Request for NAHP funds will be prepared approximately four (4) weeks prior to the anticipated closing date.

It is expressly understood that WCHDC may activate its line of credit in order to expedite the loan closing by request of the borrower. It is also understood that the estimated interest accrual from the time of loan closing and the date that the City of Wayne receives reimbursement from the State of Nebraska can be drawn down as a cost to the project as hard costs.

#### 4.6 Homeowner Education Workshop

Each applicant must attend a Homeowner Education Workshop prior to closing. The home buyer education must be provided by HUD-approved housing counseling agencies, REACH affiliated organization or a Nebraska Department of Economic Development approved equivalent. The homebuyer education must be provided by HUD-approved housing counseling agency, REACH affiliated organization or a Nebraska Department of Economic Development approved equivalent. The Homebuyer Education Workshop, which includes an educational packet and instructional materials on topics including family financial management, record keeping, maintenance, and up keeping landscaping, lawns and pest management, appliances and home furnishings. A copy of the certificate of completion of the Homebuyer Education Workshop is to be provided to WCHDC.

#### 4.7 Fair Housing Act of 1968

Title VII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents of legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability).

No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available or inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting)

### **5.0 Lead-Based Paint**

#### **5.1 Lead-Based Paint Brochure**

The HUD/EAP Disclosure Rule includes the following language on homebuyer's right to conduct a lead hazard evaluation Program participants shall receive, as part of their application packet a copy of the HUD brochure on lead-based paint entitled "Protect Your Family From Lead In Your Home". The receipt of this brochure by the program participant shall be documented by signature of the homebuyer on the "Notification – Watch out for Lead-Based Paint Poisoning" form included in the application packet.

#### **5.2 Work Plan in Accordance with 24 CFR Part 35, Subpart A**

1. After signing a purchase agreement, the buyer has 10 days to perform a risk assessment or paint inspection of the home. The buyer and seller may mutually agree to lengthen or shorten this 10-day time period. If the buyer exercises the right, the buyer is responsible for scheduling and paying for the risk assessment or the paint inspection.

2. WCHDC will conduct visual assessment on all units built prior to 1978
3. If the lead hazard evaluation indicates that lead-based paint hazards are found, the buyer has the right to cancel the contract. However, this right does not exempt the buyer from any costs of cancellation if the right to cancel is not made clear in the contingency to the sales contract.
4. If a lead hazard is found, it would be stabilized using lead safe work practices by trained and certified workers.
5. Lead safe work practices are not required if the area of repair falls below de minimis threshold.
6. Clearance will be achieved before occupancy of the unit.
7. Four options for addressing lead hazards found due to such evaluations are (this will be determined on a case by case basis):
  - a. Refer buyer to a purchase/rehabilitation/resell program.
  - b. Reject home with lead hazards from the program and assist buyer in finding another home.
  - c. Have the seller fix the hazard prior to purchase.
  - d. Negotiate the price of the home down to provide funds for the buyer to fix the hazards.

## **6.0 LOAN CLOSING**

### **6.1 Closing**

The WCHDC will schedule the loan closing with the borrower and the primary lender. The primary lender will prepare all closing documents for its loan. The WCHDC will prepare and have the borrower execute at closing:

- Promissory Note
- Deed of Trust
- Loan Agreement

Upon signing of the three closing documents, the City of Wayne will file the Deed of Trust at the Register of Deeds Office of the county in which the property is located.

### **6.2 Insurance**

Owner-occupants will need to carry a basic property insurance policy of at least one-hundred (100%) percent of replacement cost. Homes located in a designated special flood hazard will be required to carry flood insurance. Any insurance payment of a claim over \$1,000 will require a review of the board. Homeowners insurance and flood insurance, if applicable, must be carried on the dwelling throughout the loan repayment period in order to remain eligible for the program. The City of Wayne is to be named as a loss-payee on all insurance policies.

### **6.3 Close-Out**

WCHDC shall maintain and keep all applications as well as all other required documents, records and other evidence in conformance with NAHP regulations.

## **7.0 RELOCATION POLICY ~~PROPERTY MAINTENANCE~~**

The relocation of persons for acquisitions of properties either by voluntary or involuntary means must adhere to the federal rules and regulations as stated in 49.CFR 24.1201. In cases where either voluntary or involuntary acquisition is anticipated, the Nebraska Department of Economic Development will be contacted prior to any action.

All properties purchased with Nebraska Affordable Housing Program funds shall be maintained in compliance with local ordinances and subdivision covenants.

#### 8.0 — CONSTRUCTION SUPERVISION

All single family units are built under this program shall be subject to appraisal to verify completed value. All development is subject to review and inspection.

#### 9.0 — DEVELOPER CONTRACTOR DISPUTES

Construction related developer/contractor disputes or deficiencies and/or any disagreements between the homebuyer and seller or developer to the construction of the homes shall be resolved prior to loan closing in a manner acceptable to all parties. Informal resolution of disagreements is recommended. Acceptance of the home and delivery of the deed at loan closing shall constitute the homebuyer's waiver of any rights concerning known defects or existing disputes or disagreements between the homebuyer and seller, subject only to such special warranty given by the seller on the home and as set forth in the documents delivered and accepted at the time of closing. The foregoing shall not limit warranty express or implied as may otherwise exist as a matter of law.

#### 10.0 GRIEVANCE PROCEDURES

In the event that any applicant feels he or she has been unfairly treated or discriminated against during the process of selection of projects to be funded, excluding the determination of ability to secure a Home Mortgage Loan from a financial institution, or within any other segment of this Down Payment Assistance Program, he or she may appeal the decision of the Wayne Community Housing Development Corporation to the City of Wayne. The appeal must be submitted in writing to the Mayor and for their consideration and be postmarked within 14 calendar days of the decision. The City of Wayne Council Members will act to support or overturn the action within 30 days of the receipt of the appeal. The City of Wayne Council Members will have final authority in the decision. The Nebraska Department of Economic Development will be contacted in cases where grievance issues cannot be resolved by the grantee's normal grievance procedures.

Appeals regarding loan ability shall be made to the financial institutions in accordance with their procedures.

#### 11.0 AMENDMENTS TO THE GUIDELINES

In an ongoing effort to improve the quality of the Wayne Down payment assistance Program, the City of Wayne will receive any suggestions on amendments to the guidelines from the public, program participants, Realtors, financial institutions or members of the WCHDC Board. Upon approval and adoption of the amendment by the Wayne City Council, the amendment will be included in the program guidelines and submitted to the DED program rep for approval.

#### 12.0 OFFICIAL CONTACT OFFICE

The place of contact for this program shall be the office of the Wayne Community Housing Development Corporation in Wayne, Nebraska. Any grievances, suggestions, or requests for information should be directed to that office. This in no way shall be construed to limit other interested parties from distributing information about the program or receiving suggestions for amendments to the program. All grievances shall be directed to the WCHDC in writing.

#### 13.0 PROGRAM INCOME REUSE & RECAPTURE REUSE PLAN

In the event repayment of the NAHP assistance occurs after the grant period, funds will be used to continue the WCHDC Down Payment Assistance Program as stated in this Section. Loans to provide down-payment assistance for the purchase of new or existing single-family homes will be made to eligible families with an income no greater than ~~100%~~ 120% of the area median income of the county in which they reside by 24 CFR 5.609 standards established by HUD for lower income assisted housing and meeting all of the criteria that was previously set. The home mortgage loan must to be obtained from a local financial institution

In the event repayment of the NAHP assistance occurs during the affordability period recapture of all NAHP assistance funds is required. Loans to provide down-payment assistance for the purchase of new or existing single-family homes will be made to eligible families with an income no greater than ~~100%~~ 120% of the area median income of the county in which they reside by 24 CFR 5.609 standards established by HUD for lower income assisted housing and meeting all of the criteria that was previously set. Up to 10% of the reuse funds may be used for general and housing administration costs, however no funds can be used for general or housing admin if recovered during the federally imposed affordability period. These percentages will not exceed the maximum percentages allowed in the original grant.

APPROVED this 15<sup>th</sup> day of November, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

These Housing Guidelines are hereby approved by the Nebraska Department of Economic Development (NDED) this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
DED Representative

[Back to Top](#)



October 31, 2016

Lowell Johnson  
City Administrator  
City of Wayne  
306 Pearl Street  
Wayne, NE 68787

RE: Wayne, Nebraska  
Nebraska Street Water Main Replacement  
MEI Project No. 42160401

Dear Lowell,

Enclosed for your consideration are three copies of Application for Payment No. 1 for the Nebraska Street Water Main Replacement project. The contractor has mobilized to the site, stockpiled most material items and completed two blocks of 8" PVC boring.

I recommend approval of Pay Application No. 1 in the amount of \$86,889.56 to Penro Construction Co.

Upon the City's approval, please forward one copy of the documents to the contractor with payment, one to MEI and the third is for your files.

Sincerely,

Steven D. Rames, PE  
Sr. Project Manager

Enclosures



**CONTINUATION PAGE**

PROJECT: Nebraska Street Water Main Rep APPLICATION #: 1  
 Nebraska Street Water Main Replacement DATE OF APPLICATION: 10/26/2016  
 2016 PERIOD THRU: 10/26/2016  
 PROJECT #s:

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD				
1	Group A - Grading Items	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
2	Mobilization	\$1,100.00	\$0.00	\$1,100.00	\$0.00	\$1,100.00	\$0.00	
3	General Clearing and Grubbing	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,500.00	
4	Remove Walk	\$150.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150.00	
5	Remove Concrete	\$980.00	\$0.00	\$0.00	\$0.00	\$0.00	\$980.00	
6	Remove & Salvage Brick Pavers	\$690.00	\$0.00	\$0.00	\$0.00	\$0.00	\$690.00	
7	Traffic Control	\$6,000.00	\$0.00	\$1,500.00	\$0.00	\$1,500.00	\$4,500.00	
8	Group B Paving Items	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
9	Mobilization	\$1,185.00	\$0.00	\$1,185.00	\$0.00	\$1,185.00	\$0.00	
10	Concrete Class 47B-3500 Sidewalk	\$1,333.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,333.00	
11	Detectable Warning Panel	\$5,907.50	\$0.00	\$0.00	\$0.00	\$0.00	\$5,907.50	
12	Concrete Class 47B-3500 Driveway	\$368.00	\$0.00	\$0.00	\$0.00	\$0.00	\$368.00	
13	8" Concrete Pavement, Class 47B-3500	\$936.00	\$0.00	\$0.00	\$0.00	\$0.00	\$936.00	
14	Install Brick Pavers	\$2,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,300.00	
15	Subgrade Preparation	\$520.00	\$0.00	\$0.00	\$0.00	\$0.00	\$520.00	
16	Group C - Utility Items	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
	<b>SUB-TOTALS</b>	<b>\$23,969.50</b>	<b>\$0.00</b>	<b>\$3,785.00</b>	<b>\$0.00</b>	<b>\$3,785.00</b>	<b>\$20,184.50</b>	<b>16%</b>

**CONTINUATION PAGE**

PROJECT: Nebraska Street Water Main Rep  
 Nebraska Street Water Main Replacement  
 2016

APPLICATION #: 1  
 DATE OF APPLICATION: 10/26/2016  
 PERIOD THRU: 10/26/2016  
 PROJECT #s:

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	% COMP. (G / C)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD					
17	Mobilization	\$14,330.00	\$0.00	\$1.00	\$0.00	\$1.00	1%	\$14,329.00	
18	Curb Stop & Box	\$15,300.00	\$0.00	\$0.00	\$2,448.00	\$2,448.00	16%	\$12,852.00	
19	1" Water Service	\$24,111.00	\$0.00	\$0.00	\$605.00	\$605.00	3%	\$23,506.00	
20	1.5" Water Service	\$360.00	\$0.00	\$0.00	\$175.00	\$175.00	49%	\$185.00	
21	Boring 1" Water Service	\$19,400.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$19,400.00	
22	Cut and Connect to Existing 6" Main	\$2,005.00	\$0.00	\$0.00	\$191.80	\$191.80	10%	\$1,813.20	
23	Cut and Connect to Existing 8" Main	\$4,850.00	\$0.00	\$0.00	\$569.80	\$569.80	12%	\$4,280.20	
24	Cut and Connect to Existing 12" Main	\$3,500.00	\$0.00	\$0.00	\$249.20	\$249.20	7%	\$3,250.80	
25	6"PVC Water Main	\$513.00	\$0.00	\$0.00	\$66.60	\$66.60	13%	\$446.40	
26	8" PVC Water Main (Bored)	\$44,408.00	\$0.00	\$23,180.00	\$9,284.40	\$32,464.40	73%	\$11,943.60	
27	8" PVC Water Main (Open Trench)	\$244.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$244.00	
28	12" PVC Water Main	\$498.00	\$0.00	\$0.00	\$243.80	\$243.80	49%	\$254.20	
30	Boring 8" PVC Water Main	\$58,161.25	\$0.00	\$30,590.00	\$0.00	\$30,590.00	53%	\$27,571.25	
40	Water Service Saddle and Corporation Stop	\$14,800.00	\$0.00	\$0.00	\$4,218.00	\$4,218.00	29%	\$10,582.00	
41	6" Gate Valve and Box	\$3,920.00	\$0.00	\$0.00	\$2,620.00	\$2,620.00	67%	\$1,300.00	
42	8" Gate Valve and Box	\$8,130.00	\$0.00	\$0.00	\$5,757.00	\$5,757.00	71%	\$2,373.00	
	<b>SUB-TOTALS</b>	\$238,499.75	\$0.00	\$57,556.00	\$26,428.60	\$83,984.60	35%	\$154,515.15	

**CONTINUATION PAGE**

PROJECT: Nebraska Street Water Main Rep APPLICATION #: 1  
 Nebraska Street Water Main Replacement DATE OF APPLICATION: 10/26/2016  
 2016 PERIOD THRU: 10/26/2016  
 Payment Application containing Contractor's signature is attached. PROJECT #s:

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			E AMOUNT PREVIOUS PERIODS	E AMOUNT THIS PERIOD				
43	12" Gate Valve and Box	\$2,475.00	\$0.00	\$0.00	\$1,914.20	\$1,914.20	\$560.80	
44	6" Fire Hydrant	\$6,800.00	\$0.00	\$0.00	\$4,240.00	\$4,240.00	\$2,560.00	
45	8" x 6" Tee	\$460.00	\$0.00	\$0.00	\$255.25	\$255.25	\$204.75	
46	8" x 6" Tee (Owner Furnished)	\$380.00	\$0.00	\$0.00	\$0.00	\$0.00	\$380.00	
47	8" x 8" Tee	\$510.00	\$0.00	\$0.00	\$317.45	\$317.45	\$192.55	
48	8" x 8" Cross (Owner Furnished)	\$390.00	\$0.00	\$0.00	\$0.00	\$0.00	\$390.00	
49	8" x 12" Cross	\$650.00	\$0.00	\$0.00	\$473.20	\$473.20	\$176.80	
50	8" - 22.5 Degree Bend (Owner Furnished)	\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00	
51	8" x 6" Reducer	\$460.00	\$0.00	\$0.00	\$278.00	\$278.00	\$182.00	
52	Remove Fire Hydrant	\$800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$800.00	
53	Remove Water Valve	\$3,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,200.00	
54	Abandon Water Main	\$5,225.50	\$0.00	\$0.00	\$0.00	\$0.00	\$5,225.50	
55	Group D - Erosion Control	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
56	Mobilization	\$650.00	\$0.00	\$0.00	\$0.00	\$0.00	\$650.00	
57	Seeding, Type C	\$2,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,250.00	
58	Curb Inlet Protection	\$800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$800.00	
	<b>SUB-TOTALS</b>	\$263,950.25	\$0.00	\$57,556.00	\$33,906.70	\$91,462.70	\$172,487.55	35%

**CONTINUATION PAGE**

PROJECT: Nebraska Street Water Main Rep APPLICATION #: 1  
 Nebraska Street Water Main Replacement DATE OF APPLICATION: 10/26/2016  
 2016 PERIOD THRU: 10/26/2016  
 PROJECT #s:

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		E AMOUNT THIS PERIOD	F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD					
59	Hydromulch	\$2,062.50	\$0.00	\$0.00	\$0.00	\$0.00	\$2,062.50	0%	
	<b>TOTALS</b>	\$266,012.75	\$0.00	\$57,556.00	\$33,906.70	\$91,462.70	\$174,550.05	34%	

Nebraska St Watermain Replacement - 2016  
Wayne, NE  
Tabulation of Stored Materials  
Penro Construction  
For Month Ending 10-25-2016

<u>Bid Item</u>	<u>Description</u>	<u>Supplier</u>	<u>Invoice #</u>	<u>Stored Material</u>	<u>Quantity Stored</u>	<u>Unit Price</u>	<u>Value Stored</u>
Group C - Utility Items							
2	Curb Stop and Box	Lincoln Winwater	44414-01	curb stops	9	126	1134
		Lincoln Winwater	44414-00	curb boxes	36	36.5	1314
		Total Stored to Date					2448
3	1" Water Service	Lincoln Winwater	44414-00	1" Poly Pipe	1100	0.55	605
		Total Stored to Date					605
4	1.5" Water Service	Lincoln Winwater	44414-00	1.5" Poly Pipe	100	1.75	175
		Total Stored to Date					175
6	Connect to 6" Main	Lincoln Winwater	44414-00	6" MJ Sleeve	2	55.9	111.8
		Lincoln Winwater	44414-00	6" PVC Megalug	4	20	80
		Total Stored to Date					191.8
7	Connect to 8" Main	Lincoln Winwater	44414-00	8" MJ Sleeve	4	82.95	331.8
		Lincoln Winwater	44414-00	8" PVC Megalug	8	29.75	238



Lincoln Winwater	44414-00	8" gate valve	6	835	5010
Lincoln Winwater	44414-00	valve box	6	65	390
Lincoln Winwater	44414-00	8" PVC megalugs	12	29.75	357
Total Stored to Date					5757

17 12" Gate Valve and Box

Lincoln Winwater	44414-00	12" gate valve	1	1730	1730
Lincoln Winwater	44414-00	valve box	1	65	65
Lincoln Winwater	44414-00	12" PVC megalugs	2	59.6	119.2
Total Stored to Date					1914.2

18 6" Fire Hydrant

Lincoln Winwater	44414-00	fire hydrant	2	2100	4200
Lincoln Winwater	44414-00	6" megalugs	2	20	40
Total Stored to Date					4240

19 8x6 Tee

Lincoln Winwater	44414-00	8x6 tee	1	105.25	105.25
Lincoln Winwater	44414-00	8" PVC megalugs	2	65	130
Lincoln Winwater	44414-00	6" megalugs	1	20	20
Total Stored to Date					255.25

21 8" Tee

Lincoln Winwater	44414-00	8" tee	1	122.45	122.45
Lincoln Winwater	44414-00	8" PVC megalugs	3	65	195
Total Stored to Date					317.45

23 12x8 Cross

Lincoln Winwater	44414-00	12x8 Cross	1	224	224
Lincoln Winwater	44414-00	12" PVC megalugs	2	59.6	119.2
Lincoln Winwater	44414-00	8" PVC megalugs	2	65	130
Total Stored to Date					473.2

25 8x6 Reducer

Lincoln Winwater	44414-00	8x6 reducer	2	54	108
Lincoln Winwater	44414-00	8" PVC megalugs	2	65	130
Lincoln Winwater	44414-00	6" megalugs	2	20	40
Total Stored to Date					278

Total Stored on Project To Date

33906.7

LINCOLN WINWATER WORKS CO.  
 515 NW 27TH STREET #2  
 LINCOLN, NE 68528

Page	Date Printed	Invoice No.
1	10/24/16	044414 00

To Reorder Contact Us At  
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 Fax No .. : (402) 438-2992 DB# 16

PENRO CONSTRUCTION  
 PO BOX 520  
 PENDER, NE 68047-0520

PENRO CONSTRUCTION  
 810 INDUSTRIAL RD  
 PENDER, NE 68047-5020  
Wayne Nebraska Street Water Ma

Customer Number 00783-000559	Customer Purchase Order	Salesman 015-ERIC EICKMEIER	Type Shipment Stock	Ship Via	Date Shipped 10/24/16
---------------------------------	-------------------------	--------------------------------	------------------------	----------	--------------------------

NOW YOU CAN ACCESS YOUR ACCOUNT INVOICES ONLINE AT MY.WINWHOLESALE.COM

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
36	EA	76104-3H 1 MINN BALL VALVE NL IPS HANDY-LOK CURB STOP	0	B	126.0000		.00	.00	T
36	EA	5614 5-1/2' MINN PAT STOP BOX	36		36.5000		.00	1,314.00	T
900	FT	1X300 250# IPS P-CORE 4710 IPS SIDR7 ORANGE LABEL	900		.5500		.00	495.00	T
100	FT	1-1/2X100 250# IPS P-CORE 4710 IPS SIDR7 ORANGE LABEL	100		1.7500		.00	175.00	T
2	EA	6 DI MJ LONG SOLID SLEEVE	2		55.9000		.00	111.80	T
10	EA	SLC6 6" PVC RESTRAINT	10		20.0000		.00	200.00	T
4	EA	8 DI MJ LONG SOLID SLEEVE	4		82.9500		.00	331.80	T
39	EA	SLC8 8" PVC RESTRAINT	39		29.7500		.00	1,160.25	T
1	EA	12 DI MJ LONG SOLID SLEEVE	1		130.0000		.00	130.00	T
5	EA	SLC12 12" PVC RESTRAINT	5		59.6000		.00	298.00	T
20	FT	6X20 C900 DR18 CL150 GJ	20		3.3300		.00	66.60	T
1,500	FT	8X20 C900IB DR18 CERTALOK PIPE	1,500		12.0600		.00	18,090.00	T
20	FT	8X20 C900 DR18 CL150 GJ	20		5.2700		.00	105.40	T
20	FT	12X20 C900 DR18 CL150 GJ	20		12.1900		.00	243.80	T
37	EA	317-00090509 8X1CC SS SADDLE	37		50.0000		.00	1,850.00	T
37	EA	74701B-3H 1 BALL CORP STOP NL IPS HANDY-LOK CORP STOP	37		64.0000		.00	2,368.00	T
4	EA	A2360-23 6" MJXMJ GATE VALVE	4		550.0000		.00	2,200.00	T
11	EA	664-S SCREW TYPE VALVE BOX	11		65.0000		.00	715.00	T
6	EA	A2360-23 8" MJXMJ OL GATE VALVE	6		835.0000		.00	5,010.00	T
1	EA	A2360-23 12 MJXMJ GATE VALVE	1		1,730.0000		.00	1,730.00	T
2	EA	A423 HYD 5-1/4 6-0 OL 3W	2		2,100.0000		.00	4,200.00	T
4	EA	6X18 ANCH COUPLING	4		82.0000		.00	328.00	T
200	FT	20" POLYWRAP FOR 8 DIP 200' ROLL 20' PERF	200		.2700		.00	54.00	T
4	EA	1/2"X8' GROUND ROD	4		20.0000		.00	80.00	T
6	EA	1/2" GROUND ROD CLAMP	6		5.0000		.00	30.00	T
2	EA	377-5960 FIRE HYDRANT WRENCH	0	B	22.6500		.00	.00	T
2	EA	8X6 DI MJ TEE	2		105.2500		.00	210.50	T
10	EA	391869 8 MJ ACCY PACK L/GLAND	10		10.2000		.00	102.00	T
1	EA	391852 6 MJ ACCY PACK L/GLAND	1		9.3500		.00	9.35	T
1	EA	8 DI MJ TEE	1		122.4500		.00	122.45	T
1	EA	12X8 DI MJ CROSS	1		224.0000		.00	224.00	T
2	EA	8X6 DI ALL MJ REDUCER	2		54.0000		.00	108.00	T

Remark: Monthly Service Charge May Be Applied To Past Due Accounts.

Tax Area ID:	Net Sales	-----
-----	Freight	-----
State Tax % --.----	State Tax	-----
Local Tax % --.----	Local Tax	-----
	Invoice Amount	-----

CONTINUED ON NEXT PAGE.....

Bill To:

LINCOLN WINWATER WORKS CO.  
515 NW 27TH STREET #2  
LINCOLN, NE 68528

Page	Date Printed	Invoice No.
2	10/24/16	044414 00

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Bill To:

PENRO CONSTRUCTION  
PO BOX 520  
PENDER, NE 68047-0520

PENRO CONSTRUCTION  
810 INDUSTRIAL RD

PENDER, NE 68047-5020  
Wayne Nebraska Street Water Ma

Ship To:

Customer Number	Customer Purchase Order	Salesman	Type Shipment	Ship Via	Date Shipped
00783-000559		015-ERIC EICKMEIER	Stock		10/24/16

NOW YOU CAN ACCESS YOUR ACCOUNT INVOICES ONLINE AT MY.WINWHOLESALE.COM

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
6	EA	391883 12 MJ ACCY PACK L/GLAND	6		.0000		.00	.00	T
31	EA	391869 8 MJ ACCY PACK L/GLAND	31		.0000		.00	.00	T
18	EA	391852 6 MJ ACCY PACK L/GLAND	18		.0000		.00	.00	T
2,000	EA	12GAX500 SOL HDD-CCS PE45 BLUE BORE TRACER WIRE	2,000		.1800		.00	360.00	T
12	EA	BROWN LUBE QUART	12		.0000		.00	.00	T
24	EA	74754-3H 1 HANDY LOCK X FIP	0	B	27.5000		.00	.00	T
12	EA	74753-33 1 CPLG PEPXMIP NL NO LEAD	12		25.0000		.00	300.00	T
12	EA	74753-33 3/4X1 CPLG PEPXMIP NL	3	B	29.9500		.00	89.85	T
20	EA	6136 1 IPS INSERT STIFFENER	20		1.8000		.00	36.00	T
		6133T 1-1/4 SS INSERT STIF CTS							
1	EA	12 MJ DI GLAND	1		.0000		.00	.00	T
2	EA	8 MJ DI GLAND	2		.0000		.00	.00	T
2	EA	6 MJ DI GLAND	2		.0000		.00	.00	T
200	EA	1X100 250# IPS P-CORE 4710 SIDR7	200		.5500		.00	110.00	T

Terms: Monthly Service Charge May Be Applied To Past Due Accounts.

1% 10TH, NET 30TH

If Paid By 11/10/16 You May Deduct 429.59

Pay full balance by 11/25/16

Tax Area ID:	Net Sales	42,983.80
NE-281731111	Freight	.00
State Tax % 5.500	State Tax	2,362.73
Local Tax % 1.000	Local Tax	429.59
	Invoice Amount	<b>45,751.12</b>

84912101

LINCOLN WINWATER WORKS CO.  
515 NW 27TH STREET #2  
LINCOLN, NE 68528

Page	Date Printed	Invoice No.
1	10/25/16	044414 01

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PENRO CONSTRUCTION  
PO BOX 520  
PENDER, NE 68047-0520

PENRO CONSTRUCTION  
810 INDUSTRIAL RD  
PENDER, NE 68047-5020  
Wayne Nebraska Street Water Ma

84912101

Customer Number 00783-000559	Customer Purchase Order	Salesman 015-ERIC EICKMEIER	Type Shipment Stock	Ship VIA	Date Shipped 10/25/16
---------------------------------	-------------------------	--------------------------------	------------------------	----------	--------------------------

NOW YOU CAN ACCESS YOUR ACCOUNT INVOICES ONLINE AT MY.WINWHOLESALE.COM

Units Ordered	U/M	Item Description	Units Shipped	B/C	Price	Per	Discount	Extended	Tax
36	EA	76104-3H 1 MINN BALL VALVE NL IPS HANDY-LOK CURB STOP	9	B	126.0000		.00	1,134.00	T
2	EA	377-5960 FIRE HYDRANT WRENCH	0	B	22.6500		.00	.00	T
24	EA	74754-3H 1 HANDY LOCK X FIP	24		27.5000		.00	660.00	T
9	EA	74753-33 3/4X1 CPLG PEPXMIP NL BACKORDERED FROM INV#044414-00	9		29.9500		.00	269.55	T
4	EA	8 DI MJ 45	4		91.0000		.00	364.00	T
8	EA	SLC8 8" PVC RESTRAINT	8		29.7500		.00	238.00	T
8	EA	391869 8 MJ ACCY PACK L/GLAND	8		.0000		.00	.00	T
10	EA	3M DBR DIRECT BURY SPLICE KIT	10		2.5500		.00	25.50	T

Terms: Monthly Service Charge May Be Applied To Past Due Accounts.

1% 10TH, NET 30TH  
If Paid By 11/10/16 You May Deduct 26.91  
Pay full balance by 11/25/16

Tax Area ID: NE - 231731111	Net Sales	2,691.05
	Freight	.00
State Tax % 5.500	State Tax	148.01
Local Tax % 1.000	Local Tax	26.91
	Invoice Amount	2,865.97



November 2, 2016

Lowell Johnson  
City Administrator  
City of Wayne  
306 Pearl Street  
Wayne, NE 68787

RE: Wayne Nebraska  
Community Activity Center Parking Lot Expansion  
Certificate of Substantial Completion  
MEI Project No. 42160303

Dear Lowell,

Enclosed for your consideration are three copies of the Certificate of Substantial Completion for the Community Activity Center Parking Lot project. A punch list was prepared following a site review with kelby Herman, Joel Hansen, Bryce Meyer and myself. The final punch list is attached to the Certificate of Substantial Completion.

Upon the City's approval, please forward all three copies to the contractor, Progressive Property Inspectors, for their signature. Upon receipt of a signed certificate from the contractor, please forward to McLaur Engineering either an electronic copy or a hard copy of the signed certificate.

Sincerely,

A handwritten signature in black ink that reads 'Steven D. Rames'.

Steven D. Rames, PE  
Sr. Project Manager

Enclosures

**CERTIFICATE OF SUBSTANTIAL COMPLETION**

Owner:	City of Wayne, NE	Owner's Contract No.:	
Contractor:	Progressive Property Inspectors LLC	Contractor's Project No.:	
Engineer:	McLaury Engineering, Inc	Engineer's Project No.:	42160303
Project:	Community Activity Center Parking Lot	Contract Name:	

**This final Certificate of Substantial Completion applies to:**

All Work  The following specified portions of the Work:

10/28/2016

**Date of Substantial Completion**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities:  None  As follows

Amendments to Contractor's responsibilities:  None  As follows:

The following documents are attached to and made a part of this Certificate: *punch list*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

<b>EXECUTED BY ENGINEER:</b>	<b>RECEIVED:</b>	<b>RECEIVED:</b>
By: <u></u> By: _____	By: _____	By: _____
(Authorized signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: _____
Date: <u>10/31/16</u>	Date: _____	Date: _____

# Punch List

Community Activity Center Parking Lot

Progressive Property Inspectors LLC  
MEI Project 42160303

October 31, 2016

SR 10/31/16



## Final Punch List

1. Construction Debris – Several areas of the site contain construction debris that needs to be picked up and properly disposed of. Examples include, concrete wash out, chunks of concrete behind the curb and gutter, concrete chunks in the grass from curb construction, pea gravel from pipe backfill under the north pine trees, remnants of wood forms, trash, etc.
2. Drop Inlet – All inlets have wood forms from construction that need to be removed.
3. Backfill behind Curb and Gutter – The south approach still needs to be backfilled with topsoil and properly graded behind the curb. The east curb line needs to be backfilled to the top of the curb. The City will complete the grading behind the curb.
4. Joint Seal and Saw – Saw and seal contraction joints for the final concrete pour.
5. Erosion Control – All items of permanent erosion control will be completed by the City.



November 6, 2016

Lowell Johnson  
City Administrator  
City of Wayne  
306 Pearl Street  
Wayne, NE 68787

RE: Wayne Nebraska  
Community Activity Center Parking Lot Expansion  
MEI Project No. 42160303

Dear Lowell,

Enclosed for your consideration are three copies of final Application for Payment No. 4F and the final Change Order, CCO 2F, for the Community Activity Center Parking Lot Expansion project. The contractor has completed 100% of the work. A Certificate of Substantial Completion has been forwarded to the City for acceptance of the project. With authorization of the final application of payment, all retainages will be released. All concrete poured on the project has attained design strength. Punch list items noted on the attachment to the Certificate of Substantial Completion have been satisfactory completed.

Final Change Order 2F adjusts the contract quantities to "As Constructed" quantities and adds an item of Extra Work for removal of Unsuitable/Unstable Subgrade.

I recommend approval of Change Order 2F for a net change of (\$ 372.00) and approval of Pay Application No. 4F in the amount of \$12,153.71 to Progressive Property Inspectors.

Upon approval, please forward one copy of the executed documents to the contractor with payment, one to MEI and the third is for your files.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. D. Rames', is written over a blue horizontal line.

Steven D. Rames, PE  
Sr. Project Manager

Enclosures:

- 3 Copies – Change Order 2F
- 3 Copies – Application for Payment 4F

Date of Issuance: 11/04/16  
 Owner: **City of Wayne**  
 Contractor: Progressive Property Inspectors, LLC  
 Engineer: **McLaury Engineering, Inc.**  
 Project: **Community Activity Center Parking Lot Project**

Effective Date:  
 Owner's Contract No.:  
 Contractor's Project No.:  
 Engineer's Project No.: **42160303**  
 Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Adjusts contract to final quantities as constructed. Adds additional Item for Extra Work for removal and back fill of Unsuitable/Unstable Material.

Attachments: CCO 2F Backup Sheet

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ 201,804.19	Original Contract Times: Substantial Completion: <u>November 1, 2016</u> Ready for Final Payment: <u>May 1, 2017</u> days or dates
Increase from previously approved Change Orders No. <u>01</u> to No. <u>01</u> :  \$ 1,040.04	[Increase] [Decrease] from previously approved Change Orders No. <u>  </u> to No. <u>  </u> : Substantial Completion: <u>NA</u> Ready for Final Payment: <u>NA</u> days
Contract Price prior to this Change Order:  \$202,844.23	Contract Times prior to this Change Order: Substantial Completion: <u>NA</u> Ready for Final Payment: <u>NA</u> days or dates
Decrease of this Change Order:  (\$ 372.00)	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>NC</u> Ready for Final Payment: <u>NC</u> days or dates
Contract Price incorporating this Change Order:  \$202,472.23	Contract Times with all approved Change Orders: Substantial Completion: <u>November 1, 2016</u> Ready for Final Payment: <u>May 1, 2017</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u>	By: _____	By: <u>[Signature]</u>
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title _____	Title <u>Owner</u>
Date: <u>11-4-16</u>	Date _____	Date <u>11-4-16</u>

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_

## Change Order Back Up

Change Order No. 02F

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Date of Issuance: 11/04/16	Effective Date:
Owner: <b>City of Wayne</b>	Owner's Contract No.:
Contractor: Progressive Property Inspectors, LLC	Contractor's Project No.:
Engineer: <b>McLaury Engineering, Inc.</b>	Engineer's Project No.: <b>42160303</b>
Project: <b>Community Activity Center Parking Lot Project</b>	Contract Name:

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### Plan Quantity Increases/Decreases:

003A – Excavation (Estab. Quantity)    Increase 73.0 CY @ \$6.00/CY	\$ 438.00
Additional excavation added to clean out and regrade the drainage swale starting at the upstream box culvert and continuing downstream to the new 36" culvert.	
007C – 18" Reinforced Concrete Pipe    Decrease 5.0 LF @ \$52.00/LF	(\$260.00)
001D – Mobilization    Decrease 1.0 Lump Sum @ \$1,000.00/LS	(\$ 1,000.00)
002D – Seeding, Type C    Decrease 0.25 Acres @ \$2,600.00/Acre	(\$ 650.00)
003D – Curb Inlet Protection    Decrease 10 LF @ \$24.00/LF	(\$ 240.00)
004D – Fabric Silt Fence Low Porosity    Decrease 70 LF @ \$6.00/LF	(\$ 420.00)
005D – Hydromulch    Decrease 0.4 Ton @ \$1,000.00/Ton	(\$ 400.00)

Adjusts final quantities to as constructed quantities. All permanent erosion control will be completed by the city.

### New Items:

005B – Extra Work - Removal Unstable Material Add 1.0 Lump Sum @ \$2,160.00	\$2,160.00
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Remove unstable subgrade to a depth of two feet and replace the removed material with suitable subbase material and compact. Approximately 36 cubic yards of unstable material was discovered in the area around the inlet at the north approach to the new parking lot. A second smaller area, approximately 12 cubic yards was located off the south end of the existing parking lot directly adjacent concrete curb cut. Unstable material was removed and replaced with salvaged granular material and crushed concrete. The contractor's price for the work was compared to published Average Unit Bid Prices and Force Account methods. The contractor's price is in line with both methods of pricing.

### Summary:

Total Increases in Cost	\$ 2,598.00
Total Decreases in Cost	<u>(\$ 2,970.00)</u>
Net Change This Change Order	(\$ 372.00)

<b>Contractor's Application for Payment No.</b>		4F
Application Period: October 25, 2016 - November 4, 2016	Application Date: 11/4/2016	
To (Owner): City of Wayne	Via (Engineer): McLaury Engineering, Inc.	
Project: Community Activity Center Parking Lot	Contract: Progressive Property Inspectors LLC	
Owner's Contract No.:	Contractor's Project No.:	
	Engineer's Project No.: 42160303	

Application For Payment Change Order Summary	
Approved Change Orders	
Number	Deductions
CCO 01	\$909.00
CCO 02F	\$2,970.00
TOTALS	\$3,879.00
NET CHANGE BY CHANGE ORDERS	\$668.04

1. ORIGINAL CONTRACT PRICE.....		\$ 201,804.19
2. Net change by Change Orders.....		\$ 668.04
3. Current Contract Price (Line 1 ± 2).....		\$ 202,472.23
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates).....		\$ 202,472.23
5. RETAINAGE:		
a. 5% <input checked="" type="checkbox"/> Work Completed.....		\$
b. <input checked="" type="checkbox"/> Stored Material.....		\$
c. Total Retainage (Line 5.a + Line 5.b).....		\$
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....		\$ 202,472.23
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....		\$ 190,318.52
8. AMOUNT DUE THIS APPLICATION.....		\$ 12,153.71
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 Less Line 6 above).....		\$

<p><b>Contractor's Certification</b></p> <p>The undersigned Contractor certifies, to the best of its knowledge, the following:</p> <p>(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;</p> <p>(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and</p> <p>(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.</p>	<p>By: </p> <p>Date: 11-4-16</p>
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Payment of:	\$ 12,153.71	
	(Line 8 or other - attach explanation of the other amount)	
is recommended by:		(Date) 11-4-16
Payment of:	\$	(Line 8 or other - attach explanation of the other amount)
is approved by:	_____	(Date)
Approved by:	_____	(Date)
	Funding or Financing Entity (if applicable)	(Date)



**Contractor's Application**

**Progress Estimate - Unit Price Work**

A		B				C		D		E		F	
Item		Contract Information		Total Value of		Estimated Quantity Installed		Value of Work Installed to Date		Materials Presently Stored (not in C)		Total Completed and Stored to Date (D + E)	
Bid Item No.	Description	Item Quantity	Units	Unit Price	Item (\$)	of	Installed	Date	Stored (not in C)	(D + E)	(F / B)	Balance to Finish (F -)	
003A	EXCAVATION (ESTABLISHED QUANTITY)	2457	CY	\$6.00	\$14,742.00		2457	\$14,742.00		\$14,742.00	100.0%		
004A	REMOVE PAVEMENT	73	SY	\$8.00	\$584.00		73	\$584.00		\$584.00	100.0%		
005A	REMOVE FLARED-END SECTION	3	EA	\$130.00	\$390.00		3	\$390.00		\$390.00	100.0%		
006A	REMOVE CULVERT PIPE	22	LF	\$6.00	\$132.00		22	\$132.00		\$132.00	100.0%		
002B	TIE BARS	25	EA	\$20.00	\$500.00		25	\$500.00		\$500.00	100.0%		
003B	7" CONCRETE PAVEMENT, CLASS 47B-3500	2363	SY	\$47.71	\$112,738.73		2363	\$112,738.73		\$112,738.73	100.0%		
004B	SUBGRADE PREPARATION	2559	SY	\$1.50	\$3,838.50		2559	\$3,838.50		\$3,838.50	100.0%		
005B	EXTRA WORK #1- UNSTABLE SUBGRADE	1	ls	\$2,160.00	\$2,160.00		1	\$2,160.00		\$2,160.00	100.0%		
002C	CAST IRON COVER AND FRAME	1455	LB	\$3.00	\$4,365.00		1455	\$4,365.00		\$4,365.00	100.0%		
003C	CAST IRON CURB INLET GRATE AND FRAME	250	LB	\$3.00	\$750.00		250	\$750.00		\$750.00	100.0%		
004C	CURB INLET	2	EA	\$2,800.00	\$5,600.00		2	\$5,600.00		\$5,600.00	100.0%		
005C	MANHOLE	3	EA	\$2,500.00	\$7,500.00		3	\$7,500.00		\$7,500.00	100.0%		
006C	CONCRETE COLLAR	4	EA	\$1,300.00	\$5,200.00		4	\$5,200.00		\$5,200.00	100.0%		
007C	18" REINFORCED CONCRETE PIPE	53	LF	\$52.00	\$2,756.00		53	\$2,756.00		\$2,756.00	100.0%		
008C	36" REINFORCED CONCRETE PIPE	304	LF	\$101.00	\$30,704.00		304	\$30,704.00		\$30,704.00	100.0%		
009C	36" CONCRETE FLARED-END SECTION	1	EA	\$1,900.00	\$1,900.00		1	\$1,900.00		\$1,900.00	100.0%		
010C	24" REINFORCED CONCRETE PIPE	8	LF	\$76.50	\$612.00		8	\$612.00		\$612.00	100.0%		
002D	SEEDING, TYPE C		ACRE	\$2,600.00									
003D	CURB INLET PROTECTION		LF	\$24.00									
004D	FABRIC SILT FENCE-LOW POROSITY		LF	\$6.00									
005D	HYDROMULCH		TON	\$1,000.00									
<b>Totals</b>										<b>\$194,472.23</b>	<b>100.0%</b>		

*SKA*



**ORDINANCE NO. 2016-16**

**AN ORDINANCE AUTHORIZING THE TERMINATION OF BOTH THE CITY'S WHOLESALE POWER CONTRACT AND CAPACITY PURCHASE AGREEMENT WITH NEBRASKA PUBLIC POWER DISTRICT.**

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

Section 1. The City of Wayne, Nebraska, on December 13, 2013, gave notice to Nebraska Public Power District (NPPD) of the City's intent to limit or reduce its purchase of Demand and Energy from NPPD, commencing January 1, 2019, by the maximum amount permitted by the Contract, and continuing through the duration of the contract, or December 31, 2021, all pursuant to the City's contract with NPPD entered into on January 1, 2002. Pursuant to the contract, the City must give notice of termination at least three years prior to the expiration of the contract.

Section 2. The City hereby authorizes a letter to be sent to NPPD terminating the Wholesale Power Contract and the Capacity Purchase Agreement as of December 31, 2019.

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

PASSED AND APPROVED THIS \_\_\_\_\_ day of November, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk