

Wayne, Nebraska
June 1, 2010

A regular meeting of the Mayor and Council of the City of Wayne, Nebraska (the “City”) was held on Tuesday, June 1, 2010, at 5:30 p.m., at the Wayne City Hall, 306 North Pearl Street in Wayne, Nebraska; the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act, Chapter 84, Article 14, Reissue Revised Statutes of Nebraska, as amended, and stating (a) the date, time and place of the meeting; (b) the agenda for the meeting; and (c) that the meeting would be open to the attendance of the public, all as evidenced by **Exhibit A** attached hereto. Advance notice of the meeting was also given to the Mayor and each member of the Council, as acknowledged on **Exhibit B** attached hereto. Additionally, reasonable efforts were made to provide advance notice of the date, time, and place of the meeting to all news media requesting the same.

The Mayor, Lois Shelton, presided, and the Clerk, Betty McGuire, recorded the proceedings. The meeting was called to order and on roll call the Mayor and the following Council Members were present: Jim Van Delden, Jon Haase, Dale Alexander, Kaki Ley and Ken Chamberlain; the following Council Members were absent: Doug Sturm, Kaki Ley, and Kathy Berry. A quorum being present and the meeting duly convened, the following proceedings were had and done while the meeting was open to the attendance of the public. The Mayor publicly announced the location of a current copy of the Open Meetings Act posted in the meeting room for access by the public.

The Mayor stated that it was now 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment, for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”). The Clerk reported that notice of the public hearing had been published in the *Wayne Herald* on May 13, 2010 and May 20, 2010, as indicated on **Exhibit C** attached hereto. The Clerk further reported that notice of the public hearing had been mailed by United

States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act, as indicated on **Exhibit D** attached hereto. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

All persons desiring to be heard having been heard, the Mayor closed the public hearing. Council Member Chamberlain then introduced Resolution No. 2010-27 and moved its passage and approval:

RESOLUTION NO. 2010-27

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

Council Member Alexander seconded the motion. On roll call vote, the following Council Members voted in favor of the motion: Jim Van Delden, Jon Haase, Dale Alexander, Kaki Ley and Ken Chamberlain; the following Council Members voted against the motion: None; and the following Council Members were absent or did not vote: Brian Frevert, Doug Sturm and Kathy Berry. The passage of Resolution No. 2010-27 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2010-27 passed and, in the presence of the Council, signed and approved Resolution No. 2010-27. The Clerk attested to the passage of Resolution No. 2010-27 by signing the same and affixing the seal of the City to Resolution No. 2010-27. A true and complete copy of Resolution No. 2010-27 is attached hereto as **Exhibit E**.

There being no further business to come before the meeting, on motion duly made, seconded and carried by unanimous vote, the meeting was adjourned.

CITY OF WAYNE, NEBRASKA

By: _____
Clerk

EXHIBIT A

**AFFIDAVIT OF PUBLICATION
OF NOTICE OF MEETING**

**(Include Affidavit of Publication and
Notice of Meeting Before Returning)**

EXHIBIT B

**ACKNOWLEDGEMENT OF RECEIPT OF
ADVANCE NOTICE OF MEETING**

**ACKNOWLEDGMENT OF RECEIPT OF
ADVANCE NOTICE OF MEETING**

We, the undersigned, constituting the Mayor and Council of the City of Wayne, Nebraska, hereby acknowledge receipt of advance notice of the regular meeting of the Mayor and Council and the agenda for the same held Tuesday, June 1, 2010, at 5:30 p.m., at the Wayne City Hall, 306 North Pearl Street in Wayne, Nebraska.

DATED: June 1, 2010.

CITY OF WAYNE, NEBRASKA

Mayor

Member

EXHIBIT C

**AFFIDAVIT OF PUBLICATION OF
NOTICE OF PUBLIC HEARING**

(Please Attach Before Returning)

EXHIBIT D

**AFFIDAVIT OF MAILING
NOTICE OF PUBLIC HEARING**

**AFFIDAVIT OF MAILING
NOTICE OF PUBLIC HEARING**

STATE OF NEBRASKA)
) ss.
COUNTY OF WAYNEL)

I, **BETTY MCGUIRE**, the duly appointed, qualified and acting Clerk of the City of Wayne, Nebraska (the “**City**”), do hereby certify, represent and warrant that on _____, 2010, a copy of the notice attached hereto as **Attachment 1** (the “**Notice**”), including a map of the redevelopment area described therein (the “**Redevelopment Area**”), which is also included in **Attachment 1**, was mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the Redevelopment Area and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district in which the real property in the Redevelopment Area is located and whose property tax receipts would be affected, as more fully described below:

<u>Name</u>	<u>Address to Which Notice Mailed</u>	<u>Date Mailed</u>
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Attached hereto as **Attachment 2** are United States Certified Mail return receipts reflecting the mailing of the Notice to each party described above.

[S E A L]

Clerk, City of Wayne, Nebraska

Subscribed in my presence and sworn to before me this _____ day of May, 2010.

Notary Public

[S E A L]

ATTACHMENTS

ATTACHMENT 1

**COPY OF NOTICE OF PUBLIC HEARING,
INCLUDING MAP OF REDEVELOPMENT AREA**

ATTACHMENT 2

UNITED STATES CERTIFIED MAIL RECEIPTS

EXHIBIT E

RESOLUTION NO. _____

RESOLUTION NO. 2010-27

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

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

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

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

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

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

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

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

Section 1. The Redevelopment Plan Amendment is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project,

including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of the recommendations of the Agency with respect to the Redevelopment Plan Amendment.

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

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area, to wit: Lot 15, Western Ridge II Addition to the city of Wayne, Wayne County, Nebraska, for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be January 1, 2011:

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

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. Specifically, such portion is pledged to the payment of principal and interest on the TAX INCREMENT REVENUE BOND OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA (Western Ridge II Subdivision Project) SERIES 2009 A. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

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

PASSED AND APPROVED this 1st day of June 2010.

CITY OF WAYNE, NEBRASKA

ATTEST:

By: _____
Clerk

By: _____
Mayor

[SEAL]

EXHIBIT A

LEGAL DESCRIPTION OF BLIGHTED AND SUBSTANDARD AREA

Lots One through 48, inclusive, Western Ridge II Addition to the city of Wayne, Wayne County, Nebraska.

* * * * *

EXHIBIT B

REDEVELOPMENT PLAN AMENDMENT

This plan amendment is to pledge Lot 15 Western Ridge II Addition to the city of Wayne, Wayne County, Nebraska, with an effective date of January 1, 2011, for division of taxes pursuant to §18-2147 to the payment of 2010 Bonds previously issued by the Community Development Agency.

EXHIBIT C

LEGAL DESCRIPTION OF PROJECT AREA

Lot 15 Western Ridge II Addition to the city of Wayne, Wayne County, Nebraska.

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