

(Amended: 2/6/12)

**AGENDA
CITY COUNCIL MEETING
February 7, 2012**

5:30 Call to Order

1. Approval of Minutes – January 17, 2012

2. Approval of Claims

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

Anyone desiring to speak on an agenda item is invited to do so, and should limit themselves to three minutes. After being recognized by the Chair, proceed to the rostrum and state your name and address for the record.

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. Update on New Fire Truck — Tom Sievers, Fire Chief, and Brent Doring

Background: We approved a bid from DANKO in Snyder last year to build a new 75' extension ladder truck. The construction is underway, and Tom and Brent will update us on its status.

4. Action on the Mayor's Youth Council's Offer to Participate in Planning the Future use of the Lagoon Area

Background: The Mayor's Youth Council was organized by Mayor Shelton and has worked on some community service projects. They are interested in the future use of the lagoon and would like to lead that community discussion of options.

5. Ordinance 2012-3: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Saturday, March 17th (St. Patrick's Day)

6. Ordinance 2012-4: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Friday, March 30th, and Saturday, March 31st (Rugby Tournament)

7. Ordinance 2012-5: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Friday, April 6th, and Saturday, April 7th (Wayne High Alumni)

8. Ordinance 2012-6: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Thursday, May 3rd, Friday, May 4th and Saturday, May 5th (Wayne State College Graduation)

9. Resolution 2012-8: Approving Wage and Salary Schedule

Background: This action is taken by the City Council annually to establish the wage and salary scale for the calendar year. The changes are my recommendation for 2012 to the City Council. My goal each year is to keep the wage/salary range for each job description in the mid-range of the average beginning and top ranges of the 21 Nebraska cities similar to Wayne that are surveyed by the League of Nebraska Municipalities.

Recommendation: There are some job descriptions in this resolution that have fallen out of line, and I have recommended them to be repositioned to different pay levels to make them more closely match the League survey averages for those job descriptions. This resolution eliminates the position of Police Lieutenant. We have reduced the size of the Police Department from nine certified officers to seven certified officers, and this resolution and the following resolution reduce the number of police department administrative positions from four to two. The Resolution contains a 2% across the board “cost of living” increase.

10. [Resolution 2012-9: Approving Wage and Salary Schedule for Police Personnel](#)

Background: This resolution also contains a 2% “cost of living” increase across the board for all positions, which is within the range of 0%-2% that was agreed to in the FOP Labor Contract/Agreement with the City. That agreement expires on June 1, 2012. This resolution eliminates the position of Senior Patrolman. We have reduced the size of the Police Department from nine certified officers to seven certified officers and do not need four administrative positions.

Recommendation: The recommendation of the City Administrator is to approve the resolution.

11. [Resolution 2012-10: Directing the City Clerk to certify Mowing Costs to the Wayne County Clerk and the Wayne County Treasurer to become a Lien on Lot 3, Westwood Addition to Wayne, Wayne County, Nebraska, more commonly described as 513 Fairacres Road, Wayne, Nebraska](#)

Background: When we receive a complaint regarding un-mowed grass and weeds, we send a certified notice to the property owner and give them a deadline in which to mow. If the lawn is not mowed by or soon after that date, we hire a contractor to mow the property and we bill the property owner \$90 per hour. If the bill isn't paid, per City Code, we file a lien against the property for the amount of the unpaid bill.

Recommendation: The recommendation of the City Clerk and Finance Director is to file the lien.

12. [Action on Change Order No. 1 for the Benscoter Addition – Phase 1 Paving and Utility Improvement Project in the Amount of \\$58,782.47](#)

Background: The developer and general contractor on this project is Benscoter Construction. The developer will pay for all of the water and sewer construction as the developers of the subdivision. Subdivision developers have the option of installing the water and sewer mains with their own crews as long as they comply with City and State Regulations. Some previous Wayne subdivision developers

installed water and sewer mains on their own. That is how the Knolls and Sunnyview Subdivisions were built.

Developers have the other option of having the City create sewer and water districts, and then the City hires the contractors, borrows the money and assesses the costs back to the developer on a per lot basis. That is how Vintage Hills, Fairway Estates and Western Ridge were built. Bencoters elected to have the City create water and sewer districts for their subdivision. The developer still pays the cost through assessments, and the City builds it and finances it over time through the water and sewer districts.

The general contractor can sub out any or all of the water and sewer construction. The reasons for this change order are:

(1) At the time the water, sewer and street paving bids were accepted, no one knew when the Cobblestone Hotel would be built. The street paving is being paid for by Tax Increment Financing generated by the new hotel construction. Because of the uncertainty of the hotel project, Olsson Associates approved both paving and utility bids with the understanding that those contractors would wait until the hotel was being built to build the infrastructure and that material and fuel price increases would be allowed. There was a two-year delay, and these cost increases are now reflected. This will occur with the Sioux City Engineering paving contract also; and

(2) Bencoter Construction took on other commitments while waiting for the hotel project and subbed out the sewer lines to Penro Construction. Penro is charging more and that requires this change order. The additional costs still go to the developer and Bencoters are aware of that.

Recommendation: The recommendation of Rod Hanson, Olsson Associates' Project Engineer, is to approve the change order.

13. Action on Certificate of Payment No. 1 for the Bencoter Addition – Phase 1 Utility Project in the Amount of \$95,153.16 to Bencoter Plumbing & Construction

Recommendation: The recommendation of the Project Engineer is to approve the pay request for work completed in compliance with the bid contract.

14. Discussion Regarding Options for Grading Cut for Pheasant Run Road

15. Recess

- a. Convene as Community Development Agency
- b. Approve Minutes – January 3, 2012
- c. Action on CDA Resolution 2012-1 Authorizing the Issuance of Tax Increment Revenue Bonds (Fourth Generation Family Limited Partnership)

Background: This Resolution, which was prepared by Attorney Mike Bacon, will authorize the issuance of tax increment revenue bonds for the Bomgaars Project.

Recommendation: The recommendation of the City Administrator and Finance Director is to approve the said Resolution.

d. Adjourn CDA and Reconvene as Council

16. Appointments:

Alex Koch as the Recreation Services Director
Reappointment of Jill Walling to the Recreation-Leisure Services Commission
Katie Jensen and Ted Perry to the Swimming Pool Renovation/Replacement Committee

17. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

January 17, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, January 17, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, and Kaki Ley; City Attorney Amy Miller; City Administrator Lowell Johnson and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Kathy Berry and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 5, 2012, 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 Sturm, whereas the Clerk has prepared copies of the Minutes of the meeting of January 3, 2012, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERITAS LIFE INSURANCE, SE, 1663.94; APPEARA, SE, 97.38; ARC-HEALTH & SAFETY, SE, 390.00; ARNIE'S FORD-MERCURY, RE, 540.00; ATCO INTERNATIONAL, SU, 55.20; BACKSTROM, JAMIE, RE, 500.00; BAKER & TAYLOR BOOKS, SU, 878.35; BANK FIRST, FE, 180.00; CITY EMPLOYEE, RE, 73.00; BOMGAARS, SU, 628.98; CITY EMPLOYEE, RE, 695.49; CITY EMPLOYEE, RE, 82.54; BROWN SUPPLY, SU, 754.04; CARHART LUMBER COMPANY, SU, 491.16; CITY EMPLOYEE, RE, 15.92; CITY EMPLOYEE, RE, 42.31; CHARTWELLS, SE, 5572.85; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, PY, 55016.76; CITY OF WAYNE, RE, 160.32; CITY OF WAYNE, RE, 1601.57; COMMUNITY HEALTH, RE, 3.00; DAVE'S UNIFORM CLEANING, SE,

42.00; DEMCO, SU, 51.32; DITCH WITCH OF OMAHA, SU, 82.25; DOESCHER APPLIANCE, SU, 878.00; EASYPERMIT POSTAGE, SU, 1183.41; CITY EMPLOYEE, RE, 917.24; EMPLOYERS MUTUAL CASUALTY, RE, 900.00; FLOOR MAINTENANCE, SU, 948.36; FREDRICKSON OIL, SE, 16.00; GENO'S STEAKHOUSE, SE, 3802.64; GRAPHIC CONTROLS, SU, 388.59; GREAT PLAINS ONE-CALL, SE, 45.27; CITY EMPLOYEE, RE, 435.71; HARDING & SHULTZ, SE, 2714.32; HAWKINS, INC, SU, 830.11; HD SUPPLY WATERWORKS, SU, 1493.14; CITY EMPLOYEE, RE, 111.54; HIRERIGHT SOLUTIONS, SE, 20.00; HOBBY LOBBY, SU, 14.56; HTM SALES, SU, 113.28; ICMA, RE, 5200.51; INGRAM BOOK COMPANY, SU, 83.63; IRS, TX, 17859.37; JEFF FLEMING, RE, 500.00; JOHN'S WELDING AND TOOL, SE, 60.00; JORGENSEN, JASON, SE, 700.00; KRIZ-DAVIS, SU, 370.62; KTCH, SE, 605.00; LP GILL, SE, 1066.80; MARK ALBENESIUS, SE, 14647.29; MARRIOTT HOTELS, RE, 55.18; MCGRATH NORTH, SE, 243.00; MIDWEST LABORATORIES, SE, 1044.90; MIDWEST TAPE, SU, 59.98; MIKE TOWNE, SE, 2300.00; N.E. NEB ECONOMIC DEV DIS, SE, 1215.00; NE DEPT OF REVENUE, RE, 53.03; NE DEPT OF REVENUE, TX, 2787.97; NE NEB INS AGENCY, SE, 58224.50; NE PUBLIC HEALTH, SU, 193.00; NPPD, SE, 245247.25; NEBRASKA U.C. FUND, RE, 2919.67; NORFOLK DAILY NEWS, SE, 260.40; NORTHEAST EQUIPMENT, SU, 44.24; NNPPD, SE, 12180.28; OLSSON ASSOCIATES, SE, 2429.47; OVERHEAD DOOR COMPANY, SE, 194.50; PAMIDA, SU, 204.91; CITY EMPLOYEE, RE, 229.42; POSTMASTER, FE, 110.00; PRESTO X, SE, 82.15; PROGRESSIVE BUSINESS, SU, 299.00; QUALITY FOODS, SU, 6.12; QUILL, SU, 252.94; RANDOM HOUSE, SU, 614.96; ROBERT WOehler & SONS, SE, 24020.39; SPARKLING KLEAN, SE, 2073.46; STADIUM SPORTING GOODS, SU, 62.00; STATE FARM INSURANCE, SE, 563.00; STATE NATIONAL BANK, SE, 49.84; STATE NATIONAL BANK, FE, 40.00; THE JOURNAL OF LIGHT, SU, 14.99; THOMPSON PUBLISHING GROUP, SU, 438.50; TOP SAFETY, SU, 139.92; UNIVERSITY OF NE-LINCOLN, FE, 280.00; US BANK, SU, 3514.38; WAKEFIELD REPUBLICAN, SU, 27.00; WASTE CONNECTIONS, SE, 49.50; WATERLINK, SE, 1053.42; WAYNE AUTO PARTS, SU, 686.91; WAYNE COUNTY CLERK, SE, 37.00; WAYNE HERALD, SE, 2055.03; WAYNE STATE COLLEGE, RE, 35.00; WAYNE VETERINARY CLINIC, SE, 140.00; WESCO, SU, 121.89; WAPA, SE, 35228.86; WINDOM RIDGE, RE, 8234.60; ZACH HEATING & COOLING, SE, 259.00; ZACH OIL COMPANY, SU, 5867.15; AMAZON.COM, SU, 193.46; BLUE DEVIL BOOSTER CLUB, SE, 75.00; CITY OF WAYNE, RE, 375.00; CITY OF WAYNE, RE, 641.70; COVENTRY HEALTH, SE, 20376.43; DAKOTA BUSINESS SYSTEMS, SE, 102.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; DUTTON-LAINSON, SU, 334.30; FREDRICKSON OIL, SU, 1341.25; CITY EMPLOYEE, RE, 99.06; GALE GROUP, SU, 497.90; GERHOLD CONCRETE, SU, 2619.32; HALDEMAN-HOMME, INC., SU, 414.00; KRIZ-DAVIS, SU, 1054.35; MATT PARROTT AND SONS, SU, 1069.65; MUNICIPAL SERVICE, SU, 7315.80; MURPHY TRACTOR & EQUIPMENT, SU, 1089.98; CITY EMPLOYEE, RE, 80.89; NE STATE PATROL, SE, 15.00; OLSSON ASSOCIATES, SE, 7148.31; OVERHEAD DOOR COMPANY, SU, 42.00; PITNEY BOWES, SU, 728.74; ROCKHURST UNIVERSITY, FE, 199.00; STATE NATIONAL BANK, RE, 462.07; STEFFEN, SU, 129.23; THE COFFEE SHOPPE, SE, 47.93; WAYNE COUNTY COURT, RE, 150.50; WESCO, SU, 1891.44

Councilmember Sturm made a motion and Councilmember Ley seconded to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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.

Councilmember Brodersen arrived at 5:33 p.m.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth, P.C., presented the FY 10-11 Audit. He provided Council with a spreadsheet which identified “benchmarks” of how Wayne compares with other communities its size. This is a study that they have done across the State of Nebraska with approximately 35 municipalities (3,000 to 10,000 in population).

The business type activities (electric, water and sewer) are excellent. Wayne is about 49%; anything above 35% is considered excellent.

Cash reserves are very good this year in the general fund. The norm is to have five months worth of cash reserves; Wayne has about 9 months worth. For a city of Wayne’s size, that is fantastic.

The outstanding general obligation debt/valuation is used a lot in the bonding world to see how much taxpayer pressure is going to be needed to meet obligations as

you go forward. Wayne is a little over 1%. Anything less than 3% is excellent in Nebraska. Wayne does not have a lot of general obligation debt outstanding.

In regard to debt coverage ratio (water, sewer and electric), consideration should be given to increasing the electric rates this year, and the Council will be taking action on that matter later this evening.

In regard to the City's top six revenue sources, their recommendation, again, was that Wayne needs more retail trade. Sales tax runs \$180 per capita, and Wayne is at \$89. Property taxes are actually good for the taxpayers in Wayne. The per capita basis is \$200 per person. Wayne is asking \$125 per person. In lieu of tax payments (franchise fees) is \$100 per capita; Wayne is at \$98. This is a little bit less than what is recommended. Normally, they see about a 12% franchise fee. Wayne is charging 7% on water and sewer and 8.5% on electric. This is something that could be increased if you needed more revenue in the general fund, etc. State Allocation is at \$130 per capita; Wayne is at \$143. Charges for services are \$160 per capita and Wayne is at \$94. Grants are a little bit low this year. The per capita is at \$90; Wayne is at \$58.

In regard to cash reserves and replacement reserves, Wayne is down from \$1.17 million to \$451,447 due to the new GASB 54 regulations (budget stabilization). If we would add back the \$1 million, Wayne still has excellent cash reserves in the general fund.

Under the business type activities, Wayne currently has \$8.4 million. Wayne only needs about \$7.7 million, which means that the City has about \$600,000 or \$700,000 of cash reserves that can be used to either pay down debt or used to stabilize utility rate increases in the future. However, he noted if the City would use those cash reserves for

rate stabilization, it would only put pressure beyond the current period. You could hold down the rate increase this year, but it would only mean a larger rate increase next year.

In regard to the operating income, it reflects that rates need to be increased in the electric, water, transfer station and internal service funds. In the electric fund, Wayne has had a lot of pass through costs that have come to the City, but they haven't been passed onto the City's consumers or customers. The same is true in the water fund. The sewer fund is in good shape at this time. You need to take a look at a rate increase in the transfer station fund and the internal service fund, which is basically the health insurance. Unfortunately, four out of the five indicates that you need to take a look at some rate increases; however, before you look at rate increases, you want to look at reducing costs or expenses in those departments and look at other opportunities for revenue sources.

In regard to the tax levy rates, Wayne is, again, under what the recommended or state-wide average is. This is very good for the taxpayers in Wayne. In the general fund, the per capita is \$150 per person; Wayne is at \$121 per person.

In regard to the State Allocations, the Highway Allocation went up from \$59 per capita to \$64 per capita, as did Municipal Equalization. State Aid went down from \$9 per person to \$8 per person.

Mr. Galloway then reviewed the per capita costs of departments compared to the state-wide average. The administrative costs to run the City of Wayne is very low compared to the other cities. The per capita cost is \$60; Wayne is at \$23, which is even below last year.

In Public Buildings, Wayne is about \$12 per capita; the average is \$10. In Public Safety, Wayne is at about \$209 per capita; the average is \$200. Public Works is \$83 per

capita; the average is \$90. The Library is about \$40 per capita, with the average being \$40 per capita. Recreation is at \$47 per capita; the average is \$50. The Community Activity Center is at \$43 per capita, with the average being \$30 per capita. The reason for this is that Wayne has a nicer facility than most communities. Overall, Wayne has done an excellent job in keeping the costs and expenses down in the various departments and still being able to continue the level of service that everyone is used to.

Mr. Galloway stated that what they are seeing across the State of Nebraska is that all of the cities or municipalities are struggling with program prioritization. Obviously, everybody wants to keep the property taxes and utility rates low, but how can that be done if you still have to provide the same level of service or when everyone expects the best level of service. That costs money, and it comes with a price tag. In the near future, everyone will be looking at program prioritization — what do you want to do with the dollars you have available to you. You can only reduce your costs and expenses so far before you will need to start cutting the levels of service.

Mr. Galloway noted that his firm did not encounter any difficulties in performing the audit.

Mr. Galloway ended his presentation by stating the City has done a very good job at being good stewards with the money that is here; the amount in cash reserves is very good; and commending the City staff on a job well done.

Lou Bencoter requested time to present to the Council a proposal to build ten spec homes in Wayne this summer in anticipation of the estimated new 50-60 jobs being created. He sees the need for housing in Wayne, and they have the financing in place to

do what he has proposed. He would build three different styles of homes. These houses would be energy-star rated houses.

Administrator Johnson, in his memo, stated that Mr. Benscoter was proposing the following:

- To build ten, three-bedroom residences priced at \$130-\$135,000 this summer in his subdivision (former Scotty Thompson property). All ten would have two-car garages and unfinished basements.
- Three single-family homes and three duplex town homes would be built on lots along the existing trail. The tenth residence would be on the southeast side of Jaxon Street facing one of the other nine homes.
- All homes would be sold and not rented, and eligible families would have to be at median household income or lower to purchase. The target market for these homes would be families with two incomes, making \$12-\$14/ hour. This higher income level helps expand the window of eligible families over what our Wayne Community Housing Down Payment Loan Assistance requirements are. We would require a minimum of \$1,000 down payment by the buyer.
- Benscoter Construction requests two loans from the City of Wayne:
 - TIF agreement to provide \$200,000 to be used for ten \$20,000 down payment loans to the buyers. These would be paid back as the house is sold or rented to someone else or when the original mortgage is paid off. This TIF agreement on the ten houses would also generate an additional \$100,000 to \$140,000 to pay most of the city's cost of paving the south lane of 4th Street.
 - LB840 loan of \$200,000 to be used for construction loans to build the houses. These loans would be paid back to the City LB840 fund by the mortgage financing as each house is sold.

Administrator Johnson proposed an additional incentive to sell the three city-owned lots to Benscoter for this project at \$1,000 each, instead of the \$10,000 option in the subdivision agreement, to incent Mr. Benscoter to build three of their houses on these three city lots. This would eliminate the City having to maintain them.

Councilmember Sturm wanted a guarantee that if this is approved and there is a timeframe set for him in which to build a certain amount of houses, that Council be strict in enforcing that.

Mayor Chamberlain noted that “housing” would be a topic the Council would discuss at their retreat.

Mayor Chamberlain declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Building Inspector/Planner/Certified Street Superintendent, presented the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Roads. He noted that just because a project is in the one-year plan does not mean the project has to be done that year. However, if the City would want to do a project that is not in the one-year plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Estimated Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Cost</u>
M-617(101)	2012	Benscoter Subdivision – Tomar Dr, Jaxon St, E. 4 th St - 1,980’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$520,000
M-617(103)	2012	Pheasant Run from W. 7 th St to 825’ N of W. 7 th St. – 745’ Construct Concrete Paving	\$150,000
M-617(92)	2012	Windom Street from 645’ N of Fairground Ave to E. 7 th – 1,750’ Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$590,000
M-617(89)	2012	Lage Subdivision – South of Fairgrounds Avenue – 900’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 175,000
M-617(80)	2013	East 10 th Street from Main St. to Windom St. – 1,225’ Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage	\$600,000
M-617(91)	2013	Trail & Pedestrian Underpass on W. 7 th Street Located between CAC and Oak Drive	\$566,000
	2014	Maintenance Only	
M-617(98)	2015	Sherman Street from W. 5 th St. to W. 6 th St. – 300’ Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$80,000
M-617(104)	2015	S. Lincoln Street from W. 1 st St. to 300’ S. of W. 1 st St. Construct Concrete Paving, Curb & Gutter	\$80,000

M – 617(105)	2016	Tomar Drive from E. 4 th St. to the Summer Sports Complex Construct Concrete Paving	\$150,000
	2017	Maintenance Only	

Some of these projects involve collector or arterial streets, which allows the City to utilize its federal funding at 80/20 cost-share. The City then pays only 20% of the cost of the project(s). This cost-share option is not available on some streets that need repaired.

Mr. Hansen stated the reason E. 10th Street is scheduled for 2103 is due to the new regulations imposed by the Department of Roads and the Federal Highway Administration. Because E. 10th Street was an old project, we basically have to start over. We need to redo the environmental document and redo the design work. Because the Windom Street project was started with the new process, it is proceeding rather smoothly, unlike the 10th Street Project. The new requirements are also requiring us to obtain right-of-way easements which will also help delay the E. 10th Street project.

Robert Woehler questioned why Folk Street had been deleted from the One and Six Year Street Improvement Program since it has been on this plan for two years. He stated there are multiple tax lots in that area. This tax lot had two entrances – one from Main Street and one from Nebraska Street. Both have been taken away. If he were to sell this tax lot, there would be no access to that property. He stated he did not care if the road got improved or not, he just wanted access to his property.

Administrator Johnson stated at this time, there are no plans to upgrade Folk Street. The plan can be amended if that changes however.

Councilmember Sturm stated before anything takes place, Council also needs to take into consideration the citizens that live along Nebraska Street as well as Mr.

Woehler. A lot of problems need to be resolved before anything takes place on Folk Street. He would be open to having meetings with Mr. Woehler and the property owners in that area to discuss the matter further.

Mayor Chamberlain noted a meeting would be scheduled to start discussion on this matter.

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

No written or oral comments had been received by the City Clerk's Office concerning the proposed program.

Councilmember Sturm introduced Resolution 2012-3 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-3

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Berry arrived at 6:00 p.m.

In regard to Ordinance 2011-32, Mayor Chamberlain stated a request had been received from a city employee in regard to waiving the helmet restriction for city vehicles that had a roll cage or cab.

Molly Mayhew spoke and had concerns about the reference to "three or more low pressure tires." She thought this was against state law and might be conflicting.

Attorney Miller reviewed the state statutes and noted that they do allow for three wheelers.

Garry Poutre, Superintendent of Public Works & Utilities, stated the City doesn't have an ATV or utility type vehicle; however, City employees would be adhering to the same rules as the public if we did.

Councilmember Sturm introduced Ordinance 2011-32 and moved for approval of the third and final reading thereof as amended (changing the wording "three or more low pressure tires" to "four or more low pressure tires"); Councilmember Berry seconded.

ORDINANCE NO. 2011-32

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78 BY ADDING ARTICLE VII TO ALLOW THE OPERATION OF ALL TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Alexander who voted Nay, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated the following ordinance would designate a wellhead protection area. Approximately one year ago, the City set on a course to develop a wellhead protection plan. In that plan is the establishment of a new wellhead protection area. We had a wellhead protection area established before, and since then, technology has improved so that they can better tell where the wellhead protection area lies and where the water travels to the wells as shown on the maps that were included in the council packet. This was determined by the Nebraska Department of Environmental Quality. It needs to be adopted by ordinance and will become part of the wellhead protection plan. The plan is still in the works. There

are several property owners in the area of the wellhead protection area that are on the committee to help develop the plan, as well as Councilmember Frevert and people in the community. The committee has held several public meetings. The landowners have been involved in the process to help identify wells and contaminants in this area. They are as aware as staff can make them. The committee will be working through the wellhead protection plan which will come before Council in the near future.

Councilmember Ley introduced Ordinance 2012-2, and moved for approval thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2012-2

AN ORDINANCE DESIGNATING A WELLHEAD PROTECTOIN AREA, AS DRAWN BY THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY, WELLHEAD PROTECTION PROGRAM, JUNE 2011; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HERewith; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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

Councilmember Ley made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2012-2. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the amended schedule of fees and charges. The proposed changes are:

- Electronic Media (i.e. CD's) — \$25.00
- ATV & Utility Vehicle Permit — \$75.00

Mayor Chamberlain requested adding the following:

- ATV & Utility Vehicle Operator Permit — \$25.00

Councilmember Sturm introduced Resolution No. 2012-4 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-4

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works and Utilities, advised the Council that we just completed our annual review of the electric rates. This is done by the same consultant we have used for a number of years. Last year when we went through this process, we did have increases in our wholesale power purchase rates from NPPD and WAPA. Rather than having a rate adjustment or increase last year, we collected those increases through our "Production Cost Adjustment" which is the PCA line item on the utility bill. The consultant has stated we can always choose to collect the increases through the PCA or we can raise the rates. This year, the consultant is suggesting the rates be increased by 6.5% across the board to cover the rate increase we are getting from NPPD. If this is done, then the monthly PCA would not be as high. Mr. Towne has stated in his comments if we did not increase rates or collect a PCA, we would lose

\$999,441 this year. We only pass on to our retail customers the increases we receive from our wholesale power suppliers.

Mr. Towne is recommending increasing the rates by 6.5% not only this year, but also the next four years. We review our rates annually, so that could change.

Councilmember Alexander introduced Resolution No. 2012-5 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-5

A RESOLUTION ESTABLISHING A SCHEDULE OF ELECTRICAL RATES TO BE CHARGED CUSTOMERS FOR ENERGY AND POWER FROM THE ELECTRIC DISTRIBUTION SYSTEM OF THE CITY; TO REPEAL CONFLICTING RATES AND SCHEDULES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated the following Resolution would approve the Nebraska Water/Wastewater Agency Response Network Water and Wastewater and Stormwater Mutual Aid Agreement. This is a mutual aid organization for water, wastewater and stormwater. This is a national program that has been in Nebraska for a few years. There are currently 158 communities in this network. We are in a similar program already on the electric side through the Nebraska Municipal Power Pool. After we become a member, we will register our equipment, materials and inventory with WARN. This allows communities that have an emergency to go to the WARN website to see which city they can best request assistance from.

We are still in the process of getting the agreement approved by EMC, the City's insurance provider. They had concerns regarding the "indemnity" portion of the

agreement. The agreement is also being reviewed by the City Attorney's Office. The League of Nebraska Municipalities supports this agreement.

Councilmember Ley introduced Resolution No. 2012-6 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-6

A RESOLUTION APPROVING NEBRASKA WATER/WASTEWATER AGENCY RESPONSE NETWORK (WARN) WATER AND WASTEWATER AND STORMWATER MUTUAL AID AGREEMENT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve an amended "Letter Agreement" with Olsson Associates for the Power Plant Cooling Tower Project. If approved, this would increase the "not to exceed" amount of engineering fees of \$15,000 in the original "Letter Agreement". Last September, we asked Olsson Associates to assume the engineering for this project in an attempt to get the project caught up to a schedule that would allow us to salvage the \$250,000 energy grant. The project is back on track; however, there were some design alterations needed to make the project work at the site. It's estimated the cost for the extra work can be done for \$10,000 or less.

Councilmember Ley introduced Resolution No. 2012-7 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-7

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE POWER PLANT COOLING TOWER PROJECT.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated a pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$14,039.00. The engineer on the project has approved the same.

Councilmember Brodersen made a motion and Councilmember Alexander seconded approving Application for Payment No. 16 for the Wastewater Treatment Plant Project in the amount of \$14,039.00 for Eriksen Construction Company. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the job description for “Police Dispatcher” and requested Council consideration to approving the same.

Councilmember Sturm made a motion and Councilmember Van Delden seconded approving the job description for Police Dispatcher. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the job description for “Police Officer” and requested Council consideration to approving the same. In addition, he asked whether or not a residency requirement should be included in the job description.

Attorney Miller stated she had done some research on this matter. Her opinion is that a “residency requirement” should not be part of the job description. Rather, it should go in the personnel rules. In addition, you must have a legitimate purpose for requiring it. The legitimate purpose for example for a police officer would be response time, because they are going to have to back each other up if something happens. She does not

see a problem with having a residency requirement, but felt it should be a time restriction or mileage restriction. She obtained a copy of Norfolk's personnel manual which has the time requirements and mileage restrictions for all of their job descriptions.

Administrator Johnson stated he is recommending residency be a requirement for the Recreation Services Director position, as well as Police Dispatcher position. Right now, our personnel policy requires a 15-minute response time.

Councilmember Alexander made a motion and Councilmember Van Delden seconded approving the job description for Police Officer. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the job description for "Recreation Services Director" and requested Council consideration to approving the same.

Councilmember Sturm made a motion and Councilmember Ley seconded approving the job description for Recreation Services Director. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to reappointing Darrel Heier to the Civil Service Commission.

Councilmember Alexander made a motion, which was seconded by Councilmember Sturm approving the appointment of Darrel Heier to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen to adjourn the meeting. Mayor Chamberlain stated the

motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:32 p.m.

CLAIMS LISTING FEBRUARY 7, 2012

AHERN CO.	CAC SPRINKLER INSPECTION	315.00
ALTA MEYER	ENERGY INCENTIVE	500.00
ALTEC INDUSTRIES, INC.	HEX ADAPTER	79.99
AMERICAN BROADBAND	FIBER LINE LEASE	550.00
AMERICAN BROADBAND	TELEPHONE CHARGES	1,437.25
AMERICAN LIBRARY ASSOC	REISSUE MEMBERSHIP DUES	180.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,601.74
APPEARA	LINEN & MAT SERVICE	220.37
ARC-HEALTH & SAFETY	CPR	3,100.00
AS CENTRAL SERVICES	TELECOMMUNICATION SERVICE	448.00
BACON & VINTON	BOMGAARS TIF	15,000.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	180.00
BARONE SECURITY SYSTEMS	AUDITORIUM FIRE SPRINKLER MAINTENANCE	240.00
BERT GURNEY & ASSOCIATES	WIPER RINGS	731.16
BLACK HILLS ENERGY	GAS BILLS	857.52
BOMGAARS	HOSE/BATTERIES/BLADES/BITS/TAPE ETC	685.33
CITY EMPLOYEE	HEALTH REIMBURSEMENT	24.13
CITY EMPLOYEE	REISSUE CLOTHING/HEALTH REIMBURSEMENT	447.60
BRYAN JENSEN CLOTHING	FIRE RESISTANT SHIRT	74.22
CARHART LUMBER COMPANY	REINFORCEMENT BARS/BITS/PAINT ETC	1,754.78
CARLTON INDUSTRIES, L.P.	FIRE EXTINGUISHER/HOSE	58.33
CITY EMPLOYEE	HEALTH REIMBURSEMENT	93.73
CENTURYLINK	TELEPHONE CHARGES	308.93
CHARTWELLS	SENIOR CENTER MEALS	5,512.20
CITY OF NORFOLK	INSPECTION/EFFLUENT TESTING	92.90
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	200.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	700.00
CITY OF WAYNE	FIRE HALL DEPOSIT REFUND	150.00
CITY OF WAYNE	OFFICIAL	90.00
CITY OF WAYNE	PAYROLL	56,049.52
CITY OF WAYNE	UTILITY REFUNDS	701.38
CIVICPLUS	ANNUAL FEE FOR HOSTING & SUPPORT	3,441.00
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CONCORD COMPONENTS	LIGHTING EFFICIENCY	792.00
COPY WRITE PUBLISHING	OFFICE SUPPLIES	2.35
DE LAGE LANDEN FINANCIAL	PROPERTY TAX	343.16
DE LAGE LANDEN FINANCIAL	SENIOR CENTER COPIER LEASE	77.00
DGR & ASSOCIATES CO	TRANSFORMER FUSING	116.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	249.42
DUTTON-LAINSON COMPANY	ELECTRIC METER	171.25
ECHO GROUP INC JESCO	TRANSFER STATION LIGHTS	2,486.72
ED M FELD EQUIPMENT INC	FACESHIELD/HOOD	235.75
ELECTRIC FIXTURE & SUPPLY	WIRING/BALLAST/CEILING FAN	189.61
ELLIS PLUMBING & HEATING	WATER/LIBRARY FURNACE BLOWER MOTORS	875.81
EMBASSY SUITE	LODGING- G POUTRE	248.00
ERIKSEN CONSTRUCTION CO,	WWTP	14,039.00
FIRST CONCORD GROUP LLC	CAFETERIA PLAN	3,414.88
FLOOR MAINTENANCE	DUST MOPS/DISH SOAP/NAPKINS	286.13
FORT DEARBORN LIFE	LIFE & DISABILITY INSURANCE	1,522.11
GEMPLER'S INC	SHIRTS	81.00
GERHOLD CONCRETE CO INC.	CONCRETE	1,013.25
GILL HAULING, INC	CAC/AUDITORIUM/LAGOON SERVICE	155.00
GIS WORKSHOP	TORNADO ANTENNA	2,940.00
CITY OF WAYNE	COMPUTER REIMBURSEMENT	500.00
CITY OF WAYNE	HEALTH REIMBURSEMENT	313.60
HANSEN, THOMAS T.	LIGHTING EFFICIENCY	88.00
HENKE MANUFACTURING CORP	SNOW PLOW ATTACHMENT	9,425.00
HOLIDAY INN OF KEARNEY	LODGING-BRADY/BRADEN/ECHTENKAMP	459.70

ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,110.49
IRS	FEDERAL WITHHOLDING	17,884.21
JEO CONSULTING GROUP	SLUDGE MANAGEMENT/WWTP	34,348.55
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	32.10
JOHN'S WELDING AND TOOL	METAL ANGLE/ANCHORS STORM DRAIN	152.84
KELLY SUPPLY COMPANY	LUBRIPLACE A/C OIL/GALVANIZEDPIPE	773.83
KLEIN ELECTRIC	ELECTRIC SERVICE BORING	10,715.75
LAYNE CHRISTENSEN CO	REISSUE WELL 11 FINAL PAYMENT	24,230.90
LP GILL INC	CLEAN UP SOUTH WINDOM CREEK	967.05
MATT FRIEND TRUCKING	FLOW CONTROL VALVE	166.47
MCGUIRE & NORBY	CIVIL SERVICE ATTORNEY FEES	736.52
CITY EMPLOYEE	HEALTH REIMBURSEMENT	266.10
MERCY MEDICAL CLINICS	PRE EMPLOYMENT TEST	29.00
MIDWEST OFFICE AUTOMATION	COPY CHARGES	1,204.50
MILO MEYER CONSTRUCTION	WINDOM STREET STORM SEWER PROJECT	13,710.09
MSC INDUSTRIAL	INLINE DUCT FAN/AIR DUCT/DRILL BITS	655.90
NATL ARBOR DAY FOUNDATION	MEMBERSHIP-J HANSEN	50.00
CITY OF WAYNE	HEALTH/VISION REIMBURSEMENT	308.33
NE CODE OFFICIAL ASSOC	REGISTRATION- J HANSEN	255.00
NE DEPT OF ENVIRONMENTAL	WASTE OP II RENEWAL FEE	150.00
NE DEPT OF REVENUE	STATE WITHHOLDING	2,791.45
NE STATE PATROL	CRIMINAL HISTORY RECORDS	45.00
NIAGARA CONSERVATION CORP	ENERGY WISE SHOWER HEADS	947.33
NORFOLK DAILY NEWS	SUBSCRIPTION RENEWAL	138.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY	4,054.00
NORTHEAST NE VFA	DUES	50.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	2,532.56
PIEPER, MILLER & DAHL	ATTORNEY FEES	4,745.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	6,227.68
QUILL CORPORATION	OFFICE SUPPLIES	520.48
ROBERT WOehler & SONS	EXCAVATOR-WINDOM ST STORM SEWER	535.00
ROCKY RUHL	ENERGY INCENTIVE	500.00
SHARON M HUGHES	ENERGY INCENTIVE	500.00
STADIUM SPORTING GOODS	EMBROIDERY	33.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	104.76
CITY OF WAYNE	HEALTH REIMBURSEMENT	60.93
TERRI BEZA	ENERGY INCENTIVE	500.00
UNITED STATES PLASTIC	STACKING BINS	450.81
UNITED WAY	PAYROLL DEDUCTION	10.00
UTILITIES SECTION	UTILITIES WORK CONFERENCE	513.00
VERIZON WIRELESS SERVICES	CELL PHONES	240.35
VIAERO	CELL PHONES	139.51
WAYNE AREA ECONOMIC DEVEL	FEB 12 CONTRIBUTION	6,383.33
WAYNE COUNTY CLERK	FILING FEES	266.50
WAYNE COUNTY TREASURER	VEHICLE REGISTRATIONS	903.00
WAYNE HERALD	ADS AND NOTICES	814.64
ZACH HEATING & COOLING	AUDITORIUM HEATING REPAIRS	564.60
ZACH OIL COMPANY	GASOLINE	5,115.35

VOID FROM CLAIMS

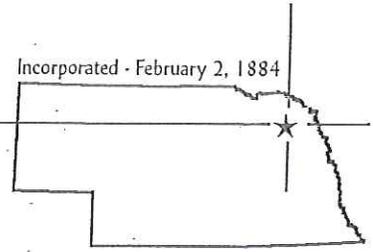
10/18/11 ALA-MEMBERSHIP DUES \$180
09/30/11 CITY EMPLOYEE-CLOTHING REIMBURSEMENT \$214.01
12/9/11 CITY EMPLOYEE-VISION REIMBURSEMENT \$233.59
09/7/11 LAYNE CHRISTENSEN-WELL 11 FINAL \$24,230.90

City of Wayne

306 Pearl • P.O. Box 8
Wayne, Nebraska 68787

(402) 375-1733
Fax (402) 375-1619

Incorporated - February 2, 1884



I HAVE

8 requests for the
councils consideration

for 2:00 closing

March 17th - St. Patricks Day

March 30th - 31st Rugby wknd

April 17th - Wayne High Alumni

May 3rd, 4th, 5th WSC Graduation

If you have a specific
list your name, a
documentation ...
reviewed and possi

eting, please
e additional
item will be
riate action.

Event insurance is
block parties, block

ff streets for

Name: _____

Address: _____

THE MAX

Telephone No.: _____

Ken Johnson

Date of Request: _____

Description of Request _____



ORDINANCE NO. 2012-3

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR ST. PATRICK'S DAY ACTIVITIES.

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., on the business day of Saturday, March 17, 2012, in conjunction with St. Patrick's Day activities.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-4

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR RUGY TOURNAMENT ACTIVITIES.

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., on the business day of Friday, March 30, 2012, and Saturday, March 31, 2012, in conjunction with a rugby tournament taking place in Wayne.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-5

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR WAYNE HIGH SCHOOL ALUMNI ACTIVITIES.

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., on the business day of Friday, April 6, 2012, and Saturday, April 7, 2012, in conjunction with Wayne High School Alumni activities.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-6

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR WAYNE STATE COLLEGE GRADUATION.

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., on the business day of Thursday, May 3, 2012, Friday, May 4, 2012, and Saturday, May 5, 2012, in conjunction with Wayne State College graduation activities.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-8

WHEREAS, the City of Wayne desires to amend Resolution No. 2011-6, a standard wage and salary schedule which was effective January 1, 2011;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the City of Wayne Wage & Salary Schedule shall be as follows:

CITY OF WAYNE
NON-EXEMPT WAGE AND EXEMPT SALARY SCHEDULES
Effective January 1, 2012

NON-EXEMPT WAGE SCHEDULE

<u>LABOR GRADE</u>	<u>HOURLY RATE RANGE</u>	<u>JOB CLASSIFICATION(S)</u>
5	7.25 - 9.51 9.70	Community Activity Center/Recreation Program Aide Part-Time General Help Laborer -- PW / PU Library Aide Senior Center Activities Assistant
6	7.61 - 9.98 7.61 10.18	Clerk/Secretary Life Guard
7	8.05 - 10.56 8.05 10.77	Assistant Librarian I Custodian Recreation-Leisure Services Asst-I Senior Center Operations Assistant
8	8.45 - 11.09 8.45 11.31	Transfer Station Operator
9	8.88 - 11.65 8.88 11.88	Account Clerk-I Assistant Librarian I Assistant Librarian II
10	9.32 - 12.23 9.32 12.47	
11	9.80 - 12.86 9.80 13.12	Accountant Apprentice Light Plant Oper. Assistant Librarian II Handi-Van Driver Line Groundsman
12	10.28 - 13.49 10.28 13.76	Building Inspector/Planner-I Librarian I

13	10.80 — 14.17 10.80 14.45	Chief Custodian Executive Secretary
14	11.32 — 14.86 11.32 15.16	Heavy Equipment Operator-I Light Plant Operator-I Public Works Operations Tech.-I Water/Sewer Operator-I
15	11.91 — 15.63 11.91 15.94	Apprentice Lineman Librarian I Mechanic I Staff Assistant
16	12.49 — 16.40 12.49 16.73	Account Clerk-II Accountant/Asst. Treasurer Administrative Assistant Building Manager/Custodian Heavy Equipment Operator-II Water/Wastewater Operator-II Community Activity Center Director
17	13.15 — 17.26 13.15 17.61	Light Plant Operator-II Lineman-I Public Works Operations Tech.-II
18	13.76 — 18.05 13.76 18.41	
19	14.45 — 18.97 14.45 19.35	Assistant Street Foreman Class A Licensed Electrician Mechanic II
20	15.13 — 19.85 15.13 20.25	Certified Street Superintendent Street Foreman
21	15.93 — 20.90 15.93 21.32	Power Plant Foreman Water/Wastewater Operator III
22	16.69 — 21.90 16.69 22.34	Building Inspector/Planner II Lineman-II Technology Support Specialist Street Foreman
23	17.52 — 23.00 17.52 23.46	Water/Wastewater Foreman Chief of Electric Production
24	18.91 — 24.81 18.91 25.31	

25	20.40 - 26.77 20.40 27.31	Line Foreman/Asst. Supt.
26	21.21 - 27.83 21.21 28.39	

EXEMPT SALARY SCHEDULE

<u>JOB CLASSIFICATION</u>	<u>Hourly</u>	<u>MONTHLY SALARY RANGE</u>	<u>Hourly</u>
Recreation Services Director	\$12.48 \$13.00	\$2,163 - \$3,287 \$2,253 - \$2,947	(\$18.96) (\$17.00)
Sr. Citizens Center Coordinator	\$12.48	\$2,162 - \$3,287	(\$18.96)
Library Director	\$12.48 \$18.00	\$2,163 - \$3,838 \$3,120 - \$4,160	(\$22.14) (\$24.00)
Police Lieutenant	\$13.98	\$2,736 - \$4,483 \$2,736 - \$4,483	(\$24.34) (\$24.34)
Third Party Administrator MRP		\$250.00	
Airport Authority Administrator		\$250.00	
City Clerk	\$14.86	\$2,576 - \$4,658 \$2,576 - \$4,751	(\$26.87) (\$27.41)
Finance Director	\$14.86	\$2,576 - \$4,684 \$2,576 - \$4,778	(\$27.03) (\$27.57)
Electric Superintendent- Production	\$17.83	\$3,091 - \$4,688 \$3,091 - \$4,782	(\$27.05) (\$27.59)
Police Chief	\$16.78	\$3,060 - \$5,553 \$2,908 - \$5,330	(\$30.15) (\$30.75)
Supt. of Public Works & Utilities	\$18.72	\$3,245 - \$5,921 \$3,245 - \$6,039	(\$34.16) (\$34.84)
City Administrator		- \$7545	(\$43.53)

BE IT FURTHER RESOLVED that upon satisfactory evaluation, the ~~normal~~ progression ~~between~~ **through the exempt salary schedule and** the labor grade steps shall be at least twelve (12) months, unless otherwise deemed warranted and appropriate by the City Administrator.

BE IT FURTHER RESOLVED that employees ~~who are serving in a probationary period~~ **and/or** receiving wage rates less than rates scheduled herein above shall have their wage rates adjusted only upon satisfactory evaluation ~~at their next normal evaluation time.~~

PASSED AND APPROVED this 7th day of February, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-9

WHEREAS, the City of Wayne shall establish a separate standard wage and salary schedule for the "Wayne Chapter No. 54 – Fraternal Order of Police 2010-2012" which shall be effective January 1, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the said Wage & Salary Schedule shall be as follows:

CITY OF WAYNE
WAYNE CHAPTER NO. 54 FRATERNAL ORDER OF POLICE
SALARY SCHEDULE
Effective January 1, 2012

<u>JOB CLASSIFICATION</u>	<u>HOURLY RATE RANGE</u>	
Part-Time Dispatcher	\$10.08	\$13.23
	\$10.08	\$13.49
Dispatcher	\$12.25	\$16.08
	\$12.25	\$16.40
Dispatch Supervisor	\$13.14	\$17.44
	\$13.14	\$17.79
The following is based upon 2,184 hours per year:		
Patrolman	\$14.53	\$19.57
	\$14.53	\$19.96
Senior Patrolman	\$16.12	\$21.04
Police Sergeant	\$17.71	\$22.53
	\$17.71	\$22.98

BE IT FURTHER RESOLVED that upon satisfactory evaluation, the ~~normal~~ progression ~~between~~ **through the exempt salary schedule and** the labor grade steps shall be at least twelve (12) months, unless otherwise deemed warranted and appropriate by the City Administrator.

BE IT FURTHER RESOLVED that employees ~~who are serving in a probationary period~~ ~~and/or~~ receiving wage rates less than rates scheduled herein above shall have their wage rates adjusted only upon satisfactory evaluation ~~at their next normal evaluation time.~~

PASSED AND APPROVED this 7th day of February, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-10

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON LOT 3, WESTWOOD ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 513 FAIRACRES ROAD, WAYNE, NEBRASKA.

WHEREAS, the City of Wayne has incurred costs associated with the mowing of the property located at 513 Fairacres Road, Wayne, Nebraska, and legally described as Lot 3, Westwood Addition to Wayne, Wayne County, Nebraska; and

WHEREAS, Section 34-61 of the Wayne Municipal Code requires each owner of any lot or parcel of land in the City of Wayne to cut and remove all weeds and other rank growth of vegetation on such property as close to the ground level as possible throughout the period of May 1st to October 15th of each year; and

WHEREAS, the Superintendent of Public Works & Utilities has caused to be published in the Wayne Herald the notice required under Section 34-61 specifying that said weeds and other rank growth vegetation shall be cut during the above-referenced period; and

WHEREAS, the City's Public Works Department is authorized under said Section to notify in writing the owner of any property within the City to cut any such weeds found growing on such property by United States mail, postage prepaid, addressed to such owner at his or her last known address or served personally; and

WHEREAS, on the failure, neglect or refusal of any such owner to cut or destroy such weeds located upon such property within seven days after the mailing or personal service date of such notice, the City's Public Works Department is authorized to pay for the cutting of such weeds or to order the removal by the City; and

WHEREAS, the cost of any such cutting, destroying, or removing such weeds shall be at the expense of the owner of such property; and

WHEREAS, if the costs of cutting, destroying or removing weeds and other rank growth of vegetation and costs of removing any refuse, debris, or other obstructions, to permit such cutting are unpaid for two months, pursuant to said Section 34-61, the City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the amount of such expense, and such expense shall become a lien on the property upon which the removal measures were taken as a special assessment levied on the date of such measures; and

WHEREAS, the City's Public Works Department has notified Janice Predoehl, the owner of 513 Fairacres Road, Wayne, Nebraska, and legally described as Lot 3, Westwood Addition to Wayne, Wayne County, Nebraska, to cut, destroy, and remove any such weeds, grass or unhealthful growth located on such property by United States mail, postage prepaid, at the last known address of Janice Predoehl or served personally; and

WHEREAS, upon the failure, neglect or refusal of Janice Predoehl to cut, destroy, and remove such weeds from said property within seven days after the mailing or personal service date of such notice, the City Public Works Department did then undertake the removal of such weeds from said property, pursuant to Section 34-61 during the time period of May, 2012, through and including October, 2012; and

WHEREAS, the cost of such cutting, destroying or removal of such weeds in the total amount of \$360.00 has been sent to Janice Predoehl for payment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Wayne City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the total amount of \$360.00 in expenses incurred by the Wayne Public Works Department in removing weeds and other rank growth of vegetation from the property owned by Janice Predoehl and upon certification to the Wayne County Treasurer, such expense shall become a lien on the property described herein below, said property owned by Janice Predoehl on which the removal measures were taken, as a special assessment levied on the date of such measures. The property is described to wit:

Lot 3, Westwood Addition to Wayne, Wayne County, Nebraska.

BE IT FURTHER RESOLVED that pursuant to Section 34-61 of the Wayne Municipal Code, the Wayne County Treasurer shall add such expense to, and it shall become and form a part of the taxes on such property described herein and shall bear interest at the same rate as taxes.

Passed and approved this 7th day of February, 2012.

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk



1707 Dakota Ave., South Sioux City, NE 68776

CHANGE ORDER NO. 1

PROJECT:	Benscoter Addition - Phase 1 Paving and Utility Improvements	DATE OF ISSUANCE:	February 7, 2012
CONTRACTOR:	Benscoter Plumbing and Construction	OA PROJECT NO.:	009-0821
CONTRACT DATE:	October 5, 2010	AMOUNT OF ORIGINAL CONTRACT:	\$98,332.26

You are directed to make the changes noted below in the subject contract:

See Attached Sheet

The changes result in the following adjustments of Contract Price and Contract Time:

Contract Price Prior to This Change Order	\$98,332.26
Net Increase / Decrease Resulting from this Change Order.....	\$58,782.47
Current Contract Price Including this Change Order	\$157,114.73

The Above Change Order Accepted:

Benscoter Plumbing and Construction
Contractor

By: _____

Date: _____

OLSSON ASSOCIATES
Consulting Engineers

By: 
Rodney L. Hanson

Date: 1-31-12

The Above Change Order Approved:

City of Wayne
Owner

By: _____

Date: _____

Benscoter Addition - Phase 1 Utility Improvements
 Wayne, Ne
 Benscoter Plumbing and Construction

Change Order #1
 OA Project No. 009-0821
 1/31/2012

NO.	ITEM	UNITS	PLAN QUANTITY	FINAL QUANTITY	ADD / (DEDUCT)	UNIT PRICE	TOTAL PRICE
2	REMOVE & REPLACE CONCRETE PAVEMENT	SY	13	0	(13)	\$20.00	(\$260.00)
2A	REMOVE & REPLACE CONCRETE PAVEMENT (COST ADJ)	SY	0	95.5	95.5	\$55.00	\$5,262.50
3	8" PVC SANITARY SEWER, SDR 26	LF	1717	0	(1717)	\$15.00	(\$25,755.00)
3A	8" PVC SANITARY SEWER, SDR 26 (COST ADJ)	LF	0	2219	2219	\$26.50	\$58,803.50
4	6" PVC SANITARY SERVICE, SDR 26	LF	140	0	(140)	\$10.00	(\$1,400.00)
4A	6" PVC SANITARY SERVICE, SDR 26 (COST ADJ)	LF	0	139	139	\$21.00	\$2,919.00
5	4" PVC SANITARY SERVICE, SDR 26	LF	560	0	(560)	\$4.00	(\$2,240.00)
5A	4" PVC SANITARY SERVICE, SDR 26 (COST ADJ)	LF	0	820	820	\$19.75	\$16,195.00
6	4' DIAMETER SANITARY SEWER MANHOLE <6' DEEP	EA	8	0	(8)	\$900.00	(\$7,200.00)
6A	4' DIAMETER SANITARY SEWER MANHOLE <6' DEEP (COST ADJ)	EA	0	8	8	\$2,300.00	\$18,400.00
7	ADDITIONAL MANHOLE DEPTH	VF	80.18	0	(80.18)	\$100.00	(\$8,018.00)
7A	ADDITIONAL MANHOLE DEPTH (COST ADJ)	VF	0	20.63	20.63	\$54.18	\$1,117.73
8	SANITARY SEWER DROP	VF	11.71	0	(11.71)	\$6.00	(\$70.26)
8A	SANITARY SEWER DROP (COST ADJ)	VF	0	13.84	13.84	\$75.00	\$1,038.00
						Total	\$58,782.47



1707 Dakota Avenue South Sioux City, NE 68776

CERTIFICATE OF PAYMENT NO. 1

Date of Issuance: February 7, 2012

Project No. 009-0821

Project: Benscoter Addition - Phase 1 Utility

Contractor: Benscoter Plumbing and Construction

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		

PLEASE REMIT PAYMENT TO: Benscoter Plumbing and Construction

Value of Work Completed: \$105,725.73

Original Contract Cost: \$98,332.26
 Approved Change Orders:
 No. 1 \$58,782.47
 No. \$0.00
 No. \$0.00
 No. \$0.00
 No. \$0.00
 Total Contract Cost: \$157,114.73

Value of completed work \$105,725.73
 Less retained percentage (10 %) \$10,572.57
 Net amount due including this estimate \$95,153.16

Less: Estimates previously approved:

No. 1 \$0.00	No. 6 \$0.00
No. 2 \$0.00	No. 7 \$0.00
No. 3 \$0.00	No. 8 \$0.00
No. 4 \$0.00	No. 9 \$0.00
No. 5 \$0.00	No.10 \$0.00

Total Previous Estimates: \$0.00

NET AMOUNT DUE THIS ESTIMATE: \$95,153.16

The undersigned hereby certifies that the work done and materials delivered have been checked as to quantity and conformance with the plans and specifications and the Contractor, in accordance with the contract, is entitled to payment as indicated above.

cc: Benscoter Plumbing and Construction
Project File

By OLSSON ASSOCIATES

No.	Unit	Description	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Total Amount Completed	90% Due Contractor	10% Retainage	Amt. Paid Prev. Est.	Total Due This Est.
1	LS	MOBILIZATION	1	\$4,000.00	\$4,000.00	0.5	\$2,000.00	\$1,800.00	\$200.00	\$0.00	\$1,800.00
2	SY	REMOVE & REPLACE CONCRETE PAVEMENT	0	\$20.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2A	SY	REMOVE & REPLACE CONCRETE PAVEMENT	95.5	\$55.00	\$5,252.50	95.5	\$5,252.50	\$4,727.25	\$525.25	\$0.00	\$4,727.25
3	LF	8" PVC SANITARY SEWER, SDR 26	0	\$15.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3A	LF	8" PVC SANITARY SEWER, SDR 26	2219	\$26.50	\$58,803.50	2219	\$58,803.50	\$52,923.15	\$5,880.35	\$0.00	\$52,923.15
4	LF	6" PVC SANITARY SERVICE, SDR 26	0	\$10.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4A	LF	6" PVC SANITARY SERVICE, SDR 26	139	\$21.00	\$2,919.00	139	\$2,919.00	\$2,627.10	\$291.90	\$0.00	\$2,627.10
5	LF	4" PVC SANITARY SERVICE, SDR 26	0	\$4.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5A	LF	4" PVC SANITARY SERVICE, SDR 26	820	\$19.75	\$16,185.00	820	\$16,185.00	\$14,575.50	\$1,619.50	\$0.00	\$14,575.50
6	EA	4" DIAMETER SANITARY SEWER MANHOLE <6' DEEP	0	\$900.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6A	EA	4" DIAMETER SANITARY SEWER MANHOLE <6' DEEP	8	\$2,300.00	\$18,400.00	8	\$18,400.00	\$16,560.00	\$1,840.00	\$0.00	\$16,560.00
7	VF	ADDITIONAL MANHOLE DEPTH	0	\$100.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7A	VF	ADDITIONAL MANHOLE DEPTH	20.63	\$54.18	\$1,117.73	20.63	\$1,117.73	\$1,005.96	\$111.77	\$0.00	\$1,005.96
8	VF	SANITARY SEWER DROP	0	\$6.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8A	VF	SANITARY SEWER DROP	13.84	\$75.00	\$1,038.00	13.84	\$1,038.00	\$934.20	\$103.80	\$0.00	\$934.20
9	LF	24" RCP ARCH STORM SEWER	254	\$40.00	\$10,160.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10	LF	18" RCP STORM SEWER	143	\$15.00	\$2,145.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
11	LF	15" RCP STORM SEWER	612	\$12.00	\$7,344.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12	EA	4" DIAMETER STORM SEWER MANHOLE	1	\$500.00	\$500.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
13	EA	STORM SEWER JUNCTION BOX	1	\$700.00	\$700.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
14	EA	STORM SEWER CURB INLET	13	\$250.00	\$3,250.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
15	TN	RIPRAP	30	\$15.00	\$450.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
16	LF	8" PVC WATER, C900	1277	\$10.00	\$12,770.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
17	EA	8" GATE VALVE W/ BOX	3	\$960.00	\$2,880.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
18	EA	FIRE HYDRANT ASSEMBLY	3	\$2,400.00	\$7,200.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19	EA	WET OUT-IN	1	\$1,000.00	\$1,000.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	EA	8"x8" D.I. TEE, M.J.	1	\$160.00	\$160.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
21	EA	8"x6" D.I. TEE, M.J.	3	\$160.00	\$480.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22	EA	6"x6" D.I. TEE, M.J.	1	\$120.00	\$120.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
23	EA	8" D.I. PLUG, M.J.	1	\$100.00	\$100.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
24	EA	8" 90° D.I. BEND, M.J.	1	\$110.00	\$110.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
25	EA	8" 22.5° D.I. BEND, M.J.	2	\$100.00	\$200.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
26	EA	8"x6" D.I. REDUCER, M.J.	1	\$120.00	\$120.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		TOTAL Bid Section "B"			\$157,114.73		\$105,725.73	\$95,153.16	\$10,572.57	\$0.00	\$95,153.16

CDA RESOLUTION NO. 2012-1

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

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

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

Lot 1, Western Ridge 3rd Addition to the City of Wayne, Wayne County,
Nebraska,

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

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

Section 2. A tax increment revenue bond in the principal amount and denomination of \$190,000.00 is hereby ordered issued in accordance with Section 18-2125, R.R.S. Neb. 2007, by the Agency and shall be designated as its "Tax Increment Revenue Bond (Fourth Generation Family Limited Partnership Project) Series 2012 A" (hereinafter referred to as the "Bond"). The Bond shall be dated as of the date of its delivery. The Bond shall bear interest from the date of its issuance and delivery until maturity (or earlier redemption) at the rate of six percent (6.0%) per annum, provided, however, that if for any interest payment date (a) the real estate taxes with respect to the Project Area becoming delinquent upon the delinquency date next preceding such interest payment date have been paid in full and (b) such taxes available for deposit to or deposited in the Bond Fund (as hereinafter established and defined), together with any other monies in the Bond Fund, are insufficient to pay the interest on the Bond then due and owing, the amount of interest accruing on the Bond shall not be reduced, but shall be paid from the Bond

Fund as and to the extent of funds then available for deposit to or deposited in such Bond Fund. The principal of the Bond shall become due on December 31, 2026, provided that such principal amount shall be subject to mandatory redemption from "Available Funds" as described in Section 5 below on June 1 and October 1 of each year. All such interest upon the Bond shall be payable semiannually on June 1 and October 1 of each year, commencing June 1, 2013. The Bond shall be in fully registered form. The Agency's Treasurer (the City Clerk/ Treasurer of the City of Wayne) is hereby designated as paying agent and registrar for the Bond (the "Agent"). The Agent shall serve in such capacities pursuant to the terms of this Resolution. The interest due on each interest payment date prior to maturity shall be payable to the registered owner of record as of the last business day of the calendar month immediately preceding the calendar month in which such interest payment date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. Payments of interest due on the Bond, except for payments due on final maturity date, or other final payment, shall be made by the Agent by mailing a check or draft in the amount then due for interest on the Bond to the registered owner of the Bond, as of the Record Date for such interest payment date, to such owner's registered addresses as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal and interest due at final maturity or other final payment shall be made by the Agent to the registered owner upon presentation and surrender of the Bond to the Agent at the Agency's offices at City Hall in the City of Wayne, Nebraska. The Agency and the Agent may treat the registered owner of the Bond as the absolute owner of the Bond for the purpose of making payments thereon and for all other purposes and neither the Agency nor the Agent shall be affected by any notice or knowledge to the contrary, whether the Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of the Bond in accordance with the terms of this resolution shall be valid and effectual and shall be a discharge of the Agency and the Agent, in respect of the liability upon the Bond or claims for interest to the extent of the sum or sums so paid.

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

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

Section 5. At any time the Agency shall have the option of prepaying in whole or in part principal of the Bond. Any such optional prepayment of principal shall be accompanied by an

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

In the event the monies collected and held in that special fund established under Section 18-2147 of the Nebraska Revised Statutes and pursuant to the Redevelopment Plan and the Resolution authorizing the issuance of this Bond are insufficient to pay in full all amounts due and owing at a date fifteen (15) years from the effective date of the Redevelopment Plan, and all excess ad valorem taxes generated by the Redevelopment Project, as set forth in the Redevelopment Plan,

have been collected by the City of Wayne, Nebraska, and have been paid, as required by the Redevelopment Agreement and this Bond, towards the retirement of the amounts due hereunder, then, at said date fifteen (15) years from the effective date of the Redevelopment Plan, neither the Community Development Agency or the City of Wayne, Nebraska, shall have any further payment or other obligations under this Bond and the Holder shall, in writing, waive and otherwise forgive any unpaid portion of the principal and interest upon the request of the Community Development Agency or the City.

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

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF WAYNE

TAX INCREMENT REVENUE BOND OF THE COMMUNITY
DEVELOPMENT AGENCY OF THE CITY
OF WAYNE, NEBRASKA
(Fourth Generation Family Limited Partnership Project,)
SERIES 2012 A

<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Final Maturity Date</u>
\$190,000.00	6.0%	December 31, 2026

KNOW ALL PERSONS BY THESE PRESENTS: That the Community Development Agency of the City of Wayne, Nebraska, hereby acknowledges itself to owe and for value received promises to pay, but only from the sources herein designated, to the registered owner designated on the reverse hereof, or registered assigns, the principal sum shown above in lawful money of the United States of America with such principal sum to become due on the maturity date set forth above, with interest on the unpaid balance from date of delivery hereof until maturity or earlier redemption at the rate of six percent (6.0%) per annum, subject to limitation as set forth in the authorizing resolution. Said interest shall be payable semiannually on June 1 and October 1 of each year commencing on June 1, 2013. The payment of principal and interest due upon the final maturity is payable upon presentation and surrender of this bond to the Treasurer of said Agency, as Paying Agent and Registrar for said Agency, at the offices of the Community Development Agency of the City of Wayne at City Hall, in Wayne, Nebraska. The payments of interest and of mandatory redemption of principal on each interest payment date (other than at final payment) will be paid when due by a check or draft mailed by said Paying Agent and Registrar to the registered owner of this bond, as shown on the books or record maintained by the Paying Agent and Registrar, at the close of business on the last business day of the calendar month immediately preceding the calendar month in which the interest payment date occurs, to such owner's address as shown on such books and records. Any payment of interest or mandatory redemption of principal not timely paid when due shall cease to be payable to the person entitled thereto as of the Record Date such interest was payable, and shall be payable to the person who is the registered owner of this bond on such special record date for payment of such defaulted interest or redemption price as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

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

This bond is a single bond in the total principal amount of Sixty Five Thousand Dollars and no cents (\$190,000.00) issued by the Agency for the purpose of paying the costs of redevelopment of certain real estate located in the City of Wayne, as designated in that redevelopment contract containing a redevelopment plan recommended by the Agency and approved by the Mayor and City

Council of the City of Wayne, Nebraska, (the "Plan"), all in compliance with Article 21 of Chapter 18, Reissue Revised Statutes of Nebraska, 2007, as amended, and has been duly authorized by resolution passed and approved by the Mayor and City Council of the City of Wayne, acting as the governing body of the Agency (the "Resolution").

This bond constitutes a limited obligation of the Agency payable exclusively from that portion of the ad valorem real estate taxes mentioned in subdivision (1)(b) of Section 18-2147, R.R.S. Neb. 2007, as levied, collected and apportioned from year to year with respect to certain real estate located within the "Project Area" (as defined in the Resolution). Pursuant to the Resolution and Section 18-2150, R.R.S. Neb. 2007, said portion of taxes has been pledged for the payment of this bond, both principal and interest as the same fall due or become subject to mandatory redemption. This bond shall not constitute a general obligation of the Agency and the Agency shall be liable for the payment thereof only out of said portion of taxes as described in this paragraph. This bond shall not constitute an obligation of the State of Nebraska or of the City or Wayne (except for such receipts as have been pledged pursuant to Section 18-2150 R.R.S. Neb. 2007) and neither the State or Nebraska nor the City of Wayne shall be liable for the payment thereof from any fund or source including but not limited to tax monies belonging to either thereof (except for such receipts as have been pledged pursuant to Section 18-2150 R.R.S. Neb. 2007). Neither the members of the Agency's governing body nor any person executing this bond shall be liable personally on this bond by reason of the issuance hereof. The resolution authorizing said issue designates the terms upon which additional bonds payable from said taxes may be issued in the future.

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

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

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

In the event the monies collected and held in that special fund established under Section 18-2147 of the Nebraska Revised Statutes and pursuant to the Redevelopment Plan and the Resolution authorizing the issuance of this Bond are insufficient to pay in full all amounts due and owing at a date fifteen (15) years from the effective date of the Redevelopment Plan, and all

excess ad valorem taxes generated by the Redevelopment Project, as set forth in the Redevelopment Plan, have been collected by the City of Wayne, Nebraska, and have been paid, as required by the Redevelopment Agreement and this Bond, towards the retirement of the amounts due hereunder, then, at said date fifteen (15) years from the effective date of the Redevelopment Plan, neither the Community Development Agency or the City of Wayne, Nebraska, shall have any further payment or other obligations under this Bond and the Holder shall, in writing, waive and otherwise forgive any unpaid portion of the principal and interest upon the request of the Community Development Agency or the City.

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

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

Delivered this 7th day of February, 2012.

(SEAL)

COMMUNITY DEVELOPMENT
AGENCY OF THE CITY OF
WAYNE, NEBRASKA

:

By: _____ (do not sign) _____
Chair

ATTEST:

_____(do not sign)_____
Secretary

PROVISION FOR REGISTRATION

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

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

Section 7. The Plan sets forth January 1, 2012, as the effective date after which ad valorem taxes on real property located within the Project Area may be apportioned pursuant to Section 18-2147, R.R.S. Neb. 2007. From and after said effective date that portion of the ad valorem taxes on all real estate located within the Project Area which is described in subdivision (1)(b) of Section 18-2147, R.R. S. Neb 2007 (the "Project Area Tax Receipts"), shall be paid into a special fund of the Agency to be designated as the "Fourth Generation Family Limited Partnership, Project Fund" (the "Bond Fund") to be held by the Agent. The Agency hereby pledges for the payment of the Bond both principal and interest as the same fall due, equally and ratably, all Project Area Tax Receipts as so paid into the Bond Fund as a prior and first lien upon said receipts for the security and payment of the Bond.

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

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

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

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

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

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

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

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

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

(c) The costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private

services have been analyzed by the governing body and have been found to be in the long term best interests of the community impacted by the project.

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

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

PASSED AND APPROVED this 7th day of February, 2012.

THE COMMUNITY DEVELOPMENT
AGENCY OF THE CITY OF WAYNE,
NEBRASKA

By _____
Chair

(SEAL)

ATTEST:

Secretary

I, the undersigned Secretary for the Community Development Agency of the City Wayne, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and City Council, acting as the governing body of said Agency on February 7, 2012; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the Agency; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members or the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Secretary