

(Amended: 11/5/12)

**AGENDA
CITY COUNCIL MEETING
November 6, 2012**

1. Approval of Minutes – October 16, 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. Public Hearing: Application for Class C Liquor License – Malachi, Inc., d/b/a “Wildcat Lanes” (Advertised Time: 5:30 p.m.)

4. Resolution 2012-83: Approving Application for Class C Liquor License — Malachi, Inc., d/b/a “Wildcat Lanes”

5. Resolution 2012-84: Amending Housing Incentive Program to Include \$5,000, 3 Year, 0% Interest Loans for Renovation of Multi-Unit Housing on a Per Apartment Unit Basis

Background: This addition to the incentive program was approved at the last Council meeting, but this Resolution format is recommended.

6. Resolution 2012-85: Wage and Salary Schedule — Police Department

Recommendation: This action will correct an error in the 2012 wage scale spreadsheet approved by the Council at the last meeting. The wage range for the Senior Patrolman position should be \$18.22 - \$24.25 instead of \$18.22 - \$23.60.

7. Resolution 2012-86: Establishing Rules and Regulations for the Reimbursement of Expenses and Fees for Members of the Wayne Volunteer Fire Department

Background: When acting in official service to the City, firefighters and other volunteers are considered to be in the status of city employee for liability and worker’s compensation purposes and also under city policies. This action will make the reimbursement requirements for firefighters when they attend meetings, training, etc., the same as the reimbursement requirements for city staff.

Recommendation: The recommendation of the Fire Chief and City Administrator is to make the reimbursement requirements the same.

8. [Resolution 2012-87: Approving Letter Agreement for Professional Services with Olsson Associates for “Chief’s Way Sanitary Sewer Project” – Fee Not to Exceed \\$29,590.00](#)
9. [Resolution 2012-88: Amending ICMA Retirement Corporation Agreement to Provide for Roth Individual Retirement Accounts \(IRA’s\) for City Employees](#)

Background: The retirement plan for full-time city staff is a defined contribution plan through the International City Management Retirement Corporation. A representative of ICMA recently presented a new Roth IRA option being made available to our staff if it is approved by the Council. There is no cost to the City.

Recommendation: Consensus of City staff is they would like to have that option included in our City retirement plan.

10. [Resolution 2012-89: Amending the City of Wayne Energy Saver Program for FY 2012-13 and FY 2013-14](#)

Background: This proposal modifies our local energy incentive program to make two changes.

1. Add a new trial incentive to encourage new energy efficient home construction that is certified through the Five Star Energy program.
 - This would designate \$45,000 per year for two years of already budgeted incentive program funds to a trial incentive for the Five Star Energy Program as follows:
 - a) \$3,000 one-time incentive to a first time homebuyer of a new construction single-family residence within the City of Wayne that qualifies for the Five Star Energy Plan;
 - b) Applicants would be approved on a first come, first serve basis;
 - c) Third Party Certification that Five Star requirements have been met in the completed home before receipt of the incentive by the homebuyer; and
 - d) Two shade trees that are large species must be planted on each lot.
 - This reallocates funds within our existing program.
 - Controlling summer peak load still drives the NPPD incentives and our local incentives. This will help first time homebuyers with down payments and will help demonstrate the effect of this level of energy efficiency on summer peak load control of the City and NPPD electric systems.
2. Eliminate an old incentive to install permanent resistance heat in commercial buildings and residences. This incentive was intended to help level out the electric load of the Wayne electric system by adding winter electric use while at the same time we’re working to reduce summer peak loads. With new EPA air quality requirements and apparent long-term, low cost natural gas, the best use of incentive funds would seem to be to focus on summer peak control. The cost of summer peak load power used for air conditioning is projected to climb.

11. [Resolution 2012-90: Supporting the City’s Participation in Nebraska’s Economic Development Certified Community Program](#)

12. **Action on offer from Benscoter Development to purchase the three City-owned lots that were the open grassy area on the north side of Scotty Thompson's Driveway for the sum of \$2,000 each**

13. Recess

- a. Convene as Community Development Agency
- b. Approve Minutes – October 16, 2012
- c. Action on Proposal Submitted from Kelby Herman to Build Market Rate Homes in Return for Reduced Lot Prices in Western Ridge II Subdivision

Background: Progressive Property Inspections, LLC, commits to purchasing a minimum of 5 lots and a maximum of 10 lots within the Western Ridge Subdivision at a 25% discount off of the current list price provided to me by Nancy Braden on 10-30-2012. Progressive Property Inspections, LLC, will have a minimum of 5 lots purchased and homes constructed within the next 30 months. Failure to construct 5 structures on these discounted lots will result in the following penalty. (ex: Progressive Property Inspections purchases 4 lots at the discounted price and builds four homes in the 30-month time frame and fails to purchase and build on the fifth lot. Progressive Property Inspections will pay the city the amount of the discount given on the first four lots as a penalty for not completing the five structures in the 30-month time frame). The penalty to be paid will only be the discount given on the lots that have been purchased. If due to the housing demand, less than five lots are purchased again, the penalty will only be the discount given on the lots purchased.

Recommendation: Recommendation of the City Administrator is:

- Two shade trees of a large species would be planted on each lot;
 - Discount limited to \$9,000 and \$12,000 lots;
 - Lots 9, 10, 29, 30, 31 as first five;
 - Discount incentive be paid at the end of performance; and
 - All homes would meet blower door test of 5 ACH @ 50 pascals
- d. CDA Resolution 2012-7 Authorizing the Issuance of a Tax Increment Revenue Bond — Progressive Property Inspections, LLL Project

Background: This authorizes the issuance of TIF financing already approved for the duplex on 1st Street.

- e. Adjourn CDA and Reconvene as Council

14. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

October 16, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, October 16, 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, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Eric Knutson; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: City Administrator Lowell Johnson. Absent: Councilmember Brian Frevert.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 4, 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 Sturm made a motion, which was seconded by Councilmember Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 4, 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:

CORRECTIONS TO CLAIMS LIST OF 10/2/12: Delete State Treasurer of NE, Cat and Dog Registrations - \$610.00

VARIOUS FUNDS:

FISCAL YEAR END CLAIMS 2011/2012: ALL-AMERICAN PUBLISHING, SE, 289.00; BAKER & TAYLOR BOOKS, SU, 328.45; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BROWN SUPPLY, SU, 6000.29; BROWN TRANSFER, SE, 89.91; CARHART LUMBER COMPANY, SU, 613.63; CHARTWELLS, SE, 5050.00; COPY WRITE, SE, 115.71; DAVE'S DRY CLEANING, SE, 84.00; DUTTON-LAINSON, SE, 471.46; EISENBRAUN & ASSOC., SE, 1114.00; FREDRICKSON OIL, SE, 32.00; FREDRICKSON TYRFIL, SE, 86.00; GEMPLER'S, SU, 129.60; GERHOLD

CONCRETE, SU, 6209.00; GREAT PLAINS ONE-CALL, SE, 108.36; HARDING & SHULTZ, SE, 180.57; HAWKINS, SU, 836.39; HELENA CHEMICAL, SU, 47.50; HOFFMAN PLUMBING, SE, 1837.00; INGRAM BOOK CO, SU, 210.03; JOHNSTONE SUPPLY, SU, 150.28; KELLY MEYER, SU, 80.00; KELLY SUPPLY, SU, 473.14; KLEIN ELECTRIC, SU, 5572.78; KTCH, SE, 605.00; LEAGUE OF NEBRASKA MUN, FE, 745.00; MICROFILM IMAGING SYSTEMS, SU, 57.63; MIDSTATES ERECTORS, SU, 117019.00; MUNICIPAL SERVICE, SE, 2946.14; N.E. NNEDD, SE, 2359.97; NPPD, SE, 343286.47; N.E.NE AMERICAN RED CROSS, RE, 29.62; NNPPD, SE, 12418.90; NORTHWEST ELECTRIC, SU, 681.42; ORIENTAL TRADING CO, SU, 25.99; PAPER 101, SU, 1272.50; POWER MONITORS, SU, 8906.03; RANDOM HOUSE, SU, 87.75; SEVERN TRENT, SE, 3026.00; STATE NATIONAL BANK, SE, 57.84; STATE TREASURER OF NE, FE, 591.70; UNITED WAY, RE, 5.00; US BANK, SE, 2359.19; UTILITIES SECTION, FE, 80.00; VAN DIEST SUPPLY, SU, 390.00; WAYNE AUTO PARTS, SU, 206.00; WAYNE HERALD, SE, 2510.73; WESCO, SU, 204.48; WAPA, SE, 25657.66; ZACH OIL, SU, 6562.29; ADVANTAGE TAPE, SE, 225.00; BROWN SUPPLY, SU, 2476.52; HOLIDAY INN OF KEARNEY, SE, 279.80; MURPHY TRACTOR & EQUIPMENT, SE, 736.69

FISCAL YEAR 2012-2013: AMERITAS, SE, 2028.55; APWA, FE, 330.00; BANK FIRST, FE, 120.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 450.00; CITY OF WAYNE, SE, 80.00; CITY OF WAYNE, PY, 61595.79; CITY OF WAYNE, RE, 150.55; COMMUNITY HEALTH, RE, 3.00; CITY EMPLOYEE, RE, 166.71; CITY EMPLOYEE, RE, 500.22; ELKHORN PAVING, SE, 24296.90; CITY EMPLOYEE, RE, 25.90; CITY EMPLOYEE, RE, 456.23; ICMA, SE, 5480.70; IRS, TX, 19797.86; CITY EMPLOYEE, RE, 713.81; BETTY MCGUIRE, RE, 200.00; NE DEPT OF REVENUE, TX, 3161.52; CITY EMPLOYEE, RE, 105.90; CITY EMPLOYEE, RE, 874.42; CITY EMPLOYEE, RE, 146.77; SIOUX CITY ENGINEERING, SE, 132081.10; STATE NATIONAL BANK, RE, 5162.50; UTILITIES SECTION, FE, 585.00; WAYNE COUNTY COURT, RE, 400.00; CITY EMPLOYEE, RE, 62.02; ALTEC INDUSTRIES, SU, 104.59; APPEARA, SE, 218.72; CITY EMPLOYEE, RE, 9.60; BENSOTER PLUMBING, SE, 640.00; CITY EMPLOYEE, RE, 4319.53; BROWN SUPPLY, SU, 391.07; CITY OF NORFOLK, SE, 491.10; CITY OF WAYNE, RE, 100.00; CONSOLIDATED MANAGEMENT, SE, 106.75; CITY EMPLOYEE, RE, 8.78; COVENTRY HEALTH, SE, 22249.80; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; DUTTON-LAINSON, SU, 21686.60; EDM PUBLISHERS, SU, 98.78; ELLIS PLUMBING & HEATING, SE, 248.00; EMPLOYERS MUTUAL CASUALTY, RE, 500.00; ENGINEERED CONTROLS, SE, 740.00; EXHAUST PROS, SE, 16.00; FASTENAL, SU, 43.75; FIVE STAR ENTERPRISES, SU, 6.50; GALE GROUP, SU, 25.59; GILL HAULING, SE, 155.00; GLEN'S AUTO BODY, SE, 131.88; GREEN SOURCE, SU, 19.95; HAUFF MID-AMERICAN SPORTS, SU, 113.15; INTERSTATE ALL BATTERY, SU, 143.80; JASON CAROLLO, SE, 115.00; KEPSCO, SU, 12.40; KLEIN ELECTRIC, SE, 8800.00; KRIZ-DAVIS, SU, 506.55; L.G. EVERIST, SU, 559.51; LEAGUE OF NEBRASKA, FE, 400.00; LINDNER CONSTRUCTION, RE, 439.20; LOGAN VALLEY FOOTBALL, FE, 100.00; MENARDS - NORFOLK, SU, 2286.99; MICHAEL TODD & CO, SU, 156.72; MIDWEST LABORATORIES, SE, 171.20; MOONLIGHT TOWING,

SE, 111.83; NNEDD, SE, 1020.00; CITY EMPLOYEE, RE, 74.47; NE LAW ENFORCEMENT, SE, 50.00; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NE PUBLIC HEALTH, SE, 1857.00; NE SAFETY COUNCIL, SE, 116.40; NEBRASKA U.C. FUND, RE, 10246.67; OLSSON ASSOCIATES, SE, 2105.15; OVERHEAD DOOR COMPANY, SE, 856.25; PITNEY BOWES, SE, 648.00; POLLARD PUMPING, SE, 245.00; PRESTO X, SE, 48.07; PROGRESSIVE BUSINESS PUBL, SU, 299.00; QUILL, SU, 202.48; CITY EMPLOYEE, RE, 162.29; ROSE EQUIPMENT, SE, 1763.85; SKARSHAUG TESTING LAB, SE, 134.71; SOCIETY FOR HUMAN, FE, 180.00; SPARKLING KLEAN, SE, 1848.57; STADIUM SPORTING GOODS, SU, 1782.25; STATE NATIONAL BANK, RE, 200.00; STATE OF NE, SE, 100.00; T & S TRUCKING, SE, 212.64; THOMPSON PUBLISHING GROUP, SU, 438.50; CITY EMPLOYEE, RE, 277.15; TYLER TECHNOLOGIES, SE, 3115.18; UNITED RENTALS, SU, 854.34; UNITED STATES PLASTIC, SU, 196.54; VISIONAIR, SE, 4374.00; WASTE CONNECTIONS, SE, 58.00; WAED, RE, 1000.00; WAYNE COMMUNITY HOUSING, SE, 1495.00; WAYNE HIGH SCHOOL CONCESSION, SE, 80.00; WESCO, SU, 7287.64

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.

Paul Lindner, Lindner Construction, was present requesting Council consideration to amending the Housing Incentive Loan Program to include an additional incentive - \$5,000, 3-year, 0% interest loans for renovation of multi-unit housing on a per apartment unit basis. Mr. Lindner is putting together a proposal to gut and renovate an existing 5-unit apartment complex he currently owns at 109 E. 10th Street. The current incentive

program is available for new construction; however, he feels there is a lot of need for existing structures.

Councilmember Ley made a motion, which was seconded by Councilmember Berry, approving the request of Paul Lindner, Lindner Construction, to amend the Housing Incentive Loan Program to include an additional incentive — \$5,000, 3-year, 0% interest loans for the renovation of multi-unit housing on a per apartment unit basis. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Lukas Rix and Melissa Urbanec of the WAED Marketing Committee gave a presentation on information they gathered for proposed new “Welcome to Wayne” signs.

Wes Blecke, Executive Director of WAED, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed an application to Wayne’s Economic Development Program Fund. The applicant, Rainbow World Child Care Center, requested a \$100,000.00 grant. These funds would be used to expand the Rainbow World Child Care Center from a 120 child capacity to a 180 child capacity. The expansion would create a minimum of 6 new jobs (2 FT and 4PT). The Committee met, and the terms the Committee agreed to were a \$25,000 grant and a \$75,000 loan at an interest rate of half of the secured conventional financing.

Melissa Urbanec, representing Rainbow World Child Care Center, was present to answer questions.

Councilmember Alexander made a motion, which was seconded by Councilmember Haase approving the recommendation of the LB840 Sales Tax Advisory Committee to give \$25,000 in the form of a grant and \$75,000 in the form of a 0%

interest loan to Rainbow World Child Care Center to be used to help fund the expansion of their facility. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas (including Mayor Chamberlain), with the exception of Councilmembers Ley and Van Delden who abstained, and Councilmember Sturm who voted Nay, the Mayor declared the motion carried.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen to recess as Council and convene as the Community Development Agency. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Jim Van Delden, Dale Alexander, Ken Chamberlain, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Eric Knutsen; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Brian Frevert.

Chair Haase 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.

The next item on the CDA agenda was to approve the minutes of the October 2, 2012, meeting.

Member Van Delden made a motion and Member Chamberlain seconded approving the minutes of the October 2, 2012, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to consider and adopt CDA Resolution 2012-6 recommending approval of a Redevelopment Plan/Contract for Progressive Property

Inspections, LLC — Kelby R. Herman. This is for a market-rate rental duplex which will be built on the property he purchased from the City on First Street.

Member Ley introduced CDA Resolution No. 2012-6 titled as follows and moved for its passage and approval by the Agency:

CDA RESOLUTION NO. 2012-6

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN/CONTRACT FOR PROGRESSIVE PROPERTY INSPECTIONS, LLC.

Member Berry seconded the motion.

On roll call vote, the following Agency Members voted in favor of the motion: Van Delden, Alexander, Chamberlain, Sturm, Ley, Berry, and Brodersen. The following Members voted against the motion: None; the following member was absent: Frevert; and the following members abstained due to a conflict of interest: None. The Chair declared the motion carried.

The next item on the agenda was to consider some administrative lot change proposals on Lots 27–33, Western Ridge II Addition.

Joel Hansen, Zoning Administrator, stated that staff is proposing to adjust the lot lines on the west side of Neihardt Avenue. The lots will be changed from pie shaped to a more uniform shape with a 75' width. This will not change the number of lots.

Member Ley made a motion, which was seconded by Member Sturm, to approve the administrative lot change proposals on Lots 27-33, Western Ridge II Addition. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase advised the CDA that Kelby Herman has withdrawn his offer to purchase Lot 30, Western Ridge II Addition, for the sum of \$5,000.

Member Van Delden made a motion and Member Sturm seconded to adjourn as the Community Development Agency and reconvene as Council. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing to obtain public comment prior to the consideration of a Resolution approving the Redevelopment Plan, including a redevelopment contract, for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"). The Mayor opened the public hearing and invited all interested persons to be heard.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Councilmember Van Delden introduced Resolution No. 2012-76 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2012-76

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN/CONTRACT FOR PROGRESSIVE PROPERTY INSPECTIONS, LLC; AND RELATED MATTERS.

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 the Collective Bargaining Agreement with Wayne Chapter No. 54 Fraternal Order of Police (Police Officers and Dispatchers). This does not include the Police Chief. The contract is for 2 years. The contract will align the police officers and dispatchers with comparability for each of their job descriptions.

Councilmember Alexander introduced Resolution No. 2012-77 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2012-77

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND WAYNE CHAPTER NO. 54 FRATERNAL ORDER OF POLICE (2012 – 2014).

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

Administrator Johnson stated the following Resolution would adopt an interlocal agreement between the City and other Municipal Electric Interest Groups (MEIG) to provide the communication and cost-share structure to discover and share information about cost allocations in our wholesale power rates, to share the cost of the analysis, and to advocate for our municipal customers. Wayne and Central City are the first two cities to join this organization.

Councilmember Ley introduced Resolution No. 2012-78 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2012-78

A RESOLUTION ADOPTING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WAYNE AND MUNICIPAL ELECTRIC INTERESTS GROUPS

(MEIG).

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 amend the schedule of fees and charges to add a \$200 fee for appealing decisions made by the Code Official to the Board of Appeals.

Councilmembers Berry and Brodersen had concerns that this fee might discourage citizens from filing appeals.

Councilmember Sturm introduced Resolution No. 2012-79 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2012-79

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES

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

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas on Main Street – Parade of Lights on November 29, 2012.

Councilmember Ley introduced Resolution No. 2012-80 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-80

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

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

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District to conduct a blight study for “North Central” Wayne. Once the study is completed and the redevelopment plan has been reviewed by the Planning Commission and approved by the CDA and Council, tax increment financing will be available to developers on a case-by-case basis. The cost for this blight study will not exceed \$4,300.

Councilmember Sturm introduced Resolution No. 2012-81 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-81

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) TO CONDUCT A BLIGHT STUDY IN THE CITY OF WAYNE.

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

The following Resolution would approve an agreement with Olsson Associates for the Wayne Trail – Phase 2 Project. This is an agreement to complete the design work on both the trail and the underpass and will combine the same into one project.

Councilmember Sturm introduced Resolution No. 2012-82 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-82

A RESOLUTION APPROVING PRELIMINARY ENGINEERING SERVICES AGREEMENT – YK0502 SUPPLEMENTAL AGREEMENT NO. 3 BETWEEN

THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE TRAIL - PHASE 2 PROJECT.

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 Ordinance would add a stop sign at Tomar Drive at the east approach of E. 6th Street.

Councilmember Brodersen introduced Ordinance 2012-58, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2012-58

AN ODINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-12 STOP SIGN LOCATIONS; EAST OF MAIN STREET, SOUTH OF SEVENTH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Ley made a motion and Councilmember Sturm 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 Sturm seconded to move for final approval of Ordinance No. 2012-58. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A pay request has been received from Benscoter Plumbing & Construction for the Benscoter Addition – Phase I Utility Project in the amount of \$22,513.68. The engineer on the project has approved the same.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, approving Application for Payment No. 3 for the Benscoter Addition – Phase I Utility Project in the amount of \$22,513.68 to Benscoter Plumbing & Construction. 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 approving the reappointment of Jill Brodersen, Kirk Hochstein and Jeff Ellis to the Board of Appeals. These would be 3 year terms.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander, approving the reappointment of Jill Brodersen, Kirk Hochstein and Jeff Ellis to the Board of Appeals. 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 approving the appointment of Matt Wachter and Bob McBride as an alternate to the Board of Appeals. These would be 3 year terms.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander, approving the appointment of Matt Wachter and Bob McBride as an Alternate to the Board of Appeals. 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 approving the appointment of Melissa Nelson to the Recreation-Leisure Services Commission. This would be a 3 year term.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander, approving the appointment of Melissa Nelson to the Recreation-Leisure Services Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm 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 6:50 p.m.

[Back to Top](#)

CLAIMS LISTING NOVEMBER 6, 2012

4IMPRINT	DISPLAY TABLE-TABLE CLOTH	228.68
AMAZON.COM, LLC	CD'S	286.82
AMERICAN BROADBAND	FIBER LINE LEASE/TELEPHONE CHARGES	2,211.41
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	5,833.75
APPEARA	LINEN & MAT SERVICE	301.09
ARNIE'S FORD-MERCURY INC	ABS CONTROL UNIT	1,238.29
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	240.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	425.74
BENSCOTER PLUMBING	BENSCOTER ADDITION	22,513.68
BLACK HILLS ENERGY	GAS BILLS	243.00
BOMGAARS	SHOP VAC/RADIO/BATTERIES/PAINT ETC	639.98
BROWN SUPPLY CO	E-Z REACHER	271.39
CASEY ELECTRIC	REPAIR OUTSIDE SERVICE WIRE	399.34
CENTURYLINK	TELEPHONE CHARGES	311.13
CHEMQUEST, INC.	TUBING/MONITORING/CHEMICALS/EQUIPMENT	11,085.37
CITY OF NORFOLK	INSPECTION FEES	204.21
CITY OF PONCA	MFO FUNDS	12,671.97
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUNDS	300.00
CITY OF WAYNE	PAYROLL	130,231.56
CITY OF WAYNE	SELF DEFENSE CLASS REFUND	40.00
CITY OF WAYNE	SENIOR CENTER DEPOSIT REFUND	150.00
CITY OF WAYNE	UTILITY REFUNDS	389.27
CITY OF WAYNE	WAED -HEALTH REIMBURSEMENT	575.96
CITY OF WEST POINT	MFO FUNDS	18,393.96
CITY OF WISNER	MFO FUNDS	1,915.20
CLAUSSEN & SONS IRRIG.	BLOW OUT IRRIGATION SYSTEMS	160.00
COACHDECK LLC	FOOTBALL DECKS	47.50
COMMUNITY HEALTH	HEALTH CHARITIES	6.00
CONSOLIDATED MANAGEMENT	OFFICER TRAINING CENTER MEALS	297.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	2,598.79
DALE FERNAU	LABOR-CAC FITNESS FLOOR INSTALL	3,800.00
DE LAGE LANDEN FINANCIAL	SENIOR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	110.08
DEMCO INC	BOOK REPAIR SUPPLIES	1,201.17
DUE FROM AIRPORT	AIRPORT HOUSE REPAIRS	145.84
CITY EMPLOYEE	HEALTH REIMBURSEMENT	4,545.67
ECHO GROUP INC JESCO	FUSES	57.12
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,349.49
ED. M FELD EQUIPMENT CO	HOSE REPAIR	18.33
ELECTRIC FIXTURE & SUPPLY	BALLAST	118.40
ENGINEERED CONTROLS, INC	AIR TEMP SENSORS TO HEAT PUMP	2,960.00
FASTENAL CO	BOLTS/WASHERS	15.24
FIREMAN'S ASSOCIATION	WSC FIRE AGMT	5,000.00
FIRST CONCORD GROUP LLC	FLEX FEES	3,102.18

FLOOR MAINTENANCE	PLATES/NAPKINS/TISSUE	382.97
CITY EMPLOYEE	HEALTH REIMBURSEMENT	290.68
GALE GROUP	STANDING BOOK ORDERS	1,409.00
GILL HAULING, INC	SANITATION SERVICE	155.00
GRAINGER, INC.	FIRST AID SUPPLIES	42.07
GROSSENBURG IMPLEMENT INC	ADAPTER/PLUG/MOWER REPAIRS	395.40
CITY EMPLOYEE	HEALTH REIMBURSEMENT	5,965.17
HACH COMPANY	PH BUFFER SOLUTION	69.15
HD SUPPLY WATERWORKS, LTD	WATER METER ERTS	2,671.20
CITY EMPLOYEE	HEALTH REIMBURSEMENT	21.76
HELENA CHEMICAL CO.	GRASS SEED	72.00
IAEI	MEMBERSHIP DUES	102.00
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	11,098.55
IRS	FEDERAL WITHHOLDING	44,493.34
JASON CAROLLO	WEED MOWING	50.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,525.72
KNOEPFLER CHEVROLET CO	PAD FOR DRIVERS SEAT	133.06
FIREMAN	MEALS AND LODGING	425.31
KRIZ-DAVIS COMPANY	RECEPTICAL/METER SOCKETS	599.06
LIBERAL GASKET MFG CO INC	SHEET MATERIAL	262.27
MAIN STREET AUTO CARE	TOWING CHARGES	198.00
MCMASTER-CARR SUPPLY CO	BRASS PIPE	257.80
MES-MIDAM	BUNKER PANT/BELT	4,689.00
MICHAEL TODD & CO INC	SIGNS	995.38
MIDWEST OFFICE AUTOMATION	COPY CHARGES	1,060.18
MULTIMEDIA SALES & MARKET	CAC ADVERTISING	313.50
NATIONAL BUSINESS FURNITURE	3 CHAIRS	894.00
CITY EMPLOYEE	HEALTH/VISION REIMBURSEMENT	514.35
NE DEPT OF ENVIRONMENTAL	RENEWAL FEES-ECHTENKAMP/JUNCK	300.00
NE DEPT OF HEALTH	WATER OP COURSE FEE -GRADE III	298.00
NE DEPT OF REVENUE	STATE WITHHOLDING	7,214.38
NE HARVESTORE	SKID LOADER	14,042.48
NE LIBRARY COMMISSION	OVERDRIVE PARTICIPATION FEE	662.60
NE SAFETY COUNCIL	SAFETY VIDEO SHIPPING CHARGES	11.49
NISSEN, BRENDA	ENERGY INCENTIVE	500.00
NORTHWEST ELECTRIC LLC	WATER HEATER BLOWER REPAIR	90.67
OLSSON ASSOCIATES	RICE COMPLIANCE	383.50
OTTE CONSTRUCTION COMPANY	WINDOW ADJUSTMENT/REPAIRS	200.00
OVERHEAD DOOR COMPANY	TS DOOR TRANSMITTER	95.50
PIEPER & MILLER	ATTORNEY FEES	3,015.00
PONCA RURAL FIRE BOARD	MFO FUNDS	3,032.40
POSTMASTER	POSTAGE	135.00
PRESTO X COMPANY	PEST CONTROL	57.58
PROVIDENCE MEDICAL CENTER	12-13 AMBULANCE SERVICE	10,000.00
RITA MCLEAN	SCHOLASTIC BOOK FAIR ITEMS	328.07
ROSE EQUIPMENT INC.	TAR	3,169.31
SEVERN TRENT	UV SENSORS	3,627.69

STATE ELECTRICAL DIVISION	LICENSE RENEWAL	50.00
STATE NATIONAL BANK	CAC/LIBRARY PETTY CASH	499.10
STATE NATIONAL BANK	PUBLIC SAFETY BONDS	10,634.54
TOM'S BODY & PAINT SHOP	ADJUST DRIVERS DOOR	20.80
CITY EMPLOYEE	SAFETY BOOTS	150.00
UNITED RENTALS	ELECTRIC SCREED/SCISSOR LIFT	1,004.18
UPSTART	BOOKMARKS/NOTE CUBE/CALENDAR	183.85
US BANK	MEALS/LODGING/SHIRTS/LATCH/DOORS	7,178.14
VERIZON WIRELESS SERVICES	CELL PHONES	352.32
VIAERO	CELL PHONES	207.16
VILLAGE OF WINSIDE	MFO FUNDS	4,053.58
WAYNE AREA ECONOMIC DEVEL	NOV 12 CONTRIBUTION	7,383.33
WAYNE COMMUNITY HOUSING	HOUSING STUDY	1,955.00
WAYNE COUNTY COURT	BOND	300.00
WAYNE HERALD	LIBRARY SUBSCRIPTION RENEWALS	92.00
WAYNE STATE FOUNDATION	CAC ADVERTISING-POSTER	100.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	575.96
FIREMAN	MEALS AND LODGING	422.25

RESOLUTION NO. 2012-83

WHEREAS, Malachi, Inc., d/b/a "Wildcat Lanes" made application to the Nebraska Liquor Control Commission for a Retail Class C Liquor License at 1221 North Lincoln Street, Wayne, Wayne County, Nebraska; and

WHEREAS, said application has been forwarded to the City of Wayne for public hearing and recommendation by the City Council; and

WHEREAS, notice of hearing on said application was published in one issue of the Wayne Herald on October 25, 2012; and

WHEREAS, a hearing was held on November 6, 2012, and all persons desiring to present evidence for or against said application were heard.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the application of the license aforementioned be recommended for approval to the Nebraska Liquor Control Commission.

PASSED AND APPROVED this 6th day of November, 2012.

THE CITY OF WAYNE, NEBRASKA,

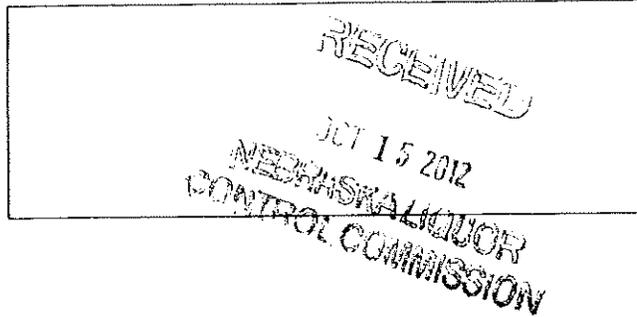
By _____
Mayor

ATTEST:

City Clerk

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S) Application Fee \$400 (non refundable)

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31
All other licenses run from May 1 – April 30
Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert form 1)
- Partnership License (requires insert form 2)
- Corporate License (requires insert form 3a & 3c)
- Limited Liability Company (LLC) (requires form 3b & 3c)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Commission will call this person with any questions we may have on this application

Name _____ Phone number: _____

Firm Name _____

PREMISE INFORMATION

Trade Name (doing business as) WILDCAT LANES

Street Address #1 1221 LINCOLN St.

Street Address #2 _____

City WAYNE County WAYNE Zip Code 48078

Premise Telephone number 402-375-3390

Is this location inside the city/village corporate limits: YES NO

Mailing address (where you want to receive mail from the Commission)

Name RICKY L. BARNER

Street Address #1 1104 ROUSSEAU CT

Street Address #2 _____

City PAPILLION State NE Zip Code 68046

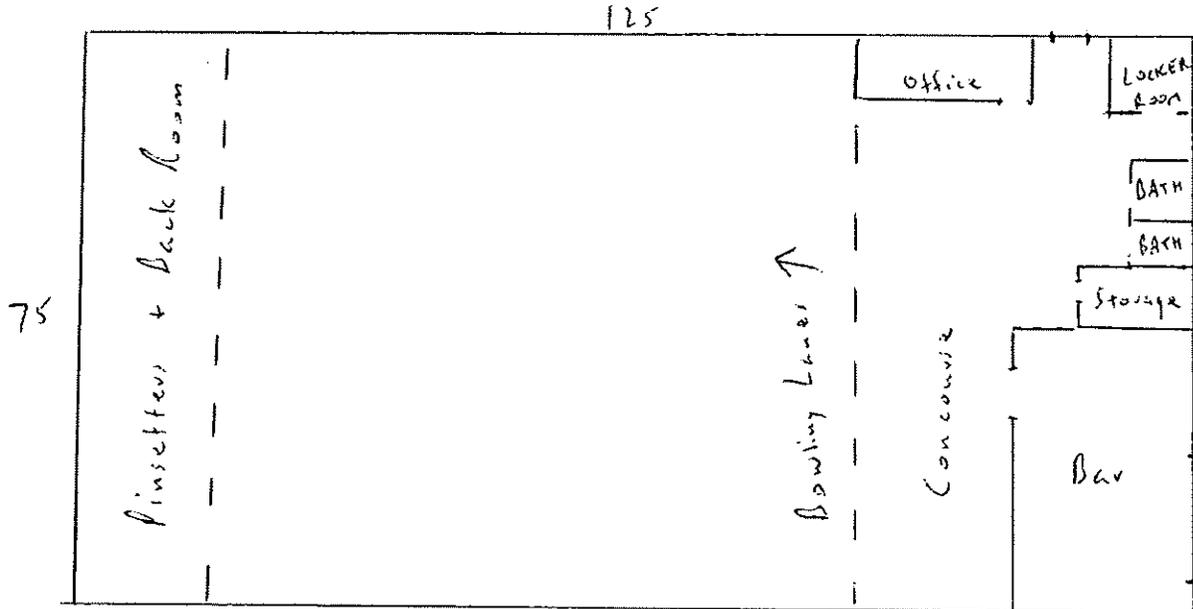
**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED
READ CAREFULLY**

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

**For on-premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Length 125 feet
Width 75 feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET



FORM 100
REV 11/2010
PAGE 4

← 35' →

Sales + Consumption Area
Approx 35 ft x 75 ft

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

RECEIVED
 JUL 15 2012
 WISCONSIN LIQUOR CONTROL COMMISSION

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number

Foreclosed upon
 BAKER BROTHERS, LLC 078791

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, give name and license number BAKER BROTHERS LLC 078791

4. Are you filing a temporary operating permit to operate during the application process?

YES NO

If yes:

- a) Attach temporary operating permit (T.O.P.) (form 125)
- b) T.O.P. will only be accepted at a location that currently holds a valid liquor license.

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES ~~NO~~

If yes, list the lender(s) Adeline Kienast

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (All involved persons must be disclosed on application)

BARBARA A BARNER - WIFE

No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner.

8. Is premise to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

State National Bank, Wayne, NE RICKY L. BARNER + BARBARA A. BARNER

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

NONE

RECEIVED

OCT 15 2012

NEBRASKA LICENSING COMMISSION

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- a) Individual, applicant only (no spouse)
- b) Partnership, all partners (no spouses)
- c) Corporation, manager only (no spouse) as listed on form 3c
- d) Limited Liability Company, manager only (no spouse) as listed on form 3c

RECEIVED
OCT 15 2012
ALABAMA COMMISSION

Applicant Name	Date Trained (mm/yyyy)	Name of program where trained (name, city)
RICKY L. BARNEK	1970-1990	Bartender + Asst Manager 2nd Malibu Lane in W. York, NE

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. **Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.**

- Lease: expiration date _____
- Deed _____
- Purchase Agreement _____

14. When do you intend to open for business? 10/28/2012

15. What will be the main nature of business? Bowling Center

16. What are the anticipated hours of operation? 5pm - Midnight M-F + 2nd - Midnight Weekends

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
PAPILLION, NE	1990	2012	PAPILLION, NE	1990	2012

If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

[Handwritten Signature]
Signature of Applicant

[Handwritten Signature]
Signature of Spouse

Signature of Applicant

Signature of Spouse

RECEIVED

Signature of Applicant

Signature of Spouse

SEPT 15 2012

NEBRASKA LIQUOR CONTROL COMMISSION

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

ACKNOWLEDGEMENT

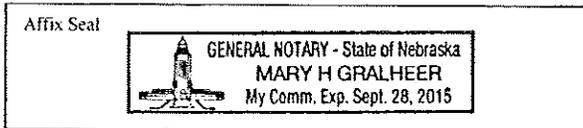
State of Nebraska
County of Sanborn

The foregoing instrument was acknowledged before me this

10/12/2012
date

by Ricky L. Barner & Barbara H. Barner
name of person acknowledged

[Handwritten Signature]
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

RESOLUTION NO. 2012-84

A RESOLUTION AMENDING HOUSING CONSTRUCTION LOAN INCENTIVES FOR BUILDERS.

WHEREAS, on April 3, 2012, the Wayne City Council established “Housing Construction Loan Incentives for Builders” to promote the building of market-rate houses or townhouses in Wayne; and

WHEREAS, on May 1, 2102, the said Housing Construction Loan Incentives were amended by Resolution 2012-37; and

WHEREAS, the City Council desires to amend said incentives as follows:

1. Lots can be selected within the city limits by the buyer or builder.
2. Incentives for fifteen homes will be approved on a first-come, first-serve basis.
3. Builder/buyer will sign an agreement with the City for incentives for approved incentives.
4. Builder/buyer participation in the “Energy Star Program” is required with every house receiving incentives.
5. Eligible home buyers must have an annual household income of no more than 150% median income for Wayne County.
6. Builders will be eligible for and limited to two \$20,000 construction loans for two speculative housing units, and \$30,000 per housing unit being built by an owner of a lot, at 0% interest until the date of sale or four (4) years, whichever comes first, from LB840 funds or other funds provided by the City, with payback from the homebuyer at the time of permanent financing. When the builder pays back one or both of the \$20,000 construction loans, he/she will be eligible for applying for an additional construction loan, not to exceed the maximum of two.
7. Only two incentive houses per contractor. When an incentive is paid off the contractor may apply for an additional incentive if there are still funds available.
8. Builders/Property Owners will be eligible for \$5,000, 0% interest 3-year loans per market rate apartment unit, single-family market rate home or for the renovation of multi-unit housing on a per apartment unit basis. If the property is sold or transferred before the 3-year term is up, the loan becomes due and payable.

9. Proceeds from the incentive loan repayments will be deposited into a City revolving loan fund to be re-loaned for future housing construction incentives.
10. Construction loan would be secured by a Deed of Trust on the property and subordinate to commercial or private construction financing.
11. Applications for housing incentive construction loans must be submitted to the Wayne City Council for their approval.
12. Approval of front elevation design of each house receiving a construction loan incentive will be required by the City Council or a designated representative with approval of the building permit.
13. Houses must be ready for occupancy permit within 24 months (two construction seasons) of date of execution of an incentive agreement.
14. Suggested penalties for not completing house within the required 24 months are:
 - a. If primary construction loan is not secured within 6 months of approval of the incentive, the City incentive loan will become void.
 - b. If the house is not ready for occupancy within 24 months, the builder is not eligible for future city incentives.
 - c. If the house does not have an occupancy permit within 24 months, the loan is in default and due immediately at 5% interest from the date of loan approval.
15. Request for LB840 funds – will need to borrow funds from the Electric Fund to establish the first round of loans.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Wayne, Nebraska, hereby approve and adopt the foregoing amended "Housing Construction Loan Incentives" to promote the building of market-rate houses or townhouses in Wayne.

PASSED AND APPROVED this 6th day of November, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-85

WHEREAS, the City of Wayne shall establish a separate standard wage and salary schedule for the "Wayne Chapter No. 54 – Fraternal Order of Police 2012-2014" which shall be effective July 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 July 1, 2012

<u>JOB CLASSIFICATION</u>	<u>HOURLY RATE RANGE</u>	
Part-Time Dispatcher	\$10.08	\$13.49
Dispatcher	\$12.25	\$16.40
Dispatch Supervisor	\$13.14	\$17.79
The following is based upon 2,184 hours per year:		
Patrolman	\$14.53	\$19.96
	\$16.41	\$22.36
Senior Patrolman	\$16.12	\$21.65
	\$18.22	\$24.25
Police Sergeant	\$17.71	\$22.98
	\$19.80	\$25.55

BE IT FURTHER RESOLVED that upon satisfactory evaluation, the progression 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 receiving wage rates less than rates scheduled herein above shall have their wage rates adjusted only upon satisfactory evaluation.

PASSED AND APPROVED this 6th day of November, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

City of Wayne
2012 Wage Scale

	P	A	B	C	D	E	F	G	H	I	J
Range	0/6 mo	6 mo/1 yr	1 - 2 yr	2 - 3 yr	3 - 4 yr	4 - 5 yr	5 - 6 yr	6 - 7 yr	7 - 8 yr	8 - 9 yr	9 yr & beyond
Part time Dispatcher	10.08	10.57	10.86	11.16	11.46	11.78	12.11	12.44	12.78	13.13	13.49
Dispatcher	12.25	12.84	13.20	13.56	13.93	14.32	14.71	15.12	15.53	15.96	16.40
Dispatch Supervisor	13.14	13.79	14.19	14.59	15.01	15.44	15.89	16.34	16.81	17.29	17.79

This scale is based on 2184 hours per year

Patrolman	16.41	16.93	17.46	18.01	18.58	19.16	19.77	20.39	21.03	21.69	22.36
Senior Patrolman	18.22	18.75	19.29	19.85	20.43	21.02	21.63	22.26	22.90	23.57	24.25
Police Sergeant	19.80	20.31	20.84	21.38	21.94	22.51	23.10	23.70	24.31	24.95	25.55

Police wage scale

RESOLUTION NO. 2012-86

A RESOLUTION AMENDING THE RULES AND REGULATIONS FOR THE REIMBURSEMENT OF EXPENSES AND FEES FOR MEMBERS OF THE WAYNE VOLUNTEER FIRE DEPARTMENT.

WHEREAS, rules and regulations pertaining to the reimbursement of fees and expenses of the members of the Wayne Volunteer Fire Department were established by Resolution 84-2 and re-established in amended form by Resolutions 94-75 and 96-53; and

WHEREAS, provisions of these rules and regulations need to be updated and revised so as to be consistent with the provisions and intent of Chapter Fifteen —Conferences and Travel of the City of Wayne Personnel Manual.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that Resolution 96-53 is hereby rescinded, and any reimbursement of expenses and fees to members of the Wayne Volunteer Fire Department shall comply with the following rules, regulations, and procedures:

1. Approval. Approval for travel shall be received in advance through the Fire Chief and the City Administrator. Reimbursable expenses may include travel, meals, lodging and registration fees.

2. Mileage. The mileage reimbursement rate shall be as provided to other City employees and shall be paid only when a fire department vehicle is not available.

3. Meals. **Reimbursement guidelines for individual meal expenses shall be: Receipts shall be required for all meal expenses within a 200 mile radius. Reimbursement for individual meal expenses related to travel beyond a 200 mile radius shall not exceed \$42.00 per day unless accompanied by receipts. Receipts must be submitted for consideration of an exception or when they represent meals for more than one person.**

~~The maximum reimbursement for meal expense shall be (a) Breakfast, \$5.50; (b) Lunch, \$7.50; (c) Dinner, \$12.00. Receipts are not necessary for reimbursement of meal expenses that are within these guidelines. Exceptions may be granted for meals included as part of registration fees or special meetings. Reimbursement for individual meal expenses related to out-of-state travel beyond a 200 mile radius shall not exceed \$32.00 per day. Receipts must be submitted for consideration of an exception or when they represent meals for more than one person.~~

4. Lodging. Lodging expenses shall be documented by receipts. Individuals shall attempt to stay at the most reasonably priced hotel or motel. Individuals are encouraged to stay at the location of any convention or meeting. Individuals shall ask for government rates whenever registering and are encouraged to make all reservations through the Personnel Office to ensure the tax exemption, where practicable on the lodging. Lodging shall be double occupancy, except as may be permitted by the City Administrator.

5. Registration Fees. All registration fees may be reimbursed.

6. Miscellaneous Training Allotment. Payment of ~~\$20.00~~ **\$50.00** per day may be paid as a miscellaneous training allotment while attending qualified schools. This allotment shall apply to three schools, (a) Nebraska State Fire School; (b) Nebraska State Arson School; and (c) National Fire Academy, and any special school or meeting deemed necessary by the Fire Chief with prior written approval of the City Administrator. The annual meeting of the Nebraska State Volunteer Firefighters Association may be considered applicable hereto for up to three members of the Wayne Volunteer Fire Department.

7. Training Allotment Disqualification. Miscellaneous training allotment shall not be paid in the event that the member is receiving regular pay, school pay, instructor pay, or other payment from an employer or school, or any other entity, while attending a qualified school or special meeting.

8. Filing Requirements. Prior to registering for any school or attending any meeting, an agenda of the school or meeting shall be submitted by a member to the Fire Chief for consideration.

9. Payment Procedure. After attendance at a school or a meeting, the member shall submit to the Fire Chief, the school or meeting agenda, registration form, affidavit of attendance reflecting sign-in time and check-out time, schedule of use of fire department vehicles, and receipts reflecting expense incurred, and, in addition thereto, any information which is requested by the Fire Chief or City Administrator or their designees. Upon obtaining the properly filed documents, the Fire Chief may approve or disapprove any or all of said expenses. Thereafter, the Fire Chief shall submit the same, including copies of all the required documents, to the City Administrator, who shall approve or deny said claim. If the Administrator approves the claim, then the same shall be submitted to the City Council for further consideration. Failure to submit documents may result in the claim(s) being denied.

PASSED AND APPROVED this 6th day of November, 2012.

CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-87

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE "CHIEF'S WAY SANITARY SEWER PROJECT."

WHEREAS, the Wayne City Council is desirous of entering into an Agreement with Olsson Associates for professional services regarding the "Chief's Way Sanitary Sewer Project"; and

WHEREAS, a proposal has been requested and received from Olsson Associates for a sum not to exceed \$29,590.00; and

WHEREAS, staff recommendation is to accept said proposal of Olsson Associates.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Letter Agreement between the City of Wayne and Olsson Associates for the "Chief's Way Sanitary Sewer Project" be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement for the professional services on behalf of the City.

PASSED AND APPROVED this 6th day of November, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

LETTER AGREEMENT FOR
PROFESSIONAL SERVICES

October 23, 2012

City of Wayne
Attn: Lowell Johnson
306 Pearl Street
Wayne, NE 68787

Re: **AGREEMENT FOR PROFESSIONAL SERVICES**
Chief's Way Sanitary Sewer "Project"
Wayne, Nebraska

Dear Mr. Johnson:

It is our understanding that the City of Wayne, Nebraska ("Client") requests Olsson Associates ("Olsson") to perform the following services pursuant to the terms of this Letter Agreement, Olsson's General Provisions and any exhibits attached thereto (hereinafter "the Agreement") for the Project.

1. Olsson has acquainted itself with the information provided by Client relative to the Project and based upon such information offers to provide the services described below for the Project. Client warrants that it is either the legal owner of the property to be improved by this Project or that Client is acting as the duly authorized agent of the legal owner of such property. Client acknowledges that it has reviewed the General Provisions (and any exhibits attached thereto), which are expressly made a part of and incorporated into this Agreement by this reference. In the event of any conflict or inconsistency between this Agreement and the General Provisions regarding the services to be performed by Olsson, the requirements of this Agreement shall take precedence.
2. Olsson shall provide Client all Basic Services for the Project as more specifically described in Exhibit A hereto. Should Client request work not described and included in the above Description of Basic Services, such as Additional Services, Olsson shall invoice Client for such services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Olsson shall not commence work on Additional Services without Client's prior approval in writing.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

SCHEDULE FOR OLSSON'S SERVICES

- 3. Unless otherwise agreed, Olsson would expect to begin performing its services under this Agreement promptly upon your signing.

Anticipated Start Date: November 1, 2012

Olsson will endeavor to start its services on the Anticipated Start Date. However, the Anticipated Start Date and any milestone dates are approximate only, and Olsson reserves the right to readjust its schedule and any or all of those dates at its sole discretion, for any reason, including, but not limited to, delays caused by Client or delays caused by third parties.

ok w/ Rad → *Not to exceed* *MA*

COMPENSATION

- 4. Compensation for Olsson's services Phase I – III shall be a ~~fixed fee of~~ Twenty-Nine Thousand Five Hundred Ninety Dollars (\$29,590.00), as described below:

Phase I – Data Collection	\$ 6,840.00
Phase II – Design	\$ 19,690.00
Phase III – Bid Services	\$ <u>3,060.00</u>
Total:	\$ 29,590.00

REIMBURSABLE EXPENSE: Olsson's reimbursable expenses for Phase I - III are included in the fixed fee set forth above.

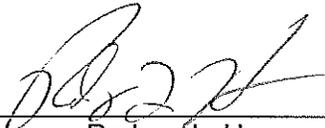
Phase V - Construction Phase Services: Client shall pay to Olsson for the performance of the Construction Phase Services the actual time of personnel performing such Services at the professional and staff rates set forth on the Schedule of Hourly Billable Rates and all actual reimbursable expenses in accordance with the Schedule contained in the General Provisions attached to this Letter Agreement.

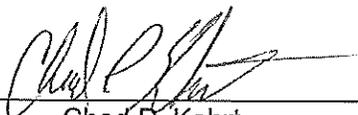
These financial arrangements are proposed with the assumption Olsson's bills will be paid promptly and the Project will progress orderly and continuously. Client agrees to pay Olsson the amounts due for services rendered and expenses incurred pursuant to the terms of this Agreement within thirty (30) days after Olsson has provided its invoice for such services. In the event Client disputes any invoice item, Client shall give Olsson written notice of such disputed item within fifteen (15) days after receipt of such invoice and shall pay to Olsson the undisputed portion of the invoice according to the provisions hereof. If Client fails to pay any invoiced amounts when due, interest will accrue on each unpaid amount at the rate of thirteen percent (13%) per annum from the date due until paid according to the provisions of this Agreement. Interest shall not be charged on any disputed invoice item which is finally resolved in Client's favor. Payment of interest shall not excuse or cure any default or delay in payment of amounts due.

TERMS AND CONDITIONS OF SERVICE

- 5. We have discussed with you the risks, rewards and benefits of the Project and our fees for services and the Agreement represents the entire understanding between Client and Olsson with respect to the Project. The Agreement may only be modified in writing signed by both parties.
- 6. If this proposal satisfactorily sets forth your understanding of our agreement, please sign in the space provided below (indicating Client's designated Project representative if different from the party signing). Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of 30 days from the date set forth above, unless changed by us in writing.
- 7. By signing below, you acknowledge that you have full authority to bind Client to the terms of the Agreement.

OLSSON ASSOCIATES

By  _____
Rodney L. Hanson

By  _____
Chad P. Kehrt

If you are in agreement with the preceding proposal,
please sign:

City of Wayne, Nebraska "Client"

By _____

Title _____

Dated: _____

If different from above,

Client's Designated Project Representative

EXHIBIT "A" to GENERAL PROVISIONS ATTACHED TO
LETTER AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN CLIENT AND OLSSON, DATED October 23, 2012

DESCRIPTION OF BASIC PROFESSIONAL SERVICES AND RELATED MATTERS

This is an exhibit attached to and made a part of the General Provisions attached to the Proposed Letter Agreement for Professional Services dated October 23, 2012 between City of Wayne ("Client") and Olsson Associates ("Olsson") providing for professional services. The Basic Services of Olsson are as indicated below.

GENERAL

Olsson shall perform for Client professional services in all phases of the Project to which this Agreement applies as hereinafter provided. These services will include serving as Client's professional representative for the Project, providing professional consultation and advice and furnishing customary services incidental thereto.

I. Data Collection

- A. Establish Horizontal and Vertical Control
- B. Topographic Survey
- C. Utility Locates
- D. Pre Design Meeting

II. Design

- A. Project Management
- B. Sanitary Sewer Design
 - 1. Plan and Profile
 - 2. Limits of Construction
 - 3. Hydraulic Analysis
 - 4. Lift Station Design
 - 5. HHS Review
- C. Roadway Sections
- D. Quantities/Estimates
- E. Quality Review

III. Bid Services

- A. Distribute Construction Documents
- B. Utility Coordination
- C. Provide Construction Documents Clarification, as needed
- D. Issue Addendum, if necessary
- E. Assist with Bid Opening
- F. Prepare Bid Tabulation
- G. Make Bid Acceptance Recommendation

IV. Construction Services

A. Project Management

1. Preconstruction meeting
2. Provide daily management of project
3. Coordination with City
4. Prepare reports including, but not limited to: invoices, progress reports, change orders, contractor pay requests
5. Shop drawing review

B. Construction Survey/Staking

1. Locate control points and elevation benchmarks
2. Stake pipe locations and elevations
3. Stake out limits of construction
4. Provide paving stakes – every 25 feet in curves and 50 feet on tangents

C. Construction Inspection

1. Weekly Project Update Meetings
2. Maintain project field diaries, files, and records
3. Review critical path schedule supplied by contractor and have it updated as necessary
4. Verify that work is completed in conformance with the plans and specifications
5. Review daily traffic control devices
6. Verify all material certifications
7. Measure and calculate quantities of pay items
8. Prepare record drawings
9. Consult with the public regarding questions during construction

D. Perform Material Sampling & Testing

1. Soil Compaction and Subgrade Preparation Compaction
2. Concrete testing– air, slump, cylinders, aggregate gradations

E. Final Inspection

1. Preparation of punchlist items
2. Verification that punchlist items have been completed

**SCHEDULE OF HOURLY BILLING RATES ATTACHED TO
LETTER AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN CLIENT AND OLSSON, DATED October 23, 2012**

Hourly time charged for services rendered by our principals and employees engaged directly on the Project shall be in accordance with the following billing rate schedule.

<u>Classification</u>	<u>Hourly Rate (\$)</u>
Team Leader	175.00
Group Leader	153.00
Senior Engineer	156.00
Senor Project Engineer	135.00
Project Engineer	117.00
Associate Engineer	95.00
Assistant Engineer	83.00
Senior Scientist	133.00
Senior Project Scientist	114.00
Project Scientist	91.00
Associate Scientist	77.00
Assistant Scientist	66.00
Senior Surveyor	96.00
Surveyor	79.00
Associate Surveyor	65.00
Assistant Surveyor	49.00
2-Man Survey Crew	110.00
Design Technician	77.00
Senior Technician	69.00
Associate Technician	59.00
Assistant Technician	50.00
Administrative Coordinator	67.00
Administrative Assistant	56.00

RESOLUTION NO. 2012-88

A RESOLUTION REAFFIRMING ICMA-RC DEFERRED COMPENSATION RETIREMENT SAVINGS PLAN AND ADOPTING ICMA-RC INDIVIDUAL RETIREMENT ACCOUNTS (“IRAs”) FOR ALL REGULAR FULL-TIME EMPLOYEES.

WHEREAS, the City Council approved by Resolution the use of the ICMA-Retirement Corporation deferred compensation retirement savings plan for select employees at their meeting of December 30, 1974; and

WHEREAS, the City Council has required the ICMA-RC plan as the retirement savings plan for the City Administrator since 1974; and

WHEREAS, the ICMA-RC plan was extended to select Department Heads in 1986; and

WHEREAS, the ICMA-RC plan was extended to all regular full-time employees as the retirement savings plan to which the City would provide matching contributions for general service employees, excluding police officers, in 1995; and

WHEREAS, the ICMA-RC plan was amended by way of Resolution 2004-23 to adopt a Section 401(a) Money Purchase Plan; and

WHEREAS, it is the intent to amend the ICMA-RC plan to adopt Individual Retirement Accounts (“IRAs”) for the Employee’s Contribution to the plan.

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

1. The ICMA-RC deferred compensation plan is hereby re-affirmed as the retirement savings plan for eligible employees who shall be in regular full-time status, pursuant to the Wayne Personnel Manual for the Employees’ contribution.
2. ICMA-RC Individual Retirement Accounts (“IRAs”) is hereby adopted as an additional retirement savings plan for eligible employees who shall be in regular full-time status, pursuant to the Wayne Personnel Manual for the Employer’s contribution.
3. The ICMA-RC Deferred Compensation Plan, Money Purchase Plan and Individual Retirement Accounts (“IRAs”) shall hereafter be the retirement plans for eligible general service employees, excluding police officers.
4. Eligible employees may commence use of the ICMA-RC plan upon employment in amounts not to exceed the plan limits.

5. Eligible employees upon completion of twelve (12) consecutive months of employment, shall commence contributions to ICMA-RC of at least one (1) percent of base pay, not to exceed plan limits.
6. The City shall contribute to ICMA-RC for the benefit of eligible general service employees who have completed twelve consecutive months of employment an amount equal to six (6) percent of the employee's monthly compensation, prorated if necessary to accommodate bi-weekly payroll.
7. Participating employees may change contribution levels from time to time as may be provided in the ICMA-RC plan.
8. The annual account maintenance fee of the ICMA-RC plan shall be deducted from the individual account of participating employees.
9. The effective date of items 1-8 above shall be November 16, 2012.

BE IT FURTHER RESOLVED, that the City Administrator may, on behalf of the City of Wayne, execute all deferred compensation, money purchase plan agreements, and Individual Retirement Accounts with said employees and other eligible officials and officers which are necessary for said persons to participate in the ICMA-RC plan.

PASSED AND APPROVED this 6th day of November, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

October 31, 2012

City of Wayne
Attn: Betty McGuire
306 Pearl Street
Wayne, NE 68787

Re: ICMA Retirement Corporation
Vantagepoint Payroll Deduct IRA Program

Dear Ms. McGuire:

This letter agreement will serve to amend the existing Agreement between the **City of Wayne** and ICMA-RC to provide for payroll deduction Individual Retirement Accounts ("IRAs") for Employer's employees ("IRA accountholders".)

The existing Agreement between Employer and ICMA-RC is hereby amended as follows:

1. Employer desires to allow IRAs for its employees to be administered by ICMA-RC. Employer agrees to send checks or wire the assets to ICMA-RC for IRA accountholders. The details of the submission of IRA contributions shall be as mutually agreed between Employer and ICMA-RC, but in general shall be as set forth in the IRA program materials developed by ICMA-RC and provided to Employer.
2. Absent an explicit provision to the contrary, account fees and expenses payable by IRA Accountholders shall be as set forth in the IRA program materials.
3. Each IRA Accountholder will receive a consolidated quarterly statement providing information for any deferred compensation plan, qualified plan or IRA maintained by each IRA Accountholder and administered by ICMA-RC.
4. ICMA-RC will provide tax withholding and reporting for each IRA account administered by ICMA-RC.
5. Unless ICMA-RC and Employer agree otherwise, the details of ICMA-RC's administration of the IRA program, as well as other features of the IRA program, shall be as set forth in ICMA-RC's IRA program materials. The IRA program materials are hereby incorporated by reference and made a part of this Agreement, except that Employer and ICMA-RC may from time to time mutually agree in writing to terms that vary from the IRA program materials.

RESOLUTION 2012-89

A RESOLUTION AMENDING THE ENERGY INCENTIVE PROGRAM OF THE CITY OF WAYNE TO ESTABLISH AND FUND THE ENERGY SAVER PROGRAM AND PROVIDE FOR COST-SHARING USING A SET ASIDE OF CITY OF WAYNE ENERGY SAVING INCENTIVE FUNDS.

WHEREAS, at their meeting on December 21, 2010, the City of Wayne amended the “City of Wayne Energy Incentive Program”; and

WHEREAS, it is the desire of the City Council to amend said “City of Wayne Energy Incentive Program.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Wayne, Nebraska, hereby amend the “City of Wayne Energy Incentive Program” as follows:

1. In addition to the existing City of Wayne heat incentive program for heat pumps the Energy Saver Program will allocate on a first come, first serve basis the set aside of City of Wayne energy incentive funds to City residential, commercial, and industrial utility customers at a 30% cost-share rate, with a maximum of \$500 per heat pump with a 15 SEER rating or equal to the latest U.S. Department of Energy SEER requirement for federal tax incentives and in the absence of a heat pump installation, a maximum of \$500 per property per year for the installation of the following energy saving practices: ~~permanently installed radiant electric heat~~, attic insulation, non-power and powered attic ventilation, exterior wall insulation, thermal windows, **and Energy Star Qualified exterior doors.**
2. In addition, the Energy Saver Program will designate \$45,000 per year for two years of already budgeted incentive program funds to a trial incentive for the Five Star Energy Program as follows:
 - \$3,000 one time incentive to a first time home buyer of a new construction single family residence within the City of Wayne qualifying for the Five Star Energy Plan
 - Applicants would be approved on a first come, first serve basis.
 - Third Party Certification that Five Star Requirements have been met in the completed home before receipt of the incentive by the home buyer
3. The City will receive applications for cost-share from utility customers and must approve funding before any equipment is purchased or any work begins.
4. The City will reimburse qualified applicants for the approved activities after the installation is inspected and approved by the City and a copy of the invoice for the approved work has been submitted.
5. The City will advertise and administer the Energy Incentive Program and Energy Saver Cost-Share Program.
6. The City will reimburse qualified applicants the sum of \$100 for undertaking an energy audit of their home or business by a certified energy auditor.
7. The City will provide an incentive of \$10.19 per installed kw to all commercial customers that design their facilities towards electric usage.

BE IT FURTHER RESOLVED, that the "City of Wayne Energy Incentive Program" which includes the "City of Wayne Energy Saver Program" shall approve and fund energy reduction projects for City owned property that will improve the energy efficiency of all City owned buildings, property, operations and services. Only those energy reduction projects will be approved that meet the criteria of the following payback formula:

The \$\$\$ cost of the energy reduction project _____ = 10 years or less.

The \$\$\$ annual expected energy savings _____

(based on projected utility rate 60 months into the future)

Once approved by the Council, the cash flow to pay for each energy saving project will be extended from the Electric Utility Fund. The cost of all energy saving projects must be paid back to the Fund from the savings in the following ten-year period.

PASSED AND APPROVED this 6th Day of November, 2012

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

CDA RESOLUTION NO. 2012-7

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" [Progressive Property Inspections, LLC Project] which constitutes a Redevelopment Plan (the "Plan") for the redevelopment of the following described real estate:

The East 48 feet of the West 100 feet of Lots 4, 5, and 6, Block 24, Original Town, now 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 Progressive Property Inspections, LLC, (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 \$38,000.00, 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" (Progressive Property Inspections, LLC 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, 2027, 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, 2014. 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
(Progressive Property Inspections, LLC Project)
SERIES 2012 A

<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Final Maturity Date</u>
\$38,000.00	6.0%	December 31, 2027

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, 2014. 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 Thirty Eight Thousand Dollars and no cents (\$38,000.00) 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 ____th day of November, 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, 2013, 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 "Progressive Property Inspections, LLC, 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 6th day of November, 2012.

THE COMMUNITY DEVELOPMENT
AGENCY OF THE CITY OF WAYNE,
NEBRASKA

By _____
Jon Haase, Chair

(SEAL)

ATTEST:

Betty A. McGuire, Secretary

Said motion was seconded by Member _____ and upon roll call vote on the question of adoption of said resolution, the following voted AYE: _____ . The following voted NAY: _____ . More than a majority of the governing body having voted in favor of the passage of the resolution, the same was declared adopted by the Agency's Chairperson.

I, the undersigned Secretary for the Community Development Agency of the City Wayne, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and City Council, acting as the governing body of said Agency on November 6, 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