

**AGENDA**  
**CITY COUNCIL MEETING**  
**WAYNE FIRE HALL**  
**June 16, 2020**

1. [Call the Meeting to Order – 5:30 p.m.](#)

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the southwest wall of the Fire Hall as well as on the City of Wayne website at [cityofwayne.org/8/Government](http://cityofwayne.org/8/Government).

**Citizens have the right under the Open Meetings Act to attend all meetings of public bodies. Pursuant to the Governor’s Executive Order No. 20-03, this meeting will be held by video/telephone conference. Members of the public may attend this meeting electronically.**

**Please join this meeting from your computer, tablet or smartphone by going to the City of Wayne website at [cityofwayne.org](http://cityofwayne.org).**

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.

2. [Approval of Minutes – June 2, 2020](#)

3. [Approval of Claims](#)

4. [Presentation of Dividend Check from Employers Mutual Company — Northeast Nebraska Insurance Agency \(\\$58,537.55\)](#)

5. [Update on COVID-19 Pandemic](#)

6. [Assessment of COVID-19 Impact and Report on area businesses — Luke Virgil, Wayne Area Economic Development Director](#)

7. [Discussion regarding pool opening, rules, and fees](#)

8. [Resolution 2020-31: Amending Schedule of Fees](#)

**Background:** The fees pertaining to the Pool and Community Activity Center are in the packet. Staff, for discussion purposes, reduced the pool fees by one-half (rounded), with the exception of the age 13 and over daily fee, which was reduced to \$3 to alleviate having the give change back.

9. [Public Hearing: Redevelopment Plan for Sebade Housing, LLC - 2020 Project \(Chad Sebade\) \(Advertised Time: 5:30 p.m.\)](#)

**Background:** Chad Sebade, d/b/a Sebade Housing, LLC, is requesting tax increment financing for a project (Sebade Housing, LLC, Project 2020) located on Lots 1 and 2, Block 7, John Lake’s Addition. Chad plans on demolishing the two single-family homes and constructing an eight-unit apartment building. The redevelopment of the project is not economically feasible without assistance from tax increment financing. The Community

Redevelopment Authority will issue a tax increment revenue bond in the total amount of \$100,000 to assist in the financing. The estimated 2019 assessed value is \$63,815. The estimated value after completion of this project is \$693,815.

10. [Resolution 2020-32: Approving a Redevelopment Plan as Contained in a Redevelopment Contract \(Sebade Housing, LLC – 2020 Project - Chad Sebade](#)

**Recommendation:** The Redevelopment Plan has gone before the Community Redevelopment Authority and then Planning Commission for review and approval. The recommendation of the Planning Commission is to approve the Plan. The next step will be to go back before the Community Redevelopment Authority for approval of the Redevelopment Contract and issuance of the bond.

11. [Resolution 2020-33: Approving Carlson West Povondra Architects as professional architect/engineer for the Civic and Community Center Financing Fund Planning Grant \(CCCFFPG\) to assist the City in the planning of a Civic Center Project](#)

**Background:** Four proposals were received for engineering services for the CCCFFPG. A committee reviewed and scored the “Request for Proposals” and is recommending that the firm of Carlson West Povondra Architects be approved as the special engineer for this planning grant project. Their total fees will be \$18,000, of which \$9,000 will be the responsibility of the City and \$9,000 will be through the award of the CCCFF grant.

12. [Ordinance 2020-1: Amending Wayne Municipal Code Title VII Traffic Code, Chapter 78 Parking, Section 78-126 Prohibited Parking; Northeast Quadrant of the City – Summerfield Drive and Industrial Drive \(Third and Final Reading\)](#)

13. [Ordinance 2020-10: Authorizing the issuance of Electric Revenue Refunding Bonds, Series 2020, of the City of Wayne, Nebraska, in the aggregate principal amount of not to exceed \\$2,150,000 for the purpose of refinancing the costs of enlarging, expanding and improving the City’s Electric Plant and Distribution System; directing the application of the proceeds of said bonds; paying and redeeming all or a portion of the City’s Electric Revenue Bond Anticipation Notes, Series 2017, and the Electric Revenue Bonds, Series 2020, which are currently outstanding](#)

**Background:** Andy Forney, Vice President Public Finance Banker with DA Davidson & Co., the City’s bonding agent, will be present to review the above Ordinance. This will allow us to issue long-term debt for a portion of the Electric Revenue Bond Anticipation Notes, Series 2017, and also refinance the current Electric Revenue Bonds, Series 2012, for a lower rate. This will also roll both bonds into one.

14. [Action on Contractor’s Application for Payment No. 2 in the amount of \\$1,006,710.72 to Rutjens Construction, Inc. for the “2019 Water Transmission Main Project” – Roger Protzman, JEO Consulting Group, Inc.](#)

**Background:** This is for work completed and approved by the Project Engineer.

15. [Action on Contractor's Application for Payment No. 4 in the amount of \\$365,602.75 to Robert Woehler & Sons Construction, Inc., for the "2019 Nebraska Street Improvements Project – CDBG No. 16-CD-208 – Jon Mooberry, JEO Consulting Group, Inc.](#)

**Background:** This is for work completed and approved by the Project Engineer.

16. [Action on Application and Certificate of Payment No. 2 in the amount of \\$564,102.45 to M&B Quality Concrete for the "Restoration of Walking Trail Project" – David Wiggins, Leo A Daly](#)

**Background:** This is for work completed and approved by the Project Engineer.

17. [Action to terminate Agreement with Settje Agri Services and Engineering, Inc.](#)

**Background:** In February 2019, the City entered into an exclusive agreement with Settje Agri Services (SASE) to market and remove sludge from the lagoon. There were no guarantees that any sludge would be removed, but there was a clause that stated if SASE did not remove 20,000 tons by June 1, 2020, the City could terminate the agreement. To date, no sludge has been removed by SASE. Terminating the agreement still allows SASE to assist with the removal if they so choose, but the City could now try to find other parties to help with the cleanup.

18. [Adjourn](#)

**MINUTES  
CITY COUNCIL MEETING  
June 2, 2020**

The Wayne City Council met in regular session (at the Wayne Fire Hall) by way of telephone/video conference due to circumstances associated with the COVID 19 Pandemic on June 2, 2020, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order with the following in attendance: Councilmembers Dwaine Spicker, Terri Buck, Jon Haase, Jennifer Sievers, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 21, 2020, 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.

Mayor Giese advised the public that a copy of the Open Meetings Act was located on the southwest wall of the Fire Hall, as well as on the City of Wayne website at [cityofwayne.org/8/Government](http://cityofwayne.org/8/Government), and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Haase made a motion, which was seconded by Councilmember Spicker, to approve the minutes of the meeting of May 19, 2020, and to waive the reading thereof. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ACES, SE, 928.29; AMERICAN UNDERGROUND SUPPLY, SU, 527.92; AMERICAN UNDERGROUND SUPPLY, SU, 275.62; AMERITAS, SE, 154.17; AMERITAS, SE, 2326.54; AMERITAS, SE, 72.00; AMERITAS, SE, 89.61; APPEARA, SU,

92.65; APPEARA, SE, 51.33; BLUE CROSS BLUE SHIELD, SE, 52148.99; CARHART LUMBER COMPANY, SU, 459.92; CDW GOVERNMENT, SU, 36.68; CENTURYLINK, SE, 421.61; CERTIFIED TESTING SERVICES, SE, 2550.00; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 24.77; CITY EMPLOYEE, RE, 600.60; CITY EMPLOYEE, RE, 418.99; CITY OF WAYNE, PY, 96455.89; CITY OF WAYNE, RE, 4034.47; COTTONWOOD WIND PROJECT, SE, 18004.77; DAS STATE ACCTG-CENTRAL FINANCE, SE, 448.00; DEARBORN LIFE INSURANCE CO, SE, 114.02; DESCHARME, JANAE, RE, 36.00; FIRST CONCORD GROUP, SE, 2797.80; FLOOR MAINTENANCE, SU, 103.89; FLOORING SOLUTIONS, SE, 2489.92; FREDRICKSON OIL, SU, 206.00; GALE/CENGAGE LEARNING, SU, 172.83; GERHOLD CONCRETE, SU, 1586.68; GERHOLD CONCRETE, SU, 2637.20; GROSSENBURG IMPLEMENT, SU, 39.90; HEARTLAND FIRE PROTECTION, SU, 56.00; HILAND DAIRY, SE, 95.63; ICMA, SE, 8156.75; IRS, TX, 9945.26; IRS, TX, 3,660.42; IRS, TX, 15651.36; JEO CONSULTING GROUP, SE, 16868.37; JEO CONSULTING GROUP, SE, 26025.15; KAUP SEED & FERTILIZER, SU, 760.00; MACQUEEN EQUIPMENT, SU, 845.73; MARCO, SE, 175.92; MILLER LAW, SE, 5416.67; MILO MEYER CONSTRUCTION, SE, 975.00; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 229703.20; NE DEPT OF ENVIRONMENTAL QUALITY, RE, 25593.65; NE DEPT OF REVENUE, TX, 4117.66; NIEMANN, ANDREA, RE, 50.00; NNEDD, SE, 720.00; NORTHEAST POWER, SE, 19171.64; OVERDRIVE, SU, 942.20; PROGRESSIVE PROPERTIES, RE, 250.00; RAMIREZ, TRINA, RE, 75.00; RUDLOFF, JOSH, RE, 200.00; SALTZMAN, MATT, SU, 50.00; SIMS, NATE, RE, 25.00; SIOUX CONTRACTORS, SE, 13029.00; STAPLES, SU, 176.37; THOMPSON ELECTRIC, SU, 3273.66; TYLER TECHNOLOGIES, SE, 200.00; US FOODSERVICE, SU, 1674.87; VAN DIEST SUPPLY, SU, 420.00; VIAERO, SE, 64.58; WAED, SE, 8222.92; WIGMAN COMPANY, SU, 382.76; ACE HARDWARE & HOME, SU, 197.15; AMERICAN BROADBAND, SE, 2522.55; AMERICAN UNDERGROUND SUPPLY, SU, 75.46; ARCADIAN MARKSMANSHIP CLUB, FE, 105.50; BLACK HILLS ENERGY, SE, 202.66; BLACKSTONE PUBLISHING, SU, 305.45; BOK FINANCIAL, RE, 238220.21; BROWN PLUMBING, SU, 688.90; CITY EMPLOYEE, RE, 115.60; CITY EMPLOYEE, RE, 11.00; CITY OF WAYNE, RE, 3060.33; CORE & MAIN, SU, 330.00; EAKES OFFICE PLUS, SE, 316.73; EASYPERMIT POSTAGE, SU, 869.92; ELLIS HOME SERVICES, SE, 135.58; FLOOR MAINTENANCE, SU, 411.68; GERHOLD CONCRETE, SU, 1458.00; GILL HAULING, SE, 261.25; GROSSENBURG IMPLEMENT, SU, 117.31; HELENA AGRI-ENTERPRISES, SU, 180.00; HILAND DAIRY, S4, 143.14; HOA SOLUTIONS, SE, 6066.79; LOEWENSTEIN, DAVID, SE, 5916.00; MERCHANT JOB TRAINING, SU, 550.00; MONAHAN, PHILLIP, RE, 50.00; QHA CLEANING, SE, 1375.00; QUALITY FOOD CENTER, SU, 21.90; SIOUX CITY JOURNAL, SU, 243.00; STADIUM SPORTING GOODS, SE, 115.00; STAPLES, SU, 185.22; STATE NEBRASKA BANK & TRUST, RE, 87808.75; STATE NEBRASKA BANK & TRUST, RE, 163415.00; THRASHER, RE, 500.00; TYLER TECHNOLOGIES, SE, 138.00; WAPA, SE, 15721.26; WIGMAN COMPANY, SU, 499.23; WRIEDT, RONALD, RE, 50.00;

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to approve the claims. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke gave an update on the COVID-19 Pandemic. City Hall is open, as well as the bathrooms in city parks. Regular services are back. We are looking at opening up

public facilities (fire hall, city auditorium, north meeting room). An update on the Community Activity Center track project was also given.

Upgrades to the Community Activity Center were discussed. Because of the Planning Grant the City received, the concern was whether to do some of those things now or wait until after the planning process has taken place and possibly receiving another grant to help with the cost of those upgrades. Mayor Giese thought the countertops needed to be replaced now. Councilmember Brodersen suggested waiting on replacing the tile until after the planning process takes place, but thought the sinks/countertops needed to be replaced at this time.

Opening the pool was also discussed. The target date or the earliest date for opening the pool is June 27<sup>th</sup>. The guidelines state that 25 people, not including staff, or 25% capacity whichever is greater, can be in the pool. For Wayne, the capacity is 300, which means that 75 people could be allowed to be in the pool. Staff will prepare a proposal for reservations, memberships, and admittance for non-Wayne County residents, etc., for discussion at the next meeting.

The Auditorium can now be rented for wedding receptions, but will have to adhere to the health directives. The Library is using the State Library Association's recommendations. The Senior Center will be the last to reopen. More updates will be forthcoming at the next meeting.

Mayor Giese declared the time was at hand for the public hearing regarding a reuse plan for the City of Wayne Economic Development Revolving Loan Fund Guidelines.

Administrator Blecke stated that the City of Wayne has had a Community Development Block Grant (CDBG) Economic Development Revolving Loan Fund (RLF) for many years. The final loan was approved in March 2020, using the last of the funds in the account.

The Nebraska Department of Economic Development, following directions from Housing and Urban Development (HUD), have requested that local RLF's be discontinued and to sub-grant the funds to designated non-profit development organizations (NDO) to de-

federalize CDBG funds in the local communities. This is being done as an amendment to the current RLF guidelines to discontinue the RLF.

Jeff Christensen, Business Loan Specialist with the Northeast Nebraska Economic Development District, was present to answer questions.

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

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

Councilmember Spieker introduced Resolution 2020-28, and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2020-28

A RESOLUTION OF THE CITY COUNCIL OF WAYNE, NEBRASKA, APPROVING "AMENDMENT TO THE WAYNE COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND GUIDELINES."

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

Joel Hansen, Street and Planning Director, stated that Scot Saul would like to construct a new garage. His situation is similar to that of Chad Hoepfner who came before Council at the last meeting. Like Chad, Scot has the following options:

- 1) Reduce the width of his garage;
- 2) Request to amend the zoning text for all R Districts to reduce the side yard setback for detached accessory structures in the rear yard to 1 foot instead of 3 feet; or
- 3) Request the City to vacate the alley while maintaining a permanent easement for the storm sewer and other utilities. This will give Scot an additional 8 feet and thus, he will have adequate footage between the house and the alley.

Staff's recommendation to Scot was that he pursue Option 3, as it has the least impact on anyone else within the neighborhood or the City.

Mr. Hansen advised Council that an issue has arisen in this matter. Both property owners who share this alley have a sole driveway back to their garages. Scot would like to rebuild his garage, and he would like to position it closer to the alley than what the 3' setback is. He has advised Scot and visited briefly with the neighbor's son-in-law that they probably need to

dedicate a permanent easement on each half of the alley that they get because if one neighbor decides to put a fence down that alley, neither one may be able to use that alley to get back to their garages. This is more of a neighbor-to-neighbor issue and not a city issue, but he has advised them both that they may want to have that in place before the City actually vacates the alley, so that one party does not get left behind in this process. Mr. Hansen state another family member has asked that the City not take final approval tonight. They are the trustee of the property and would have to sign off on the easement. They just found out about this matter this evening, which was the reason for the request not to give final approval or waive the three readings of the ordinance.

Scot Saul and Cliff Sherlock were present.

Councilmember Brodersen introduced Ordinance 2020-9, and moved for its approval; Councilmember Buck seconded.

#### ORDINANCE NO. 2020-9

AN ORDINANCE APPROVING THE VACATION OF AN ALLEY LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS THE NORTH-SOUTH ALLEY LYING BETWEEN LOTS 3 AND 4, TAYLOR & WACHOB'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Administrator Blecke stated that Todd Luedeke would like to put in a 6" tie from the new water main, including the bore under the road, to service his subdivision, Tuffern Blue. The engineer on the project has prepared a Change Order for your consideration with a cost of \$12,398.00 to add this 6" service line. Mr. Luedeke has been advised that he is responsible for the cost. He is willing to pay one-half of the amount now to the City and the remaining one-half when the project is completed. This connection/extension was not in the original planning of the project. However, as the contractors are going past his property, a decision had to be made by him on connecting at this time.

Roger Protzman, representing JEO Consulting Group, Inc., was also present to answer questions.

Councilmember Eischeid made a motion, which was seconded by Councilmember Karsky, approving Change Order No. 2 in the amount of \$12,398.00 to Rutjens Construction, Inc., for the “2019 Water Transmission Main Project” – which is for the water line extension to Todd Luedeke’s property. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Blecke stated there have been multiple calls with the League of Nebraska Municipalities (along with their outside legal counsel) discussing how sports could resume safely in our communities and limiting our liability regarding the COVID-19 pandemic. City Attorney Miller has been on these calls and in discussions with the ball associations to protect the City and still allow ball to be played this summer. Staff recommendation is to approve this Resolution. Associations will sign an addendum to their current Memorandums of Understanding, as well as have all participants of their ball programs sign agreements acknowledging the inherent risks to the COVID-19 virus. One major change to the previously signed MOU’s is that staff is advising that the City waive the license fee for 2020 (this fee would again be collected annually for the remaining term of the MOU through 2022).

Attorney Miller has reviewed the information from the League. She noted a couple of reasons for not collecting a fee from the Associations this year is that they are not having any tournaments or concessions, and the League’s attorneys have advised that when you charge an association to use your facility, they are expecting some sort of protection and you still have some sort of a liability.

Administrator Blecke noted the three associations have signed the Addendums.

Councilmember Spicker introduced Resolution No. 2020-29 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2020-29

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, REGARDING THE RISK OF EXPOSURE TO COVID-19 THROUGH THE USE OF MUNICIPAL PROPERTY FOR SPORTS OR RECREATIONAL ACTIVITIES.

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

Councilmember Buck made a motion, which was seconded by Councilmember Spieker, to enter into executive session for the purpose of protecting the needless injury to the reputation of the City Administrator to discuss his employment agreement, and to allow Attorney Miller and City Clerk McGuire to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 6:41 p.m.

Mayor Giese again stated that the matter to be discussed in execution session relates to the City Administrator's employment agreement.

Councilmember Brodersen made a motion, which was seconded by Councilmember Spieker, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 7:15 p.m.

Councilmember Brodersen introduced Resolution No. 2020-30 and moved for its approval, with the following change therein: Salary increased to \$113,588.80; Councilmember Spieker seconded.

RESOLUTION NO. 2020-30

A RESOLUTION TO ADOPT CITY ADMINISTRATOR'S EMPLOYMENT AGREEMENT.

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

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:16 p.m.



Vendor	Payable Description	Payment Total
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 AMOUNT	72.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,590.28
AMERITAS LIFE INSURANCE	POLICE RETIREMENT 457 PERCENTAGE	89.61
AMERITAS LIFE INSURANCE	AMERITAS ROTH	154.17
APPEARA	LINEN & MAT SERVICE	112.94
BACKER, JEFF	BUILDING PERMIT DEPOSIT REFUND	500.00
BAKER & TAYLOR BOOKS	BOOKS	1,013.30
BERNARD CEVERA	HAYSTACKS WIND POWER PROPOSAL EVALUATION	1,400.00
BIO-ELECTRONICS	AED SERVICE AGREEMENT	195.00
BLACKSTONE PUBLISHING	AUDIO BOOKS	73.88
BOMGAARS	PRAMITOL/TOOLS/MULCH/PAINT/ADAPTERS	751.87
BRAUN, DAVID	BUILDING PERMIT DEPOSIT REFUND	500.00
BROWN SUPPLY CO	METER COUPLINGS	115.20
CARPENTER PAPER COMPANY	PAPER TOWELS	401.76
CERTIFIED TESTING SERVICES INC	WATER TRANSMISSION MAIN	1,350.50
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	21.21
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	535.58
CITY EMPLOYEE	VISION REIMBURSEMENT	90.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,641.58
CITY EMPLOYEE	BUILDING PERMIT DEPOSIT REFUND	500.00
CITY EMPLOYEE	SAFETY BOOTS	150.00
CITY OF WAYNE	PAYROLL	79,053.70
CITY OF WAYNE	UTILITY REFUNDS	2,352.26
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	36.00
DEARBORN LIFE INSURANCE COMPANY	LIFE/DISABILITY	2,539.85
FAITH REGIONAL PHYSICIAN SERV.	HEP B SHOT	151.00
FLOOR MAINTENANCE	BOWLS/CUPS/FILM/JANITORIAL SUPPLIES	576.30
GERHOLD CONCRETE CO INC.	CONCRETE	885.76
GROSSENBURG IMPLEMENT INC	PTO CLUTCH/WIRING HARNESS/CABLE	665.36
HHS REGULATION & LICENSURE	OP LICENSE-J MULLEN	115.00
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	168.34
HOMETOWN LEASING	COPIER LEASES	354.50
HORIZON CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	500.00
HORIZON CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	500.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	8,166.87
INGRAM LIBRARY SERVICES	BOOKS	778.61
INNOVATIVE PROTECTIVES	MOUND AND PLATE COVERS	1,180.00
IRS	FEDERAL WITHHOLDING	9,924.19
IRS	MEDICARE WITHHOLDING	3,120.78
IRS	FICA WITHHOLDING	13,344.16
ISLAND SPRINKLER SUPPLY CO	IRRIGATION SUPPLIES	497.72
JMB CONTRACTING LLC	STREET REPAIR	407.50

Vendor	Payable Description	Payment Total
KLEIN ELECTRIC	SENIOR CENTER ADDITION CONDUIT	716.72
LEAGUE OF NEBRASKA MUNICIPALITIES	FINANCE WEBINAR CONFERENCE	325.00
LOGAN CONTRACTORS SUPPLY, INC.	PORTABLE COMPRESSOR	21,625.00
LUTT OIL	GASOLINE	3,046.79
MAIN STREET GARAGE, LLC	AC RECHARGE/TIRE REPAIR	73.19
MATHESON-LINWELD	OXYGEN	35.06
MAXNET SECURITY	MCAFFEE PROTECTION	2,290.50
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	44.80
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	1,901.96
MERCHANT SERVICES	CREDIT CARD TRANSACTION FEES	1,624.91
MIDWEST LABORATORIES, INC	WASTE WATER ANALYSIS	202.00
NE DEPT OF REVENUE	STATE WITHHOLDING	4,222.59
NEBRASKA PUBLIC POWER DIST	ELECTRICITY	24,146.93
NOLTE CONSTRUCTION	BUILDING DEPOSIT REFUND	500.00
NORTHEAST POWER	ELECTRICITY	5,176.00
NORTHEAST TIRE SERVICE	TRACTOR TIRE REPAIR	201.40
ONE CALL CONCEPTS, INC	DIGGERS HOTLINE	118.33
PAC N SAVE	SENIOR CENTER NOON MEAL SUPPLIES	823.99
PITNEY BOWES INC	POSTAGE METER LEASE	253.85
PLUNKETT'S PEST CONTROL	PEST CONTROL	97.34
RUDLOFF, JOSH	AUDITORIUM REFUND	500.00
S & S WILLERS, INC.	FILL SAND	309.27
SEILER INSTRUMENT & MFG. CO. INC.	GPS RECEIVER/HARDWARE	7,558.16
STAPLES, INC	OFFICE SUPPLIES	173.05
STATE NEBRASKA BANK & TRUST	ACH FEE	45.44
THE GLASS EDGE, INC.	LIBRARY/SR CENTER WINDOW REPLACEMENT	1,233.00
THE RETROFIT COMPANIES, INC	CHRISTMAS LIGHTS RECYCLING	97.25
US BANK	POOL CHAIR/MANUALS/MASKS/MEMBERSHIPS/CONTAINERS	6,907.70
US FOODSERVICE, INC.	SENIOR CENTER NOON MEAL SUPPLIES	1,359.50
UTILITIES SECTION	LINEWORKER SAFETY TRAINING	3,930.00
VERIZON WIRELESS SERVICES LLC	CELL PHONES	438.86
WAYNE AREA ECONOMIC DEVELOPMENT	COVID BUSINESS SUPPORT ADS	770.00
WAYNE AUTO PARTS	FILTERS/BEARING/STARTER/BATTERY	867.47
WAYNE COUNTY CLERK	FILING FEES	80.00
WAYNE HERALD	ADS AND NOTICES	1,500.72
WAYNE HERALD	CAC ADS	373.25
WAYNE VETERINARY CLINIC	DOG/CAT IMPOUND	84.00
WISNER WEST	FD GASOLINE	56.03
WORLDPAY INTERGRATES PAYMENTS	CAC CREDIT CARD TRANSACTION FEES	146.61
	<b>Grand Total:</b>	<b>231,433.45</b>



City of Wayne, NE

# Council Approval Listing

Payment Date Range: 06/11/2020 - 06/16/2020

## ADDITIONS TO CLAIMS

Vendor	Payable	Payment Total
BIG RIVERS ELECTRIC CORPORATION	ELECTRICITY	81,127.52
CERTIFIED TESTING SERVICES INC	NEBRASKA STREET	1,478.25
CITY EMPLOYEE	HEALTH REIMBURSEMENT	313.69
CITY EMPLOYEE	CLOTHING/VISION REIMBURSEMENT	263.68
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	117.66
COTTONWOOD WIND PROJECT, LLC	WIND ENERGY	17,122.43
DAS STATE ACCTG-CENTRAL FINANCE	WSC INTERNET CHARGES	60.15
DISCOUNT PLAYGROUND SUPPLY, INC.	PLASTIC BORDER	2,594.00
ECHO GROUP INC JESCO	BALLAST	173.60
EXHAUST PROS TOTAL CAR CARE	TOWING CHARGE	65.00
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	37.58
FOURTH GENERATION FAMILY LIMITED	TIF PRINCIPAL & INTEREST	14,582.19
GALE/CENGAGE LEARNING	BOOKS	172.83
GERHOLD CONCRETE CO INC.	CONCRETE	2,706.16
GRAVER, BRETT	WATER SAFETY INSTRUCTOR REFUND	165.00
IOWA PUMP WORKS, INC.	LIFT STATION PUMP	16,319.77
LEONARD, MICHAEL	ENERGY INCENTIVE	500.00
MARCO TECHNOLOGIES LLC	COPIER LEASE	191.17
MID PLAINS GRAIN	TIF PRINCIPAL/INTEREST	6,769.91
MZRB LLC	TIF PRINCIPAL/INTEREST	3,427.18
NE AIR FILTER	FILTERS	317.40
NE DEPT OF ENVIRONMENTAL QUALITY	2019 AIR EMISSIONS	93.60
NORTHEAST NE ECONOMIC DEV DIST	16-CD-208 APRIL 2020 SERVICES	120.00
NOVA FITNESS EQUIPMENT	PREVENTATIVE MAINTENANCE LABOR	473.50
ONE OFFICE SOLUTION	DISINFECTING WIPES	58.85
PATEFIELD, EMILY	CAC OVERPAYMENT	2.23
PER MAR SECURITY SERVICES	MONITORING SERVICES	1,269.62
POLLARD PUMPING	BOYSCOUT PARK PORT A POTTY	250.00
QUADIENT LEASING USA, INC	FOLDER LEASE	2,691.00
SCHMALE, JESSICA	SWIMMING LESSON REFUND	105.00
ZIMCO SUPPLY	FERTILIZER	130.00
	<b>Grand Total:</b>	<b>153,698.97</b>

**RESOLUTION NO. 2020-31**

**A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.**

WHEREAS, the City Council, by and through the City Code and as a matter of general policy, establish certain rates, fees and charges for purposes of raising operating revenue and covering costs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the City of Wayne, Nebraska, that the attached schedule of rates, fees and charges are hereby amended and the same shall, if not already in effect, become effective upon the passage and approval of this Resolution.

PASSED AND APPROVED this 16<sup>th</sup> day of June, 2020.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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



## POOL AND COMMUNITY ACTIVITY CENTER

Punch Card (10 visits)	\$	36.00
Punch Card (5 visits)	\$	24.00
<b>CORPORATE RATES</b>		
Family		
6 - 25 Members	\$	300.00
26+	\$	285.00
Adult Couple		
6 - 25 Members	\$	235.00
26+	\$	230.00
Adult Single		
6 - 25 Members	\$	175.00
26+	\$	165.00
Daily Admissions - 18 and Older	\$	5.00
Under 18	\$	4.00
Family Day Pass	\$	10.65

**POOL AND COMMUNITY ACTIVITY CENTER**

**6 - Month Billing**

Family	\$	220.00
Adult Married Couple	\$	140.00
Adult Single	\$	110.00
Senior Married Couple	\$	75.00
Senior Single	\$	55.00
College	\$	17.44
College Married Couple	\$	27.69
High School	\$	65.00
Middle School	\$	55.00
Elementary	\$	50.00

**6 - Month Corporate Rates**

Family 6-25	\$	50.00
Family 26+	\$	47.50
Adult Married Couple 6-25	\$	39.17
Adult Married Couple 26+	\$	38.33
Adult Single 6-25	\$	29.17
Adult Single 26+	\$	27.50

**Locker Rentals (Annual)**

Large	\$	35.00
Medium	\$	25.00
Small	\$	15.00

**Community Room (per hour)**

Member	\$	20.00
Non-Member	\$	40.00

**Youth Center (per hour)**

Member	\$	20.00
Non-Member	\$	40.00

**Gym Court Space**

1/4 gym floor	\$25/Hr
1/2 gym floor	\$50/hr

**Gym Rental Rate (per day)**

Non-Profit	\$250.00
For Profit	\$ 350.00

**Full Gym/Facility Rental**

\$ 100.00 per hr/min 6 hrs

**Weight Watchers (monthly)**

\$117.36

**Personal Training**

Member/Non-Member Same Price

30 Minute Session	\$	15.00
45 Minute Session	\$	20.00

**POOL AND COMMUNITY ACTIVITY CENTER**

1 Hour Session	\$	25.00	
<b>Introduction to Yoga</b>			
Single Class			
	\$	5.00	Member
10 punch card	\$	6.00	Non-Member
	\$	35.00	Member
	\$	40.00	Non-Member
<b>Summer Club</b>			
Individual Days			
	\$	20.00	Member
10 - day punch card	\$	25.00	Non-Member
	\$	180.00	Member
	\$	230.00	Non-Member
<b>Kids After School Program</b>			
Individual Day			
	\$	5.00	Member
10 - day punch card	\$	7.00	Non-Member
	\$	45.00	Member
2:00 Dismissal	\$	65.00	Non-Member
	\$	9.00	Member
All Day (7 a.m. to 6 p.m. - only offered when no school)	\$	14.00	Non-Member
	\$	24.00	Member
	\$	34.00	Non-Member
<b>Merchandise</b>			
Replacement ID Cards			
Key FOB - New (one-time fee effective 5/1/17)			
One-Time Renewal Fee (for those that already have a key FOB and would renew membership and renew key FOB)	\$	10.00	
	\$	5.00	
<b>Leagues</b>			
<b>Co-Ed Dodgeball - per team</b>	\$	100.00	
<b>Co-Ed Volleyball - per team</b>	\$	100.00	
<b>Women's Volleyball - per team</b>	\$	100.00	
<b>Men's Slow Pitch - per team</b>			
Chicken Days Slow Pitch Tournament - per team	\$	350.00	
Chicken Days Slow Pitch Tournament - per team	\$	125.00	
<b>Field Usage</b>			
Hank Overin	\$300.00		per game
Sports Complex	\$150.00		per game

1. Based on conditions in the following areas, the following Directed Health Measures are hereby ordered for Cedar, Dixon, Wayne and Thurston counties, effective 12:00 AM, June 1, 2020 and continuing through 11:59 PM, June 30, 2020; unless renewed, extended, or terminated by subsequent order, all persons in all the aforementioned county(s) are ordered to comply:

1. Gatherings are hereby restricted;

A gathering is defined as any event or convening that brings together more than ten (10) patrons, customers or other invitees, excluding staff, in a single room or single space at the same time, including but not limited to, pre-schools, fairgrounds, fairs, festivals, auditoriums, stadiums, arenas, large event conference rooms, meeting halls, libraries, in-door or out-door arenas, tracks, zoos, aquariums, swimming pools, or any other confined indoor or outdoor space.

Gatherings are restricted to the greater of twenty-five (25) patrons, customers or other invitees (excluding staff) or twenty-five percent (25%) of the applicable rated occupancy ( but never to exceed 3,000 individuals).

Any one party at a gathering may not exceed six (6) individuals, and parties must maintain at least six (6) feet of separation.

Parades, carnivals, midways, dances (not to include dance recitals), street dances, and beer gardens are prohibited. Except that processions of occupied motor vehicles in which occupants do NOT leave their vehicle and attendees do NOT line the street or gather to watch ARE permitted.

Drive-in movie theatres may open at full capacity so long as parties remain in their vehicles while viewing the movie and lines for concessions and restrooms areas must have an environment where patrons and staff maintain social distancing (a distance of six feet away from other persons) whenever possible.

Plans for Reopening: Except in counties with a population of five-hundred-thousand (500,000) or more, venues with a rated capacity of five-hundred (500) or more individuals must submit a “plan for reopening” to the applicable Local Public Health Department BEFORE reopening, the plan must contain at a minimum the following: planned number of guests/attendees, how the venue will meet applicable social distancing guidelines, sanitation guidelines and any other applicable DHM requirement. All plans must be approved by the Local Public Health Department prior to reopening.

For counties with a population of five-hundred-thousand (500,000) or more individuals venues with a rated capacity of one-thousand (1,000) or more individuals must submit a “plan for reopening” to the applicable Local Public Health Department BEFORE reopening, the plan must contain at a

minimum: planned number of guests/attendees, how the venue will meet applicable social distancing guidelines, sanitation guidelines and any other applicable DHM requirement. All plans must be approved by the Local Public Health Department prior to reopening.

For the purpose of clarity, a gathering does not include normal operations at airports, bus and train stations, health care facilities and services (as defined in the Health Care Facility Licensure Act NEB. REV. STAT. §§ 71-401 to 71-475), other mental health and/or substance use treatment day programs which are not required to be licensed (such as Day Rehabilitation or Day Treatment), shopping malls and centers, or other spaces where ten or more persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present but it is typically unusual for them to be within six feet of one another. It also does not include events at which members of the media may need to be present, courts of law, public utilities, state, county, and city operations, election offices and polling places on election day, logistics/distribution centers, or family residences housing ten or more people. It also does not include religious services (see Religious service section below). However these settings are directed to use heightened, diligent and effective disinfection of exposed surfaces meeting the directions of the Nebraska Department of Health and Human Services, Centers for Disease Control and Prevention and the Environmental Protection Agency.

In addition to the aforementioned restriction on Gatherings, venues such as fitness centers/clubs, gymnasiums, gyms, school-gyms/weight rooms, health clubs, health spas, martial arts studios, and gymnastics gyms shall ensure that a minimum distance of six (6) feet be maintained between all patrons, and shall be limited to the greater of twenty-five (25) patrons or fifty percent (50%) of rated occupancy. Martial arts competitions and gymnastics competitions are still prohibited contact sports.

Beauty/nail salons, barber shops, massage therapy services, tattoo parlors/body art facilities shall require the use of masks, or other item sufficient to cover an individual's mouth and nose, for all staff, practitioners and patrons, except those patrons receiving services provided by estheticians may unmask only while receiving facial services directly. These locations/services shall further be limited to the greater of twenty-five (25) patrons (excluding staff) or fifty percent (50%) of rated occupancy and shall maintain a minimum distance of six (6) feet between all patrons.

Restaurants, bars, taverns, bowling alleys, private clubs, bottle clubs, and gentleman clubs, regardless of name or characterization, shall be restricted to no more than fifty percent (50%) of the rated occupancy maximum at a time. Party(s) must maintain a minimum of six (6) feet of separation, and

consist of no more than six (6) individuals. Food may NOT be consumed at bar seating. Six (6) feet of separation shall be maintained between Parties and any entertainer, performer or dancer. Games such as pool, darts, arcade games etc. are prohibited. Items should not be shared or distributed between different dining parties or tables. Carry-out, drive-through, and delivery are permitted. Self-service buffets and self-service food bars are prohibited. Lines for carry-out and drive-through in the above-referenced establishments must have an environment where patrons and staff maintain social distancing (a distance of six feet away from other persons) whenever possible.

Wedding and funeral receptions are exempt from the Gathering requirements but will be limited to the greater of twenty-five (25) attendees (excluding venue staff) or fifty percent (50%) of venue rated capacity. Parties must remain at least six (6) feet apart; a party may not exceed six (6) individuals. Self-service buffets and self-service food bars are prohibited. Venue staff must serve food directly to attendees. Dancing or other activities which require attendees to gather beyond their respective tables or seats is prohibited.

All businesses are hereby reminded to follow any COVID-19 related safety guidelines established or published by their respective professional, regulatory or advisory associations or agencies relating to or regarding the use of PPE.

2. Elective surgery and elective procedures;

The following Directed Health Measures are hereby ordered for all Acute Care Hospitals, Critical Care Hospitals and Children's Hospitals effective 12:00 AM, June 1, 2020 and continuing through 11:59 PM, June 30, 2020: Elective medical surgeries and procedures are allowed in the aforementioned facilities so long as those facilities maintain and dedicate fifteen percent (15%) of general bed capacity, fifteen percent (15%) of ICU bed capacity, and fifteen percent (15%) of ventilator capacity for non-elective surgery/procedure patients. In addition these facilities must maintain a two week supply of necessary PPE, to sustain Hospital operations at one-hundred percent (100%) capacity. For the purposes of this Order, an "elective medical surgery or procedure" means a surgery or procedure that is scheduled in advance because it does not involve a medical emergency.

3. Individuals who test positive for COVID-19 or who have the following symptoms—fever of 100.4 F. or above, or a sudden onset of a cough or sudden onset of shortness of breath—shall home-Isolate, unless Isolated in a health care facility, for a period of no less than ten (10) days from the date of the first-positive test or onset of symptoms per attached Quarantine and Isolation Directions. Individuals with the above-listed symptoms who have tested

## League opposes FCC action

On June 9, the Federal Communications Commission (FCC) will consider an order that would strip local governments of some control over existing wireless towers purportedly to accelerate the deployment of 5G facilities. A docket was introduced on May 19 and local governments were only given two weeks to comment.

If adopted, the order would:

- Expand the 60-day shot to some alterations of an existing structure if the alteration does not involve a substantial change to the existing structure. As part of this change,

the docket would also modify several definitions regarding measuring the distance between existing towers and “equipment cabinets” thereby accelerating the ability of a wireless provider to install potentially unsightly cabinets with limited local input.

- Weaken concealment oversight by local governments so that modifications may not be rejected on concealment grounds unless the modification would “cause a reasonable person to view the structure’s intended stealth design as no longer ef-

fective after the modification.”

Many local governments are arguing that the current wireless tower regulations have been in place for many years and seem to be working well. There is no need to alter the existing regulatory structure.

Even though the comment time frame was very short, many local governments and associations representing local governments, including the League of Nebraska Municipalities, opposed these modifications to existing wireless tower regulations.

## Examples of pool rules

Pursuant to the Governor’s announcements last week some municipalities are considering opening their swimming pools to the extent that can be done within their applicable Directed Health Measures (DHMs).

The City of Lincoln has decided to open five of the nine city owned pools on June 15.

Open swim sessions will be 90 minutes long and scheduled at noon, 2 p.m. and 4 p.m. The capacity of each pool will be determined by the city and will be determined in part by physical distancing requirements and the Lincoln’s COVID-19 Risk Dial. Signs will be posted when facilities are full. Pool capacity can change as circumstances change. The City of Lincoln Covid Tracker is a helpful tool and can be accessed at [Lincoln Covid Risk Tracker](#).

- **Persons planning to swim will have their temperatures checked.**
- **Staff will collect names and phone numbers in case contact tracing is needed.**
- **All swimmers will be required to shower in their swimsuits with soap before entering the pool deck.**
- **Swimmers also will be expected to wear face coverings while waiting to check in and to stay at least six feet away from others.**
- **High-touch surfaces around the pool and in the bathhouse will be disinfected between sessions.**

Programming offered at the pools will include weekly evening family swim sessions, evening water fitness classes, and possibly learn to swim

classes. Details of these programs will be released later in the season. Private pool rentals will not be offered.

Swim and dive clubs will be able to use Woods Pool for conditioning and practice, and the schedule will be posted each morning at the pool. Parks and Recreation are reviewing USA Swimming and Diving recommendations to incorporate with local and state guidelines for operational procedures. Large events like the regional swim meets will not be held.

The City of Lincoln spray parks also will not open.

Another example is from a private swimming pool in Lincoln that is only open to their membership. The pool recently posted their 2020 rules on Facebook.

*Continued on page 3*

## Examples of pool rules

*Continued from page 2*

- Two 90-minute swimming sessions per family unit each week, but not guaranteed. Online reservation system and reservations will be taken one week at a time.
  - Reservations not rescheduled if pool closes for rain or other circumstances.
  - Four 90-minute swimming sessions each day at 12 p.m., 2 p.m., 4 p.m. and 6 p.m.
  - Staff will use the half-hour between sessions for cleaning and disinfecting bathrooms and high-touch areas.
  - Reservations online and only those with reservations will be allowed entrance during any given swim session.
  - All members will have their temperature taken before entry.
  - Health screening questionnaire upon entry. Members may complete the health screening in the 30 minutes before the reserved swimming session.
  - Members two years and older will be required to wear a mask while waiting in line and on the pool deck or other seating areas when not swimming. Pool will not provide masks and will deny entrance to anyone arriving without a mask.
  - Any children under the age of 16 must be accompanied by an adult from the same family membership which may include a grandparent or nanny. Adults are responsible for monitoring the activity of the children in their family and ensuring family members follow all pool rules.
  - Deck seating will be confined to specific, pre-marked locations arranged to observe proper social distancing.
  - Some seating will be in fenced-in areas in the grass surrounding the pool.
  - No chairs will be provided for any seating areas. You will need to bring your own chairs.
  - Staff will assign your family to a seating area upon arrival. Traffic in and around the pool will be directed by signage and traffic flows must be followed by all members.
  - There will be no benches or picnic tables available.
  - The snack shack will not be open.
  - Bringing in food will be allowed but trash cans will not be available so you will need to carry out your trash. The water fountain will not be operational. Water in reusable containers will be permitted.
  - Delivery of food to the pool will not be allowed.
  - The slides and diving board will not be in operation.
  - Swim vests and pool noodles will not be available. You may bring your own pool toys and are responsible for keeping track of them.
  - The pool will not be open to guests.
- The private pool will not offer swim lesson pool rentals.

### **COVID-19: Local governments can now request reimbursement for COVID-19 related expenses; URGENT – please review ‘Initial Guidance’ from State of Nebraska**

On May 29 at 4:01 pm, NEMA distributed the “**Initial Guidance**” included with this *Bulletin* to local emergency managers, NACO and the League. Obviously, this is the “Initial Guidance” and more details are likely to come next week.

The “**Initial Guidance**” identifies a pathway for local governments to

be reimbursed from CARES Act funds for direct expenses incurred in response to the COVID-19 emergency; this pathway is separate from the normal FEMA Public Assistance program. However, requesting reimbursement from the state’s CARES Act funds will be less cumbersome and perhaps much quicker

than the FEMA process. In addition, the FEMA Public Assistance program would provide a 75 percent cost share and require a 25 percent cost share from the applicant. There is not yet confirmation on whether CARES Act funds can be used to cover the 25 percent cost share.

*Continued on page 4*

**RESOLUTION NO. 2020-32**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN; APPROVING A REDEVELOPMENT PROJECT; AND APPROVING OF RELATED ACTIONS.**

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

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

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

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

**WHEREAS**, the Community Redevelopment Authority of the City of Wayne, Nebraska (the “Authority”) has prepared a Redevelopment Plan (the “Redevelopment Plan”) for a redevelopment project proposed by Sebade Housing, LLC, a Nebraska limited liability company (the “Redeveloper”), in the form attached as Exhibit B, for the redevelopment of the Redevelopment Area; and

**WHEREAS**, the Planning Commission of the City (the “Planning Commission”) held a public hearing on the Redevelopment Plan in strict accordance with notice provisions of the Act, has reviewed the Redevelopment Plan and passed a Resolution recommending that the Mayor and Council of the City approve the Redevelopment Plan; and

**WHEREAS**, the Authority has conducted a cost benefit analysis, pursuant to Section 18-2113 of the Act, of the project which is set forth in the Redevelopment Plan (the “Redevelopment Project”), reviewed the Redevelopment Plan, and recommended approval of the Redevelopment Plan by the Mayor and Council of the City; and

**WHEREAS**, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan in strict accordance with Section 18-2115.01 of the Act, and has on June 16, 2020, conducted a public hearing on said Redevelopment Plan, and all members of the public who wished to be heard on said Redevelopment Plan have been heard; and

**WHEREAS**, the City has reviewed the Redevelopment Plan and finds and documents the following:

- (a) The Redevelopment Plan provides that funds authorized in Section 18-2147 of the Act will be utilized to finance a portion of the redevelopment project; that the Redeveloper has provided the Authority and City with a letter from the Redeveloper's lender showing that the Redevelopment Project is not financially feasible without such funds and would not occur in the Redevelopment area or elsewhere, as the Redevelopment Project would not generate positive cash flow without such funds.
- (b) The costs and benefits of the redevelopment 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 interest of the community impacted by the redevelopment project. Specifically, the Council has considered the Cost-Benefit Analysis in the Redevelopment Plan and the testimony at the public hearing.
- (c) The Council has determined that the proposed land uses and building requirements described in it are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency in economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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

1. The Redevelopment Plan is determined to be feasible and in conformity with the general plan for the development of the City as a whole, as it demolishes two extremely dilapidated vacant residences, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act. It is found and determined, based on the analysis conducted by the Authority, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing, (b) the Redevelopment Project would not occur without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Plan.

2. The Redevelopment Plan is approved in substantially the form attached as Exhibit B.
3. In accordance with Section 18-2147 of the Act, the City provides that any ad valorem tax on real property in the City of Wayne, Nebraska, more fully described on Exhibit A, attached hereto, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the Authority. Said tax shall be divided as follows:
  - (a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
  - (b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, shall be paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Redevelopment Project Area shall be paid into the funds of the respective public bodies.
4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.
5. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED this 16<sup>th</sup> day of June, 2020.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**EXHIBIT A**

**LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA**

Lot 1 and Lot 2, Block 7, John Lake's Addition to the City of Wayne,  
Wayne County, Nebraska.

**EXHIBIT B**

**FORM OF REDEVELOPMENT PLAN**

[Attach Plan]

**Redevelopment Plan  
Sebade Housing, LLC Project  
2020**

**Sebade Housing, LLC, (the “Redeveloper”) intends to redevelop and improve the area, described in this Plan, pursuant to the Nebraska Community Development Law (Sections 18-2101 to 18-2144 and 18-2147 to 18-2153, R.S.S. Neb. 2012, as amended, the “Act”) by the development of an apartment building. This Plan amends previous plans for the Project Area, if any.**

**A. General Project Description:**

THE DEMOLITION OF TWO SINGLE-FAMILY HOMES AND CONSTRUCTION OF AN EIGHT APARTMENT UNIT BUILDING.

THE PROJECT WILL CONSIST OF SITE ACQUISITION, DEMOLITION, AND INFRASTRUCTURE INSTALLATION FOR AN EIGHT UNIT APARTMENT BUILDING.

Exhibit “1” attached to this Plan shows the property to be redeveloped (the “Project Area”).

The redevelopment of the Project Area is not economically feasible without assistance from tax increment financing because of high demolition and infrastructure costs and lack of sufficient capital and ability to obtain a market rate return on investment. This project is intended to provide eight market rate apartments. The Redeveloper believes that the redevelopment of the Project Area will provide the City and its surrounding area with needed new housing.

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

As indicated above, Exhibit “1” describes the boundaries of the Project Area. Exhibit “2” shows condition and existing use of the property within the Project Area.

The Project Area will require installation of paving on public right of way for parking and a drive way.

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

Exhibit “3” shows the ultimate use for the Project Area as well as the proposed configuration for the apartments.

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

The Project Area currently has no residents. Under this Plan, all of the Project Area is intended at full development to provide eight apartments. Building densities will not exceed such densities as are permitted under Wayne Zoning and Subdivision Regulations.

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

The Project Area is zoned B3 Neighborhood Commercial. In order to start the project, the city code requires that a conditional use be granted. All construction will be subject to applicable building codes and ordinances.

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

Exhibit “3” shows the proposed site plan for the area.

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

Right-of-way paving for parking, sewer and water, and electrical line extensions throughout the Project Area will be provided by the Redeveloper in accordance with specifications and requirements of the City.

**H. Implementation of Plan**

The Redeveloper has acquired the real estate described on Exhibit “1.” The existing structures will be demolished and a two story, eight unit apartment building will be constructed. The Redeveloper will install the parking, drive, curb, gutter and extend sewer and water mains. In order to make the Project financially feasible, the Redevelopment Authority will be required to issue one tax increment development revenue bond (the “Bond”) to be repaid from the excess ad valorem taxes on the apartments. The Wayne Community Redevelopment Authority (the “Authority”) will pledge the maximum amount of annual increment of ad valorem taxes for the year 2021 and continuing for each year for 15 years, first to the payment of interest and principal on the Bond. The Bond will be granted to the Redeveloper to pay the following costs:

ROW paving & sidewalks	\$23,960
Sewer mains	\$ 2,500
Site purchase reimbursement	\$52,503
Demolition	\$29,500
Site preparation	\$ 4,500
Utility extensions	\$16,430
Exterior lighting	\$ 800
Legal	<u>\$ 7,750</u>
<b>Total Eligible Costs:</b>	<b>\$137,503</b>

**I. Plan of Finance**

The Authority will issue its Tax Increment Revenue Bond in the aggregate total amount of \$100,000.00 in order to assist in the financing of Redevelopment Project Costs shown above. The Redeveloper will agree to build the apartments, described herein, pursuant to a redevelopment contract in order to induce the Authority provide a grant in the amount of \$100,000.

**J. Description of Project Area**

The Project Area is described on attached Exhibit "1."

The construction is estimated to be completed by May of 2021. The incremental tax revenues will be dedicated to payment of the Tax Increment Development Revenue Bond. The tax increment revenues are to be allocated under the terms of Section 18-2147(1) (b) of the Act for those tax years for which the payments become delinquent within fifteen (15) years from the effective date as set forth in the project redevelopment contract. The real property ad valorem taxes on the current taxable valuation of the redevelopment area will continue to be paid to the applicable taxing bodies in accordance with the terms of Section 18-2147 of the Act.

**K. Statutory Pledge of Taxes**

Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the lots within the Project Area shall be divided, for the period not to exceed 15 years after the effective date of the provision as determined pursuant to the redevelopment contract. *Such effective date may be confirmed and restated in the Resolution authorizing the Tax Increment Development Revenue Bond.*

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

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

**L. Redevelopment Plan Complies with the Act**

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

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

The Project Area has been declared blighted and substandard by action of the Mayor and Council of the City prior to the adoption and approval of this Plan. Such declaration was made after a public hearing with full compliance with the public notice requirements of the Act.

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

The City of Wayne has adopted a Comprehensive Plan, (the “Comprehensive Plan”). This Plan and the project are consistent with the Comprehensive Plan, in that no changes in the Comprehensive Plan elements are intended or required. The Plan and Zoning Regulations specifically allow for the proposed redevelopment pursuant to a conditional use permit. The existing property is in horrible condition and needs to be demolished to eliminate blight and substandard conditions.

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

- a. Land Acquisition:** The Project Area has been acquired by the Redeveloper.
- b. Demolition and Removal of Structures:** The project to be implemented under this Plan requires removal of two existing structures that are in dilapidated condition. Elevations and street, water main and sewer plans will be provided to the City Planning Department for approval prior to commencement of construction.
- c. Future Land Use Plan:** See attached Exhibit “3” for the proposed development land use. [Section 18-2103(b) and Section 18-2111 of the Act] The attached Exhibit “3” also shows an accurate site plan of the area after redevelopment, showing the proposed uses projected for the Redevelopment Project. [Section 18-2111(3) and (5) of the Act].
- d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes.** No zoning change will be required for the Project. The entire Redevelopment Project Area will require the issuance of a conditional use permit. No changes are anticipated in building codes or ordinances. [Section 18-2103(b) and Section 18-2111 of the Act].
- e. Site Coverage and Intensity of Use.** The project, as fully developed, will provide eight apartments with a ground floor coverage of 5,376 square feet. [Section 18-2103(b) and Section 18-2111 of the Act].

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

**4. The Act requires that a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation.**

There are no residents or operating businesses currently located in the Project Area and no relocation requirements apply or are contemplated. [Section 18-2103.02 of the Act].

**5. Conflicts of interest by an Authority member must be disclosed.**

No member of the governing body of the Authority, nor any employee of the City or the Authority holds any interest in any property located in the Project Area. [Section 18-2106 of the Act].

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

**a. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.**

b. The Authority will enter into a project redevelopment contract with the Redeveloper having such undertakings as the Authority determines appropriate [Section 18-2119(2) of the Act]. Because all of the real property within the Project Area will be privately owned, the requirements of Section 18-2118 of the Act relating to transfers of property by the Authority do not apply. The Redeveloper intends to redevelop the Project Area with an investment of up to \$697,000 of funds from private and other public resources, including bank or other financing.

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

This plan contemplates that the Authority may issue its Tax Increment Revenue Bonds in an amount not to exceed \$100,000 to provide a grant from the Authority to the Redeveloper to bear interest at a rate to be determined by the Authority. The Tax Increment Revenue Bond shall be privately placed with the Redeveloper or its assignee to obtain the proceeds needed to make the grant. Application of the proceeds of the Tax Increment Revenue Bond will be supervised by or on behalf of the Authority. The Tax Increment Revenue Bond shall be repaid from the tax increment revenues generated from the Project Area from and after January 1, 2021, through December 31, 2037.

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

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

**7. Statutory considerations prior to recommending a redevelopment plan.**

Section 18-2113 of the Act requires that the governing body of an Authority observe certain considerations prior to recommending a Plan: In connection with the adoption of this Plan and prior to recommending it to the Mayor and City Council, the governing body of the Authority shall consider whether the proposed land uses and building requirements in the redevelopment project area (as to this Plan, the Project Area) are designed with the general purpose of accomplishing, in conformance with the general plan (the City's Comprehensive Plan), a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight. The Authority shall undertake to make such considerations and findings prior to its recommending of this Plan by a Resolution separate from this Plan.

**8. Cost Benefit Analysis**

Section 18-2113 of the Act further requires the Authority conduct a cost benefit analysis of the plan in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, *Neb. Rev. Stat.* (2019), the Authority has analyzed the costs and benefits of the proposed Redevelopment Project, including:

**Project Sources and Uses.** Approximately \$167,900 (\$100,000 principal and \$67,900 interest) in public funds from tax increment financing provided by the Authority will be required to complete the project. This investment by the Authority will leverage \$597,000 in private sector financing; a private investment of \$3.56 for every tax dollar investment.

**Tax Revenue.** The property to be redeveloped is anticipated to have a January 1, 2020, valuation of approximately \$63,815. Based on the 2019 levy, this would result in a real

property tax of approximately \$1,125.82. It is anticipated that the assessed value will increase by \$630,000 upon full completion as a result of the site redevelopment. This development will result in an estimated tax increase of over \$11,777 annually. The tax increment gained from this Redevelopment Project Area would not be available for use as city general tax revenues for the period of the bonds, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2019 assessed value	\$	63,815
Estimated value after completion	\$	693,815
Increment value	\$	630,000
Annual TIF generated (estimated)	\$	11,777
TIF bond issue	\$	100,000

***(a) Tax shifts resulting from the approval of the use of Tax Increment Financing:***

The redevelopment project area currently has an estimated valuation of \$63,815. The proposed redevelopment will create additional valuation of \$630,000. Tax shifts will equal an estimated \$167,900 comprised of \$100,000 in principal and \$67,900 in interest.

***(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:***

Existing water and wastewater facilities will not be negatively impacted by this development. The electric utility has sufficient capacity to support the development. Fire and police protection are available and should not be negatively impacted by this development.

***(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:***

This will provide additional housing options for the college students in Wayne. No employer or employee impacts in the area are contemplated.

***(d) Impacts on other employers and employees within the City or Village and the immediate area that are located outside of the boundaries of the area of the redevelopment project:***

This project will result in temporary construction jobs in the city.

***(e) Impacts on student populations of school districts within the City or Village:***

This development is intended to support college students and will not likely result in any increase in public school students.

*(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project:*

None are anticipated.

**Exhibit "1"**

Legal Description/Area Boundary

Lot 1 and Lot 2, Block 7, John Lake's Addition to the City of Wayne, Wayne County, Nebraska.

**Exhibit 2**

Map of existing use and condition

6

15' W

E. 8th Street

7.5' N.

64'

72' 8 Parking

Nebraska Street

5' 504 1/2





1121 1120  
1117 1114  
1113 1112  
1109 1108  
112 104 1102

1119 1200  
502 506 510 514 518 604  
Hillcrest Road

11511 107  
1027 1054  
1025 1022  
1021 1022  
1017 1012  
1015 1012  
1006  
1002  
Main Street

Wendy Drive  
E. 10th Street  
1001

939 117  
935 932  
928 928  
923 920  
919 922  
916 916  
909 912  
904 904  
904  
207 215  
209 930  
927 926  
925 926  
821 920  
915 914  
909 908  
908 908  
907 908  
303 305 309 315 317 321  
925 920  
918 918  
921 910  
911 908  
907 908  
302 308 312 902  
933 407 415 926  
927 926  
923 920  
921 920  
819 916  
915 912  
909 908  
901 416 420  
925 505 513 913 919  
921 916 929 914 913  
917 914 915 910  
913 910 911 904  
909 908 907  
901 510 901 900

821 115 109 820  
819 814  
801 114 108 800  
W. 8th Street

821 109 820  
816 816  
812 810  
815 814  
809 808  
801 210 212 802  
821 814 820  
815 812  
809 808  
803 308 312 320  
821 817 813  
809 802  
412

721 720  
713 714  
706 705  
705 705  
701  
E. 7th Street

721 111 720  
717 714  
711 720  
721 720  
715 716  
715 716  
713 714  
708 704  
302 310 316 328  
718 714  
708 704  
711 707  
707 707  
401 717 715  
711 707  
707 707  
821 816 810  
817 821 816  
810 811 810  
804 805 804  
728 729 800  
722 723 712  
718 715  
714 712  
508 510 512  
702 702 700

617 614  
607 602  
620  
E. 6th Street

613 620  
618 616  
608 608  
603 602  
609 215  
613 614  
609 608  
605 220  
604  
611 620  
611 604  
603 308 310 602  
407 411  
402 410  
501 511 515 521 527  
502 506 508 516  
514 520 530

521 113  
315 516  
509  
503 110 502  
E. 5th Street

513 520  
516 512  
508 508  
501 109 502  
511 508  
503 208 504  
502  
521 321  
319 321  
515 512  
509 508  
507 314 320  
503  
513 409 421  
517 514  
515  
511 414 416 420  
402 410  
521 509 515 519 521  
315 513  
509 512 516 528  
502

421 109 420  
419 416  
412  
409 408  
407 108 112 404  
104  
W. 4th Street

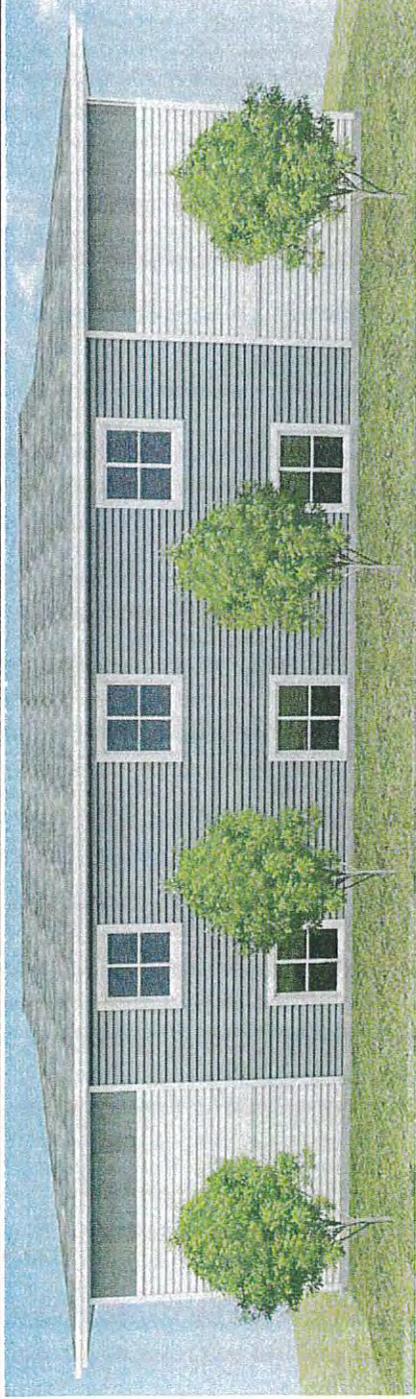
421 215 420  
417 414  
413 414  
409 408  
409 209 402  
421 420  
417 313 410  
417 412  
409 410  
405 408 412 420  
402  
515 515  
407 514 520 524  
502

321 115 109 318  
321 320

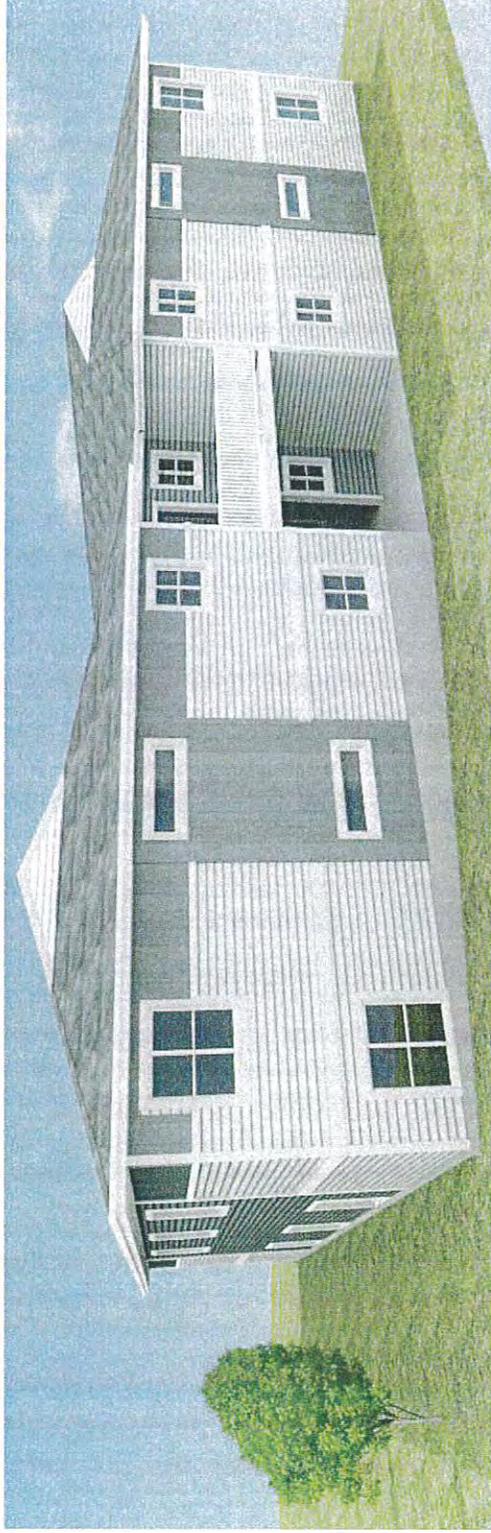
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321 309 315 321  
315 515 527

**Exhibit 3**

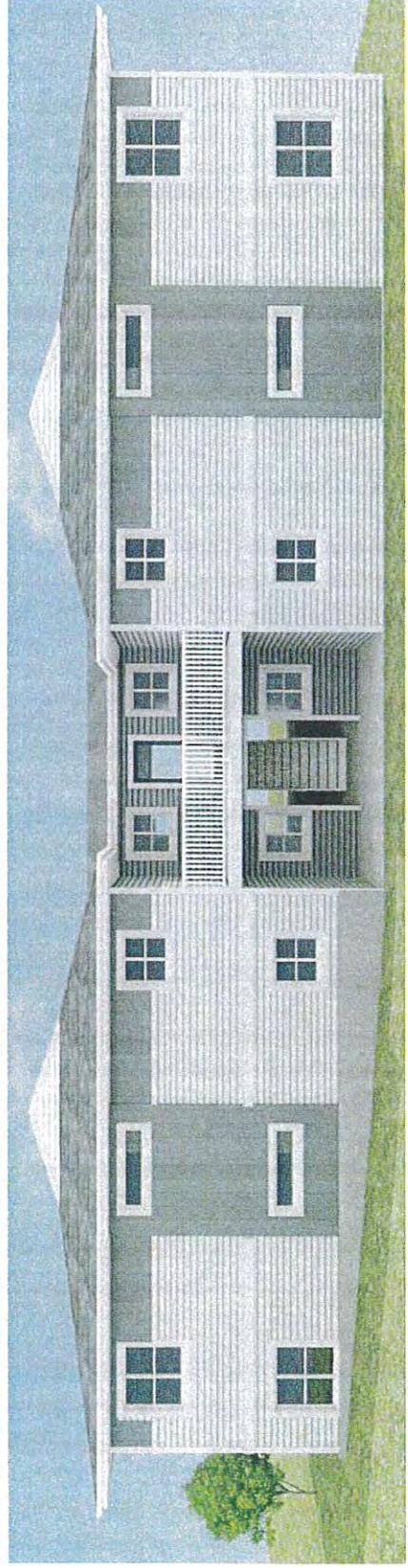
Map showing site plan after development and apartment layout



NORTH



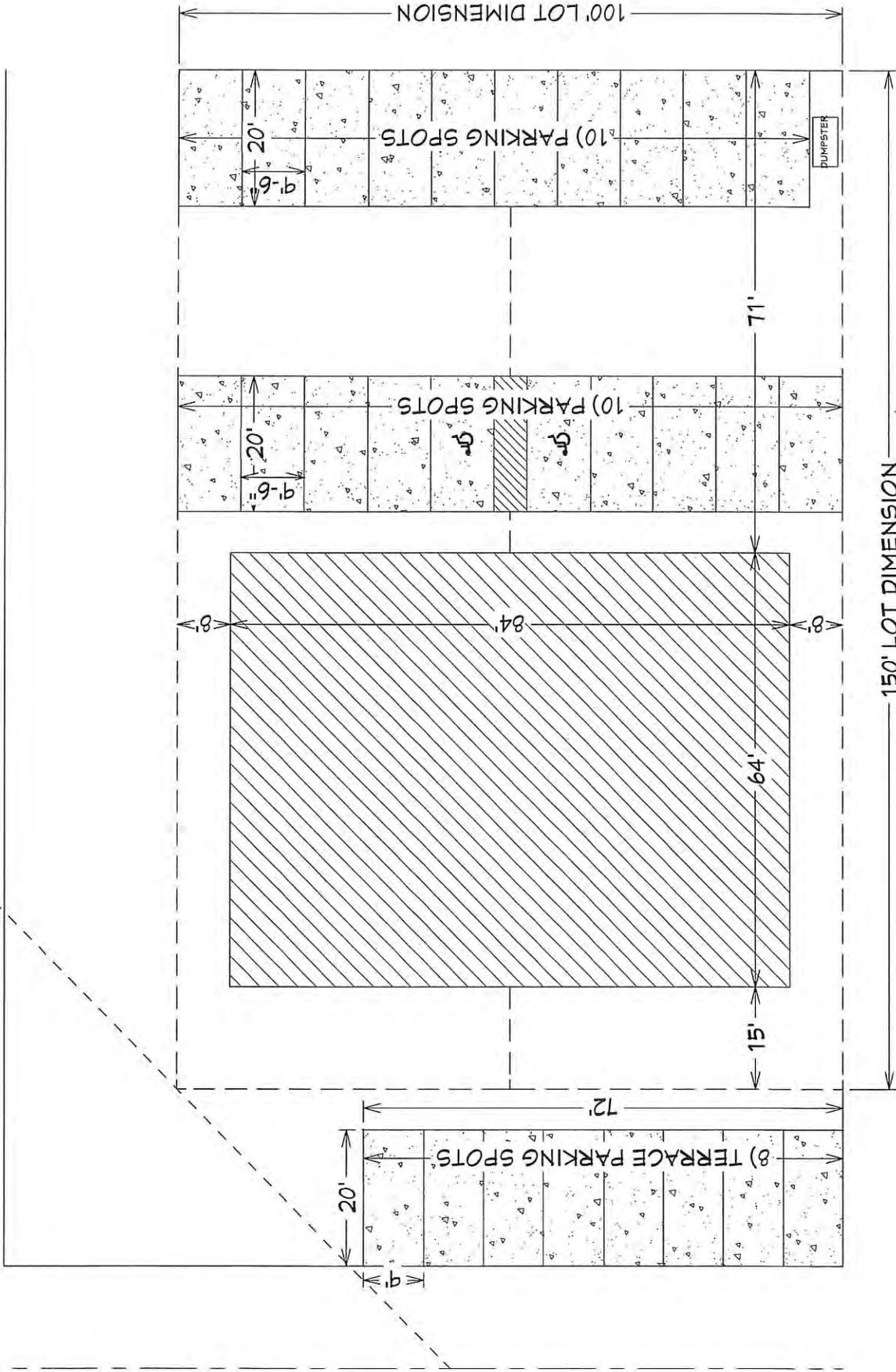
NORTHWEST



WEST

8TH STREET

NEBRASKA STREET



150' LOT DIMENSION

100' LOT DIMENSION

**SITE PLAN**

SCALE: NOT TO SCALE

DATE

3/26/2020

PAGE: 2

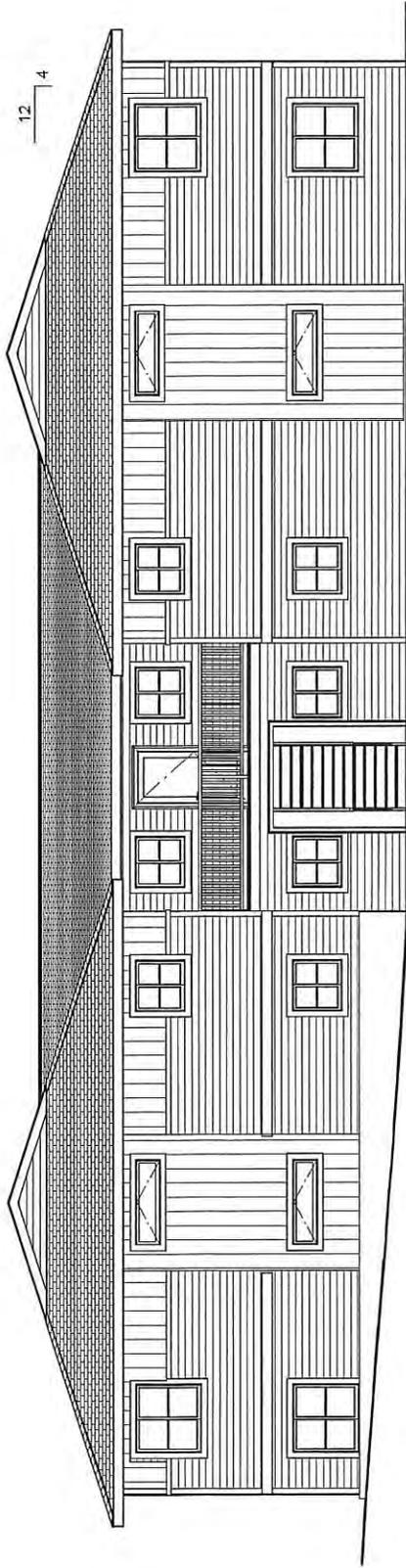
OF: 10

DESIGNED FOR: SEBADE CONSTRUCTION

LOCATION: WAYNE, NE

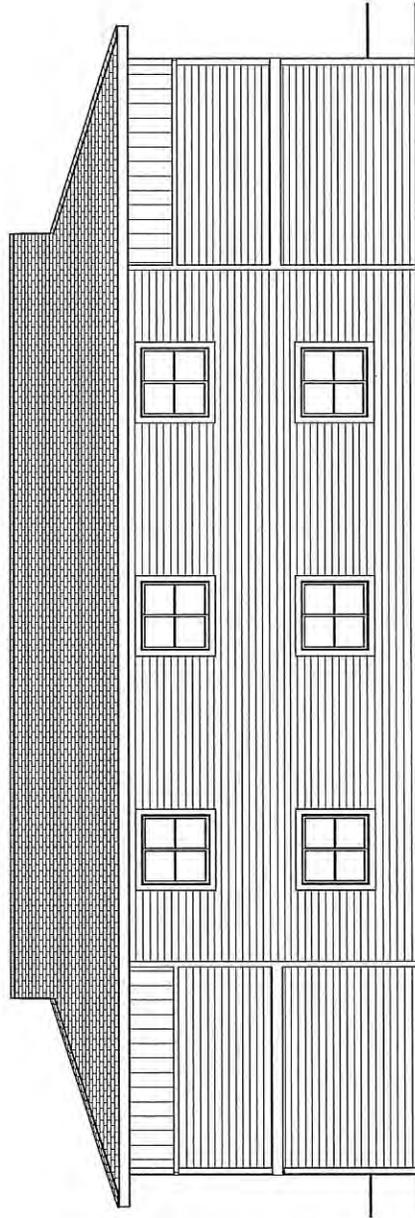
**CJH TECHNOLOGIES**

604 WEST 2ND STREET - WAYNE, NE 68781  
cjhtechnologies@gmail.com - 402-369-3555



**WEST ELEVATION**

SCALE: 3/32"=1'-0"



**SOUTH ELEVATION**

SCALE: 3/32"=1'-0"

DESIGNED FOR: SEBADE CONSTRUCTION

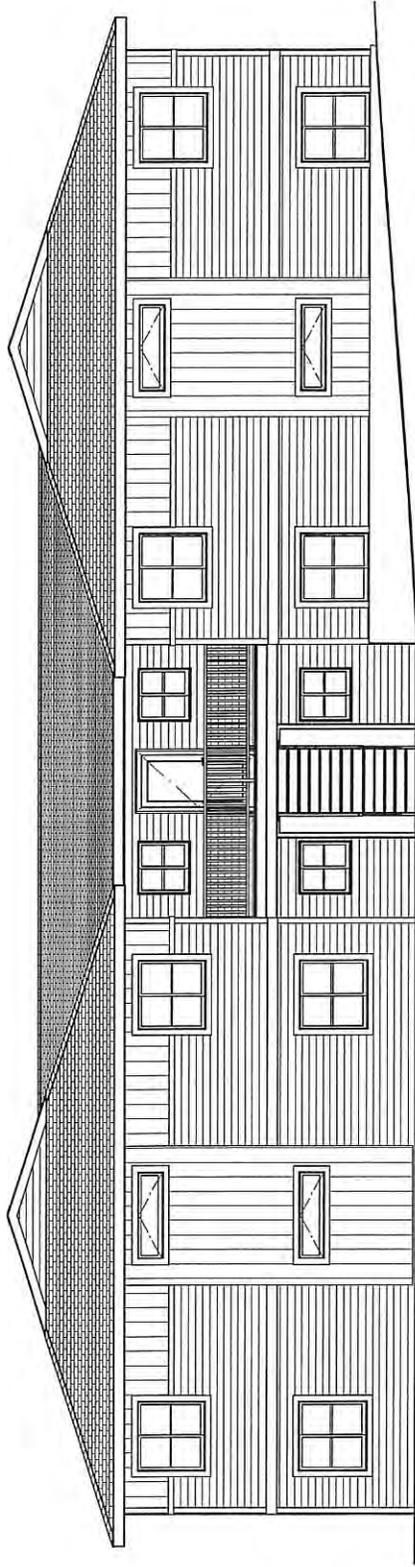
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DATE 3/26/2020

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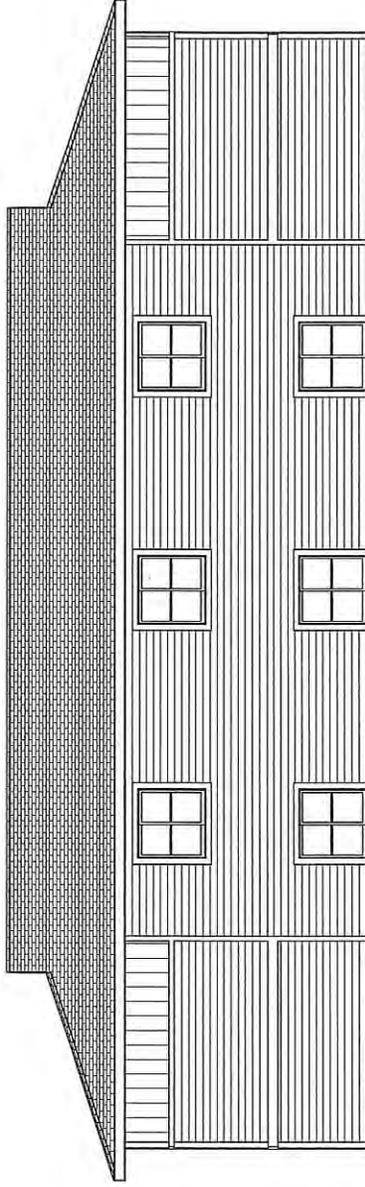
**CJH TECHNOLOGIES**

604 WEST 2ND STREET - WAYNE, NE 68718  
 cjhtechnologies@gmail.com - 402-364-3555



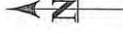
**EAST ELEVATION**

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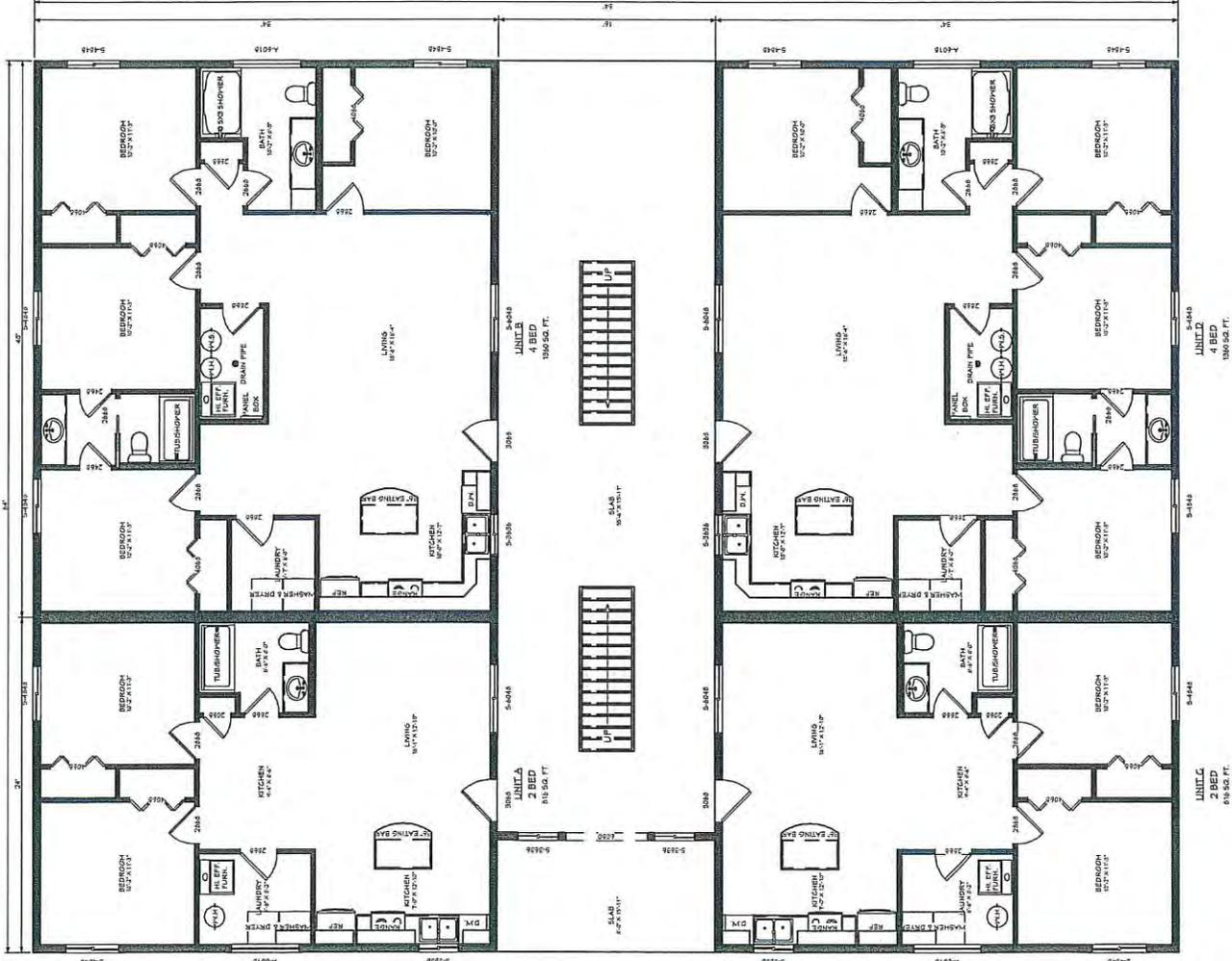


**NORTH ELEVATION**

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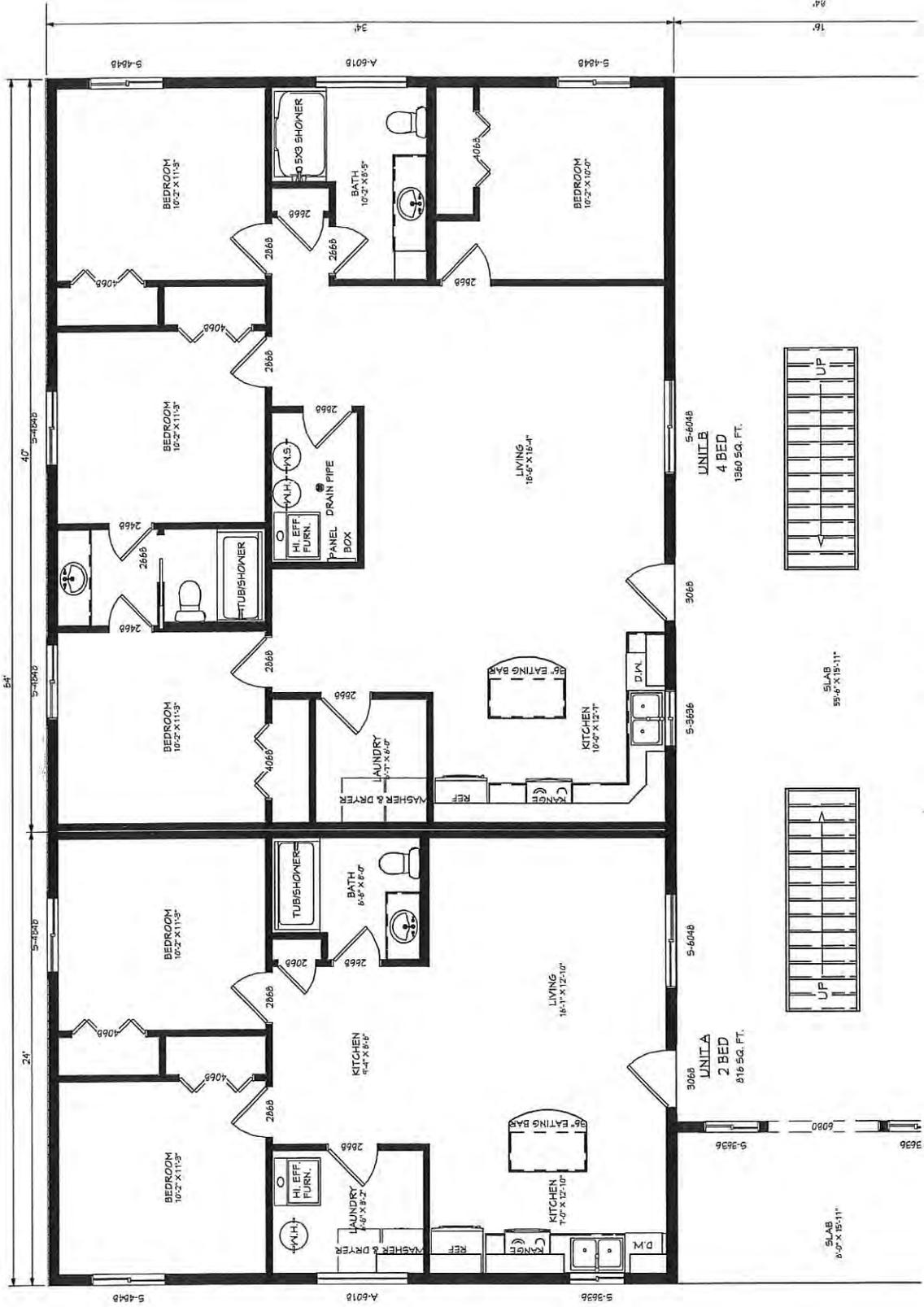
MAIN FLOOR  
SCALE: NOT TO SCALE



DESIGNED FOR: SEBADE CONSTRUCTION  
LOCATION: WAYNE, NE

DATE 3/26/2020  
PAGE: 5  
OF: 10

**CJH TECHNOLOGIES**  
604 WEST 2ND STREET - WAYNE, NE 68781  
cjhtechnologies@gmail.com - 402-364-3555



**MAIN FLOOR**  
SCALE: 1/8"=1'-0"



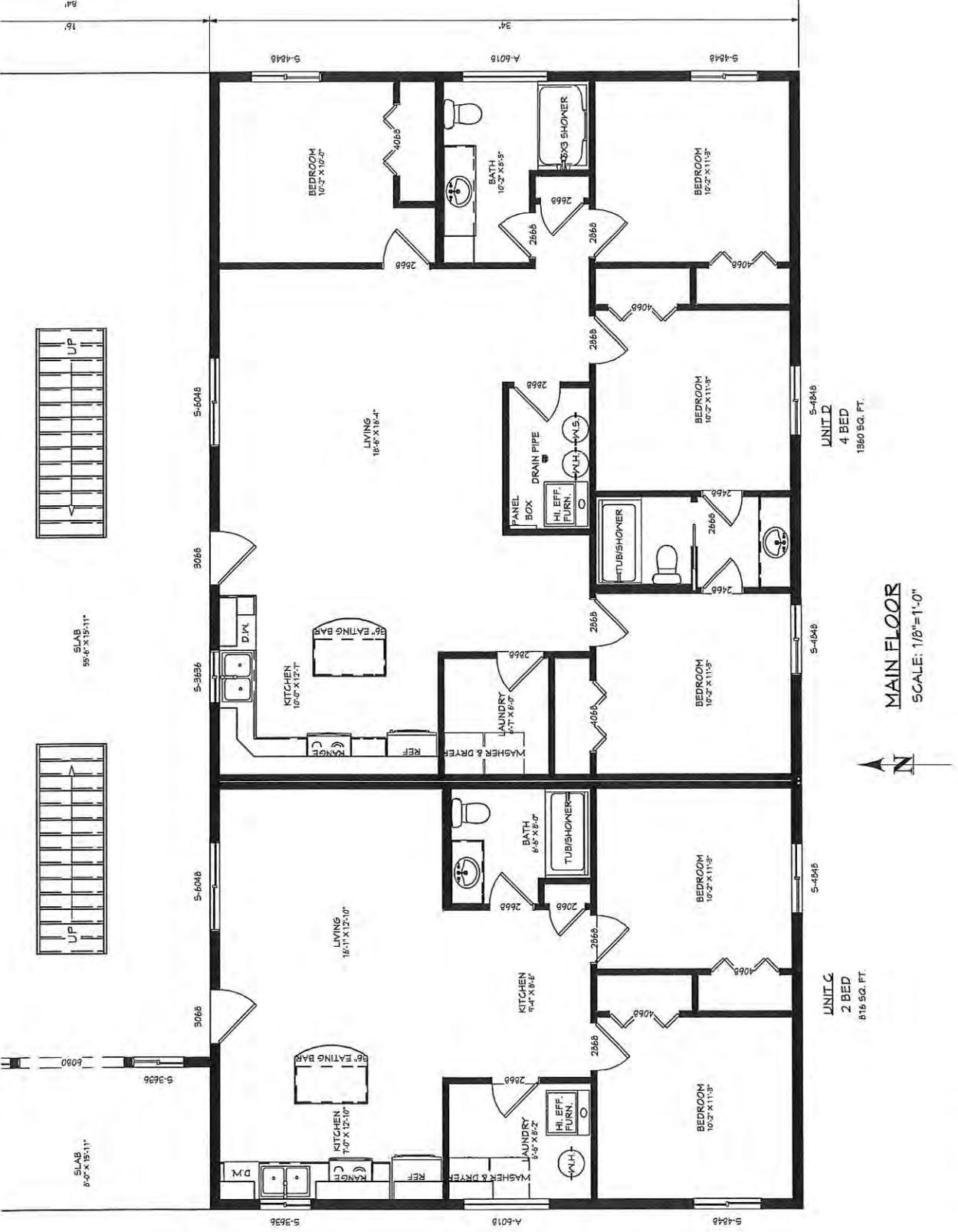
SLAB  
8'-0" X 15'-11"

SLAB  
9'-6" X 15'-11"

UNIT 3  
4 BED  
1360 SQ. FT.

UNIT 2  
2 BED  
816 SQ. FT.

UNIT 1  
2 BED  
816 SQ. FT.

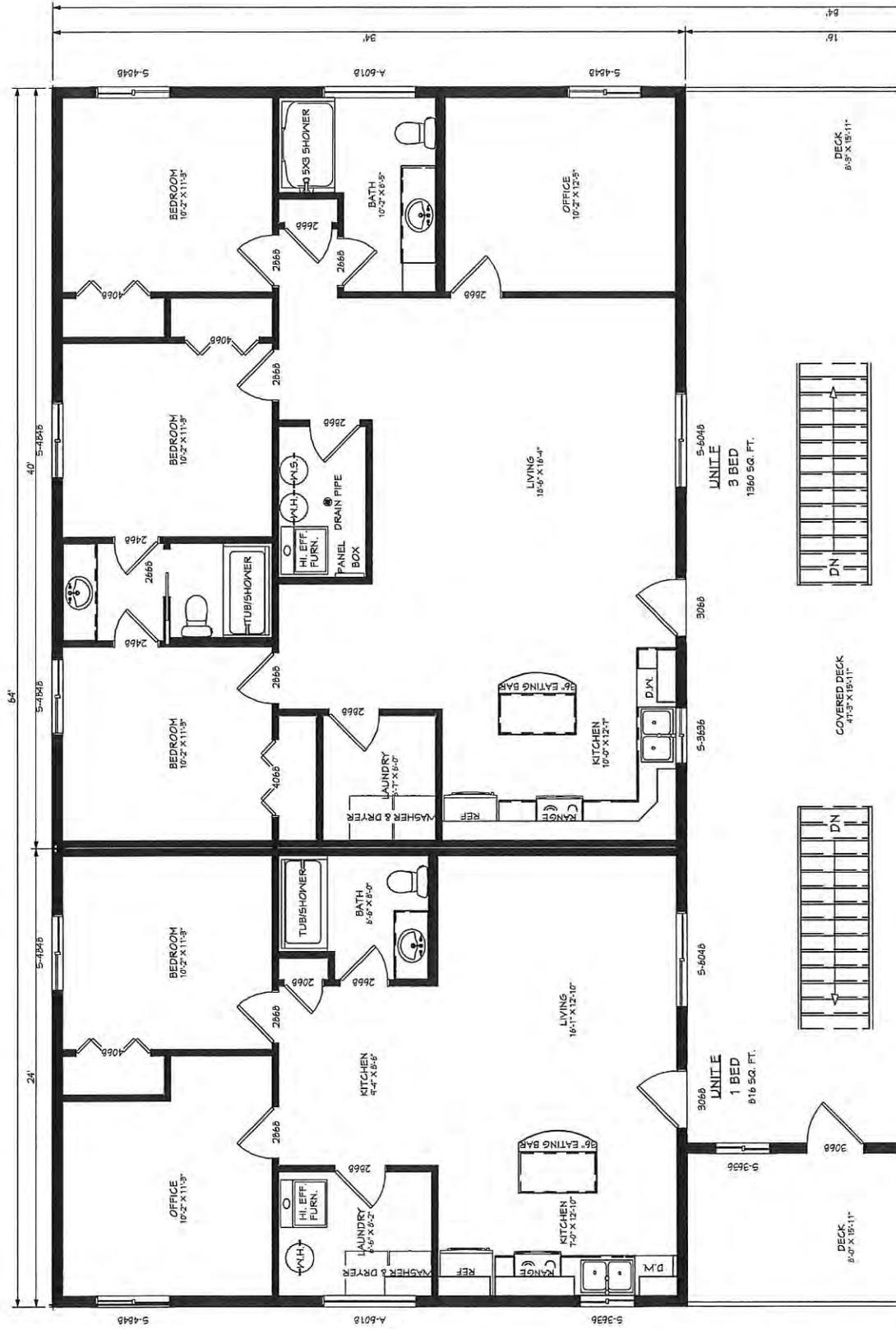


MAIN FLOOR  
SCALE: 1/8"=1'-0"

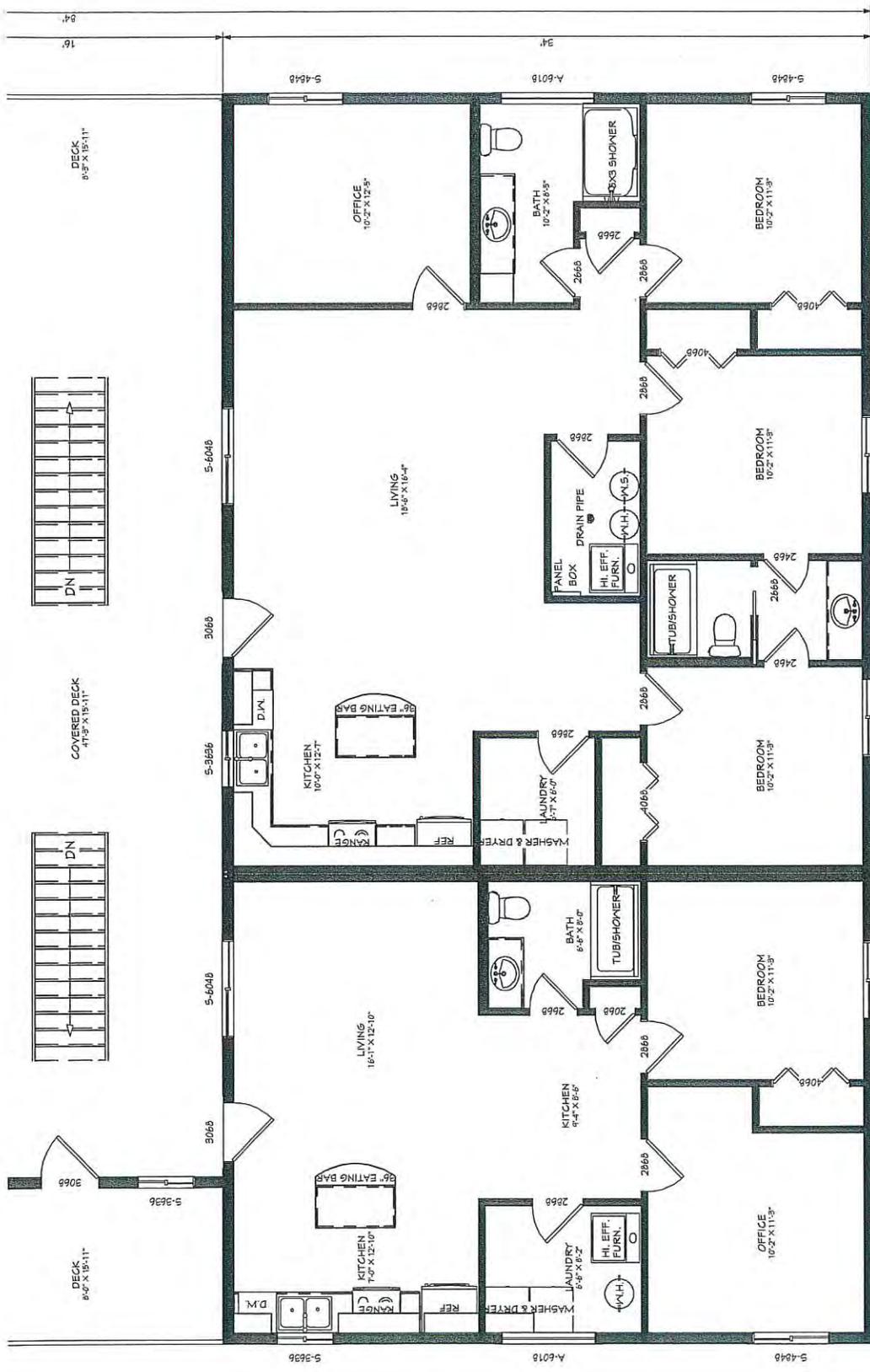
UNIT 4  
4 BED  
1380 SQ. FT.

UNIT 2  
2 BED  
816 SQ. FT.





  
**SECOND FLOOR**  
 SCALE: 1/8"=1'-0"



SECOND FLOOR  
SCALE: 1/8" = 1'-0"

UNIT 3  
3 BED  
1360 SQ. FT.

UNIT 1  
1 BED  
816 SQ. FT.

Income	\$	86,000.00		
vacancy			\$	4,000.00
Insurance			\$	3,800.00
Utilities & trash			\$	2,800.00
Depreciation			\$	19,250.00
Lawn & snow removal			\$	2,250.00
Interest			\$	18,830.00
Maintenance & management			\$	4,500.00
	\$	86,000.00	\$	55,430.00
Net income	\$	30,750.00		
Capital invested w/o TIF	\$	630,000.00	ROI	4.88%
Capital invested with TIF	\$	530,000.00	ROI	5.80%

**RESOLUTION NO. 2020-33**

**A RESOLUTION APPOINTING CARLSON WEST POVONDRA ARCHITECTS AS THE SPECIAL ENGINEER TO BE USED FOR THE CIVIC AND COMMUNITY CENTER FINANCING FUND PLANNING GRANT TO ASSIST IN THE PLANNING OF A CIVIC CENTER PROJECT.**

WHEREAS, the City has been awarded a Civic and Community Center Financing Fund (CCCCF) Planning Grant through the State of Nebraska Department of Economic Development; and

WHEREAS, the City sought and received "Requests for Proposals" from four engineering firms, which were reviewed by a Committee; and

WHEREAS, the Committee, after review of said "Requests for Proposals," is recommending that the firm of Carlson West Povondra Architects be approved/appointed as the special engineer for said planning grant project, with fees for services being \$18,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City Administrator is authorized to engage and use the firm of Carlson West Povondra Architects for the Civic and Community Center Financing Fund Planning Grant to be used to assist the City in the planning of a civic center project, and the Mayor is hereby directed to sign said agreement for professional services on behalf of the City.

PASSED AND APPROVED this 16<sup>th</sup> day of June, 2020.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2020-1**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-126 PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. That Title VII Traffic Code, Chapter 78 Parking, Section 78-126 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

(A) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:

All of Lloyd Court from the southerly line of Brooke Drive to and including the entire circle
The east side of the centerline of Vintage Hill Drive from the north line of East 14th Street north to a point 125 feet north of the north line of Adam Drive
The east side of the centerline of Eastview Drive from the north line of Poplar Street to the south line of Sycamore Street
The east side of the centerline of Ada Drive from Sunnyview Drive to the north line of Poplar Street
The east side of the centerline of Hillside Drive from the north line of East 7th Street north to the city limits
The east side of the centerline of North Main Street from the north line of East 7th Street north to the south line of East 14th Street
The east side of the centerline of Claycomb Road from the north line of East 14th Street north to the city limits
The east side of the centerline of Providence Road from the north line of East 7th Street north to the south line of East 14th Street
The east side of the centerline of Lilac Lane from the north line of East 10th Street north to the south line of Hillcrest Road
The east side of the centerline of Pine Heights Road from the north line of East 7th Street north to the south line of East 10th Street
The east side of the centerline of the north-south alley west of Walnut Street from the north line of East 10th Street north a distance of 150 feet
The east side of the centerline of Logan Street from the north line of East 7th Street north to the south line of East 10th Street
The east side of the centerline of Nebraska Street from the north line of East 7th Street north to the south line of East 10th Street

The east side of the centerline of Windom Street from the north line of East 7th Street north to the south line of East 10th Street
The east side of the centerline of Walnut Drive from the north line of East 7th Street north to the south line of East 9th Street
The east side of the centerline of Walnut Street from the north line of East 9th Street north to the south line of East 14th Street
The east side of the centerline of Linden Street from the north line of East 14th Street north to the south line of Aspen Street
The east side of the centerline of Memory Lane from the north line of East 10th Street north to the south line of Gail's Way
The east side of the centerline of Angel Avenue from the north line of East 10th Street to the north line of Gail's Way
The north side of the centerline of East 10th Street from the north-south alley between Walnut Street and Windom Street to the west line of Walnut Street
The north side of the centerline of East 10th Street from the east line of Main Street east to the west line of Logan Street
The north side of the centerline of East 7th Street from the east line of Main Street east to the city limits
The north side of the centerline of 14th Street between the east boundary of the Wayne State College Technology Building Lot on the quarter section line east to Claycomb Road
The south side of the centerline of Aspen Street from the east line of Claycomb Road east to the city limits
The south side of the centerline of East 14th Street from the east line of Providence Road east to the city limits
The south side of the centerline of Poplar Street from the west line of Ada Drive to the west line of Providence Road
The south side of the centerline of East 10 <sup>th</sup> Street from the east line of Main Street east to the east line of Providence Road.
The south side of the centerline of East 10 <sup>th</sup> Street from 221 feet east of the east line of Providence Road east to the west line of Hillside Drive
The south side of the centerline of Hillcrest Road from the east line of Walnut Street east to the point where Hillcrest Road turns south and then on the east side of the centerline to the north line of East 10th Street
The south side of the centerline of Poplar Street from the west line of Hillside Drive to the east line of Eastview Drive
The south side of the centerline of Sunnyview Drive from the west line of Hillside Drive to the east line of Providence Road

The south side of the centerline of East 9th Street from the east line of Main Street east to the west line of Pine Heights Road
The south side of the centerline of Sunnyview Drive from the west side of Providence Road to the east line of Alda Drive
The south side of the centerline of Sycamore Street from the west line of Hillside Drive to the east line of Eastview Drive
The south side of the centerline of Brooke Drive from the east line of Claycomb Road east to the city limits
The south side of the centerline of Sycamore Street from the west line of Hillside Drive to the east line of Eastview Drive
The south side of the centerline of Gail's Way from the east line of Memory Lane to the west line of Angel Avenue
The south side of the centerline of East 8th Street from the east line of Main Street to the north-south alley east of Windom Street
The west side of the centerline of Logan Street from the north line of East 7th Street north for a distance of 150 feet
The west side of the centerline of Walnut Street from 10th Street north to J.G. Lewis Drive
The west side of the centerline of Providence Road from the north line of East 7th Street north to the south line of East 14th Street
The west side of the centerline of Circle Drive from the north line of East 9th Street north to the circle and the entire circle
The west side of Claycomb Road from the north line of 14th Street going north a distance of 104 feet
The west side of the centerline of Pine Heights Road from the north line of East 7th Street north for a distance of 25 feet
The west side of the centerline of Walnut Drive from the north line of East 7th Street north for a distance of 190 feet
The west side of the centerline of the north-south alley west of Walnut Street from the north line of East 10th Street north for a distance of 150 feet
<b>The south side of the centerline of Summerfield Drive from the east line of Centennial Road to the west line of Industrial Drive.</b>
<b>The north side of the centerline of Summerfield Drive from the east line of Centennial Road to the west line of Industrial Drive.</b>
<b>The west side of the centerline of Industrial Drive from the north line of East 7th Street to the south line of Summerfield Drive.</b>

**The east side of the centerline of Industrial Drive from the north line of East 7th Street to the south line of Summerfield Drive.**

(B) Appropriate signs shall be placed to advise the public of these prohibited parking regulations.

(2002 Code, § 78-126) (Ord. 2005-22, passed 8-9-2005; Ord. 2008-18, passed 9-16-2008; Ord. 2008-21, passed 10-21-2008; Ord. 2013-36, passed 8-6-2013; Ord. 2014-2, passed 3-4-2014; Ord. 2014-21, passed 6-17-2014; Ord. 2018-19, passed 8-7-18)

Section 2. The original Section and any other sections in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting, as required by law.

PASSED AND APPROVED this 16<sup>th</sup> day of June, 2020.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



8

Summerfield Drive

Industrial Drive

Centennial Road

Industrial Way

Highway 35

E 7th Street

8

8

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8

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12

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**ORDINANCE NO. 2020-10**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF ELECTRIC REVENUE REFUNDING BONDS, SERIES 2020, OF THE CITY OF WAYNE, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) FOR THE PURPOSE OF REFINANCING THE COSTS OF ENLARGING, EXPANDING AND IMPROVING THE CITY'S ELECTRIC PLANT AND DISTRIBUTION SYSTEM; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PAYING AND REDEEMING ALL OR A PORTION OF THE CITY'S ELECTRIC REVENUE BOND ANTICIPATION NOTES, SERIES 2017, AND THE ELECTRIC REVENUE BONDS, SERIES 2012, WHICH ARE CURRENTLY OUTSTANDING; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE ELECTRIC SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID ELECTRIC SYSTEM; SETTING AND DETERMINING CERTAIN TERMS OF THE BONDS AND AUTHORIZING OFFICERS OF THE CITY TO SET AND DETERMINE CERTAIN TERMS OF THE BONDS; APPROVING AN UNDERTAKING WITH RESPECT TO CONTINUING DISCLOSURE; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.**

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

Section 1. The Mayor and Council of the City of Wayne, Nebraska, hereby find and determine:

(a) The City owns and operates an electric plant and distribution system which constitutes a revenue producing facility and undertaking within the meaning of such term as set forth in Sections 18-1803 to 18-1805 R.R.S. Neb. 2012, as amended; that said plant and system together with all additions and improvements thereto hereafter acquired or constructed are herein referred to as the "Electric System";

(b) The City has outstanding the following indebtedness:

(i) Electric Revenue Bonds, Series 2012, date of original issue – March 27, 2012, issued pursuant to an ordinance of the City, in the original principal amount of \$1,680,000, of which \$930,000 in principal amount currently remain outstanding and unpaid (the "Outstanding Bonds"), which were issued to provide permanent financing to pay a portion of the costs of certain improvements, enlargements and expansions to the City's Electric System and for which the revenues of the Electric System have been pledged and hypothecated; and

(ii) Electric Revenue Bond Anticipation Notes, Series 2017, date of original issue – November 15, 2017, issued pursuant to an ordinance of the City, in the original principal amount of \$1,320,000, of which \$1,320,000 in principal amount currently remain outstanding and unpaid (the "Outstanding Notes" and together with the Outstanding Bonds, the "Outstanding Obligations"), which were issued to provide temporary financing to pay a portion of the costs of certain improvements, enlargements and expansions to the City's Electric System.

(c) The following determinations are hereby made:

- (i) “Net Revenues” of the Electric System (as defined in the ordinance authorizing the Outstanding Bonds) for the fiscal year ending September 30, 2019 were not less than \$1,000,000;
- (ii) The “Average Annual Debt Service Requirements” (as defined in the ordinance authorizing the Outstanding Bonds) of the Outstanding Obligations and the bonds authorized herein shall not exceed \$400,000; and
- (iii) This Ordinance provides for an increase in the monthly credits to the Bond Payment Account (as described and established under the ordinance authorizing the Outstanding Bonds) sufficient to pay when due the principal and interest on the Outstanding Obligations and the bonds herein authorized and for a reserve for the bonds herein authorized;

(d) It is necessary, desirable, advisable and in the best interests of the City that the City provide for the payment and redemption of all or a portion of the Outstanding Obligations by the application of available funds of the City and the issuance of electric revenue refunding bonds of the City pursuant to the provisions of Sections 10-142 and 18-1803 to 18-1805, inclusive, Reissue Revised Statutes of Nebraska, as amended, as provided herein. The Outstanding Obligations are herein authorized to be irrevocably called for redemption on a date to be determined (the “Redemption Date”) by the Authorized Officers, as described herein;

(e) The Outstanding Obligations are the only presently outstanding obligations of the City payable from the Revenues; and

(f) All conditions, acts and things required by law to exist or to be done precedent to the issuance of the 2020 Bonds herein authorized do exist and have been done and performed in regular and due time as provided by law.

Section 2. In addition to the definitions provided in parentheses elsewhere in this Ordinance, the following definitions of terms shall apply, unless the context shall clearly indicate otherwise:

(a) the term “Additional Bonds” shall mean any and all bonds hereafter issued by the City pursuant to the terms of this Ordinance, including any such bonds issued pursuant to Section 15 of this Ordinance and refunding bonds issued pursuant to Section 16 of this Ordinance.

(b) the term “Average Annual Debt Service Requirements” shall mean that number computed by adding all of the principal and interest due when computed to the absolute maturity of the bonds for which such computation is required and dividing by the number of years remaining that the longest bond of any issue for which such computation is required has to run to maturity. In making such computation, the principal of any bonds for which mandatory redemptions are scheduled shall be treated as maturing in accordance with such schedule of mandatory redemptions.

(c) the term “Code” shall mean the Internal Revenue Code of 1986, as amended.

(d) the term “2020 Debt Service Reserve Requirement” shall mean an amount equal to the debt service reserve requirement as shall be determined in the Designation.

(e) the term “Deposit Securities” shall mean obligations of the United States of America, direct or unconditionally guaranteed, including any such obligations issued in book entry form.

(f) the term “Net Revenues” shall mean the gross revenues derived by the City from the ownership or operation of the Electric System, including investment income, but not including any income from sale or disposition of any property belonging to or forming a part of the Electric System, less the ordinary expenses for operating and maintaining the Electric System payable from the Operation and Maintenance Account described in Section 13 of this Ordinance. Operation and Maintenance expenses for purposes of determining “Net Revenues” shall not include depreciation, amortization of financing expenses or interest on any bonds or other indebtedness. Net Revenues for all purposes of this Ordinance shall be shown by an audit for the fiscal year in question as conducted by an independent certified public accountant or firm of such accountants, provided, however, for purposes of determining compliance with requirements for issuing Additional Bonds, in the event that as of the time of authorization or issuance of Additional Bonds, the financial statements for the most recently completed fiscal year have not yet been completed and reported on by the City’s certified public accountant, compliance may be shown using the audited financial statements for the most recently completed fiscal year for which audited financial statements are available and unaudited financial statements (certified by the City Treasurer) for the most recently completed fiscal year so long as compliance is shown for both such fiscal years.

(g) the term “Paying Agent and Registrar” shall mean the City Treasurer or a bank or trust company appointed to act as paying agent and registrar for the 2020 Bonds pursuant to Section 4 hereof, or any successor thereto.

(h) the term “Revenues” shall mean all of the rates, rentals, fees and charges, earnings and other monies, including investment income, from any source derived by the City of Wayne, Nebraska, through its ownership and operation of the Electric System.

Section 3. For the purposes described in Section 1, there shall be and there are hereby authorized to be issued the negotiable bonds of the City of Wayne, Nebraska, to be designated as “Electric Revenue Refunding Bonds, Series 2020” (the “2020 Bonds”), in the aggregate stated principal amount of not to exceed Two Million One Hundred Fifty Thousand Dollars (\$2,150,000), with said bonds bearing interest at the rates per annum and to become due as determined by the Mayor, City Administrator or City Clerk (each, an “Authorized Officer”) as set out in one or more written designations which may be included in a bond purchase agreement (each, a “Designation”).

The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with an underwriter, as initial purchaser (the “Underwriter”), which Underwriter shall be approved by an Authorized Officer. In connection with such sale, the Authorized Officers, or any one or more of them, are hereby authorized to specify, determine, designate, establish and appoint, as the case may be, in a Designation, (i) the aggregate purchase price of the Bonds (including any original issue discount or premium) and the underwriting discount which shall not exceed 1.25% of the aggregate stated principal amount thereof, (ii) the form and contents of any bond purchase agreement in connection with such sale, (iii) the title (including series designation), dated

date, aggregate principal amount (including the aggregate principal amounts of serial Bonds and term Bonds, if any), which aggregate stated principal amount shall not exceed \$2,150,000, and the final maturity date, which shall not be later than December 15, 2032, (iv) the principal amounts maturing in each year, (v) the rate or rates of interest to be borne by each principal maturity of the Bonds, provided that present value savings results from refunding the Outstanding Obligations, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the amount of funds (which may be \$0), whether from bond proceeds or other funds of the City, to be deposited into the Debt Service Reserve Fund, (x) the designation of the Paying Agent and Registrar (defined herein) and the form and content of any agreement between the City and such entity and (xi) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

The Authorized Officers, or each individually, are hereby authorized to irrevocably call the Outstanding Obligations (as called for redemption, the "Refunded Bonds") for redemption on such date(s) he or she determines appropriate, which date or dates shall be the "Redemption Date" hereunder. The Authorized Officers, or each individually, are hereby authorized to designate, approve, execute and deliver, as the case may be, the form, content, terms and provisions of any published and/or mailed notice of redemption with respect to the payment and redemption of the Refunded Bonds, and direct the application of such proceeds and any investment income to the payment of all of the principal of and interest on the Refunded Bonds maturing on or before each respective Redemption Date and the application of the balance of such proceeds and any investment income thereof to the redemption and retirement of the Refunded Bonds on the Redemption Date.

The 2020 Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the 2020 Bonds shall be the date of delivery thereof. Interest on the 2020 Bonds, at the respective rates for each maturity, shall be payable on such dates as determined in the Designation (each an "Interest Payment Date"), and the 2020 Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the 15th day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 5 hereof. The 2020 Bonds shall be numbered from 1 upwards in the order of their issuance. No 2020 Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the 2020 Bonds issued shall be as designated by the City

Treasurer as directed by the Underwriter. Payments of interest due on the 2020 Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each 2020 Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity together with any unpaid interest accrued thereon shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the 2020 Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any 2020 Bond as the absolute owner of such 2020 Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such 2020 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 any 2020 Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the 2020 Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Designation shall designate the City Treasurer or a bank or trust company as the Paying Agent and Registrar for the 2020 Bonds. If the Paying Agent and Registrar is a bank or trust company, it shall serve in such capacities under the terms of the Paying Agent and Registrar's Agreement between the City and said Paying Agent and Registrar, in a form approved by an Authorized Officer. The Mayor and City Clerk are hereby authorized to execute the Paying Agent and Registrar's Agreement on behalf of the City in a form approved by an Authorized Officer. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the 2020 Bonds at its designated corporate trust office. The names and registered addresses of the registered owner or owners of the 2020 Bonds shall at all times be recorded in such books. Any 2020 Bond may be transferred pursuant to its provisions at the designated corporate trust office of said Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new 2020 Bond or 2020 Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the 2020 Bonds by this Ordinance, one 2020 Bond may be transferred for several such 2020 Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such 2020 Bonds may be transferred for one or several such 2020 Bonds,

respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a 2020 Bond, the surrendered 2020 Bond or 2020 Bonds shall be canceled and destroyed. All 2020 Bonds issued upon transfer of the 2020 Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the 2020 Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the 2020 Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any 2020 Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any 2020 Bond called for redemption for a period of 30 days next preceding the date fixed for redemption. For purposes of this Ordinance, the designated corporate trust office of the Paying Agent and Registrar shall be the Paying Agent and Registrar's principal corporate trust office in Lincoln, Nebraska, but such designation may be changed from time to time by notice to the City and the registered owners of the Bonds.

Section 5. In the event that payments of interest due on the 2020 Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the 2020 Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. The 2020 Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as may be determined in the Designation), or at any time thereafter, at the principal amount thereof together with accrued interest on the principal amount redeemed to the date fixed for redemption, or such earlier date or dates as determined by an Authorized Officer and set out in the Designation. Such optional redemption shall be made from time to time as shall be directed by the Mayor and Council of the City. The City may select the 2020 Bonds for optional redemption in its sole discretion. The 2020 Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof.

Any 2020 Bond redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new 2020 Bond evidencing the unredeemed principal thereof. Notice of redemption of any 2020 Bond called for redemption shall be given, at the direction of the City by said Paying Agent and Registrar or in the case of Term Bonds, without further direction of the City, by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such 2020 Bond at said owner's registered address. Such notice shall designate the 2020 Bond or 2020 Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such 2020 Bond or 2020 Bonds are to be presented for prepayment at the designated corporate trust office of said Paying Agent and Registrar. In case of any 2020 Bond partially redeemed, such notice shall specify the portion of the

principal amount of such bond to be redeemed. No defect in the mailing of notice for any 2020 Bond shall affect the sufficiency of the proceedings of the City designating the 2020 Bonds called for redemption or the effectiveness of such call for 2020 Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such 2020 Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the 2020 Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the designated corporate trust office of the Paying Agent and Registrar is located 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 8. The 2020 Bonds shall be in substantially the following form:

**UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WAYNE  
CITY OF WAYNE**

**ELECTRIC REVENUE REFUNDING BOND, SERIES 2020**

No. \_\_\_\_\_ \$ \_\_\_\_\_

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
	_____, 15, 20__	_____, 2020	

Registered Owner:

Principal Amount: \_\_\_\_\_ Thousand Dollars

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Wayne, in the County of Wayne, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay, but only from the special sources hereinafter described, to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above payable \_\_\_\_\_, 20\_\_ and semiannually thereafter on \_\_\_\_\_ and \_\_\_\_\_ of each year (each, an "Interest Payment Date"). Such interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of this bond together with interest thereon unpaid and accrued at maturity (or earlier redemption) is payable upon presentation and surrender of this bond at the designated corporate trust office of \_\_\_\_\_, as Paying Agent and Registrar, in \_\_\_\_\_, \_\_\_\_\_. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the 15th day immediately preceding the Interest Payment Date, to such owner's address as shown on such books and records. Any interest not so timely paid 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 (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is one of an issue of fully registered bonds of the total principal amount of \_\_\_\_\_ (\$ \_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination, (the "2020 Bonds") which were issued by the City for the purpose of refunding (i) \$ \_\_\_\_\_ principal amount of the City's Electric Revenue Bonds, Series 2012, date of original issue – March 27, 2012; and (ii) \$ \_\_\_\_\_ principal amount of the City's Electric Revenue Bond Anticipation Notes, Series 2017, date of original issue – November 15, 2017, which bonds were originally issued to provide the cost of certain improvements to the City's electric system, which system includes an electric generating plant and a distribution system and other electric system upgrades of the City of Wayne, Nebraska; funding a reserve; and paying costs of issuance, and is issued pursuant to the terms of an ordinance (the "Ordinance") passed and approved by the Mayor and Council of said City in accordance with and under the provisions of Sections 10-142 and 18-1803 to 18-1805, R.R.S. Neb. 2012, as amended.

The 2020 Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof, at the principal amount thereof, together with

accrued interest on the principal amount redeemed to the date fixed for redemption. Such optional redemption shall be made from time to time as shall be directed by the Mayor and Council of the City. The City may select the 2020 Bonds for optional redemption in its sole discretion.

Bonds maturing \_\_\_\_\_, 20\_\_ shall be subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date of October 15 of the years, and in the principal amounts, as follows:

<u>Redemption Date</u>	<u>Principal Amount</u>
<u>October 15 of the Year</u>	
20__	\$
20__	
20__*	

\*Final maturity

Notice of redemption shall be given by mail to the registered owner of any 2020 Bond called for redemption in the manner specified in the Ordinance. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the designated corporate trust office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose 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.

If the date 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 where the designated corporate trust office of the Paying Agent and Registrar is located 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.

The revenues and earnings of the electric system of the City, including all improvements and additions thereto hereafter constructed or acquired (the "Electric System"), are pledged and hypothecated, equally and ratably for the payment of this bond and the other 2020 Bonds, [the 2012 Bonds outstanding], and for the payment of any additional bonds of equal priority issued in accordance with the terms of the Ordinance. The 2020 Bonds have a lien only upon said revenues and earnings and are not general obligations of the City of Wayne, Nebraska.

The Ordinance sets forth the covenants and obligations of the City with respect to the Electric System and the applications of the revenues and earnings thereof, which revenues and earnings under the terms of the Ordinance are required to be deposited to the "Wayne Electric Fund" (as set forth in the Ordinance) and disbursed to pay costs of operation and maintenance of the Electric System, make payments of principal and interest on the 2020 Bonds and any additional bonds and other payments as specified in the Ordinance. The Ordinance also designates the terms and conditions under which additional bonds of equal priority with the Bonds may be issued. The Ordinance also designates the terms and conditions upon which this bond shall cease to be entitled to any lien, benefit or security under such Ordinance and all covenants, agreements and obligations of the City under the Ordinance may be discharged and satisfied at or prior to the maturity or

redemption of this bond if monies or certain specified securities shall have been deposited with a trustee bank. In the Ordinance the City also reserves the right to issue bonds or notes junior in lien to the 2020 Bonds, and additional bonds, the principal and interest of which shall be payable from monies in the "Surplus Account" of the Wayne Electric Fund as described in the Ordinance.

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.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of Wayne, Nebraska, have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk of the City and by causing the official seal of the City to be imprinted hereon, all as of the Date of Original Issue shown above.

CITY OF WAYNE, NEBRASKA

\_\_\_\_\_ (facsimile signature) \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_ (facsimile signature) \_\_\_\_\_

City Clerk

(SEAL)

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds authorized by Ordinance passed and approved by the Mayor and Council of the City of Wayne, in the State of Nebraska, as described in said bond.

\_\_\_\_\_, \_\_\_\_\_,  
Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signature

**ASSIGNMENT**

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

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Print or Type Name, Address and Social Security Number  
or other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ agent to transfer the within Bond on the Bond Register kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

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NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular.

Medallion Signature Guarantee:

Section 9. Each of the 2020 Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal (which may be a facsimile seal). The 2020 Bonds shall be issued initially as "book-entry-only" bonds under the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a Letter of Representations (the "Letter of Representations") in the form required by the Depository (including any blanket letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the 2020 Bonds. With respect to the issuance of the 2020 Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds 2020 Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a 2020 Bond from a Bond Participant while the 2020 Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the 2020 Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the 2020 Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the 2020 Bonds. The Paying Agent and Registrar shall make payments with respect to the 2020 Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such 2020 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange 2020 Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the 2020 Bonds or (ii) to make available 2020 Bonds registered in whatever name or names as the Beneficial Owners transferring or exchanging such 2020 Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the 2020 Bonds be delivered to the ultimate beneficial owners of the 2020 Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond

certificates representing the 2020 Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the 2020 Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any 2020 Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such 2020 Bond and all notices with respect to such 2020 Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the 2020 Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the 2020 Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a 2020 Bond unless and until such partially redeemed 2020 Bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the 2020 Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository is terminated or resigns and is not replaced, or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of printed bond certificates, for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signatures of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any 2020 Bond shall cease to be such officer before the delivery of such bond (including such certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of the 2020 Bond. The 2020 Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The 2020 Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the 2020 Bonds, they shall be delivered to the City Treasurer, acting on behalf of the City, who is authorized to deliver them to the Underwriter. The 2020 Bonds shall be sold to the Underwriter upon receipt of the purchase price as shall be determined in the Designation, plus accrued interest, if any, thereon to date of payment and delivery (which purchase price may be modified by the

Designation, including modification resulting from net original discount or net original premium). The Authorized Officers (or any one of them) are hereby authorized to execute and deliver the Bond Purchase Agreement for and on behalf of the City, in a form approved by an Authorized Officer. The Underwriter shall have the right to direct the registration of the 2020 Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel, and Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the 2020 Bonds and the redemption and payment of the Refunded Bonds, including without limitation, authorizing the release of the 2020 Bonds by the Depository at closing. The City Clerk shall make and certify a transcript of the proceedings of the Mayor and Council with respect to the 2020 Bonds, a copy of which shall be delivered to the Underwriter.

Section 10. Proceeds of the 2020 Bonds shall be applied to pay and redeem the Refunded Bonds. Accrued interest, if any, received from the sale of the 2020 Bonds shall be applied to pay interest first falling due on the 2020 Bonds, and shall be credited to the Bond Payment Account as described in Section 13 hereof. Costs of issuance of the 2020 Bonds may be paid from the proceeds of the 2020 Bonds. An amount equal to the 2020 Debt Service Reserve Requirement from proceeds of the 2020 Bonds and/or from other funds of the City shall be deposited to the Debt Service Reserve Account (into the sub-account for the 2020 Bonds).

Section 11. The City hereby agrees that it will impose and maintain and shall revise from time to time when necessary and shall collect such rentals, rates, fees and charges for the use and services of the Electric System which in the aggregate shall be sufficient at all times to enable the City to pay the principal and interest on the 2020 Bonds, the Outstanding Bonds and any Additional Bonds as the same become due.

Section 12. The City will maintain and collect rates and charges for all services furnished from its Electric System adequate to produce revenues and earnings sufficient at all times:

- (a) to provide for the payment of interest on and principal of the 2020 Bonds, the Outstanding Bonds and any Additional Bonds as such interest and principal become due;
- (b) to pay all reasonable costs of operation and maintenance of the Electric System, including adequate insurance as provided by this ordinance and to pay for the necessary and reasonable repairs, replacements and extensions of said Electric System; and
- (c) to establish and maintain the 2020 Debt Service Reserve Account as hereinafter set forth and any debt service reserves account for Additional Bonds.

Section 13. The Revenues and earnings of the Electric System, in accordance with the pledge set forth in Section 11 of this ordinance, shall be collected, deposited, held and applied as follows:

- (a) **WAYNE ELECTRIC FUND** - The entire gross revenues and income derived from the operation of the Electric System shall be set aside as collected and deposited in a separate fund which has been ordered to be created and which is hereby confirmed, designated as the "Wayne Electric Fund." For purposes of allocating the monies in the Wayne Electric Fund, the City shall maintain the

following accounts: (1) Operation and Maintenance Account; (2) Bond Payment Account; (3) Debt Service Reserve Account (including the reserve sub-account for the 2020 Bonds as provided for in this Ordinance); and (4) Surplus Account.

(b) **OPERATION AND MAINTENANCE ACCOUNT** - Out of the Wayne Electric Fund there shall be monthly credited into the Operation and Maintenance Account such amounts as the City shall from time to time determine to be necessary to pay the reasonable and necessary expenses of operating and maintaining the Electric System and the City may withdraw funds credited to the Operation and Maintenance Account as necessary from time to time to pay such expenses.

(c) **BOND PAYMENT ACCOUNT** - Out of the Wayne Electric Fund there shall be credited monthly on or before the first day of each month to the Bond Payment Account, in addition to payments on the Outstanding Bonds as set forth in the ordinance authorizing the Outstanding Bonds, starting with the month immediately following the issuance of the 2020 Bonds, the following amounts:

(1) beginning on the first day of the month (or such other day of the month as may be determined in the Designation) immediately following the month in which the 2020 Bonds are issued and continuing the first day of each month thereafter (or such other day of the month as may be determined in the Designation) so long as any of the 2020 Bonds herein authorized remain outstanding and unpaid, an amount not less than the amount which, if the same amount were deposited each month, would be sufficient to pay the interest becoming due on the 2020 Bonds on the next succeeding Interest Payment Date.

(2) beginning on the first day of the month (or such other day of the month as may be determined in the Designation) immediately following the month in which the 2020 Bonds are issued (or such other month as may be determined in the Designation) and continuing the first day of each month thereafter (or such other day of the month as may be determined in the Designation) so long as any of the 2020 Bonds herein authorized remain outstanding and unpaid, an amount not less than the amount which, if the same amount were deposited each month, would be sufficient to pay the next maturing principal payment for the 2020 Bonds; and

The City Treasurer is hereby authorized and directed, without further authorization, to withdraw monies credited to the Bond Payment Account, or if the monies in such Account are insufficient, then from the sub-accounts within the Debt Service Reserve Account (but only for the series of bonds for which each respective sub-account has been established) and next from the Surplus Account, an amount sufficient to pay, when due, the principal of and interest on the 2020 Bonds or any Additional Bonds and to transfer such amounts due to the respective paying agents or direct payees for the 2020 Bonds and any Additional Bonds, at least five (5) business days before each principal and interest payment date. Upon the issuance of any Additional Bonds pursuant to this Ordinance, appropriate additional credits to the Bond Payment Account shall be provided for sufficient to pay principal and interest on said Additional Bonds.

(d) **DEBT SERVICE RESERVE ACCOUNT** - The City agrees that it shall deposit from bond proceeds and/or other funds of the City an amount equal to the 2020 Debt Service Reserve Requirement as the amount required to be maintained attributable to the 2020 Bonds in a separate sub-account in the Debt Service Reserve Account. Monies credited to the Debt Service Reserve Account may be withdrawn, but only from the designated sub-account for a specific issue, as needed, to provide

funds to pay, when due, the principal of and interest on the 2020 Bonds and any Additional Bonds issued pursuant to this Ordinance, as the case may be, if the Bond Payment Account contains insufficient funds for that purpose, and the City Treasurer is hereby authorized and directed to make such withdrawal if and when needed. In the event of a withdrawal from the Debt Service Reserve Account, there shall be credited to the Debt Service Reserve Account in the month following such withdrawal all monies in the Wayne Electric Fund remaining after making the payments required to be made in such month to the Bond Payment Account and the Operation and Maintenance Account and each month thereafter all such remaining monies shall be credited to the appropriate sub-account in the Debt Service Reserve Account until such sub-account has been restored to the required balance. Upon the issuance of any Additional Bonds, the amount required to be accumulated and maintained in the Debt Service Reserve Account, in a separate sub-account for such Additional Bonds, shall be that amount determined by the Mayor and Council to be appropriate or required (which may be \$-0-) in connection with any such issue of Additional Bonds. Any required increase shall be provided for either by credit made from bond proceeds or current funds of the Electric System then available or by equal monthly credits from the Wayne Electric Fund made in such amounts so that the required amount shall be accumulated in a period of not more than five years. Each sub-account in the Debt Service Reserve Account shall be held solely for the specific issue for which it is established. In the event of withdrawal from any such sub-account which results in the amount in such sub-account being deficient to meet the required balance, available amounts for restoring sub-account balances shall be credited to each deficient sub-account on a pro rata basis in accordance with the respective outstanding principal amounts for those issues for which the respective sub-accounts are then deficient. When the 2020 Bonds or any issue of Additional Bonds for which a sub-account has been established is no longer outstanding, the particular sub-account for such issue shall no longer be required to be maintained. Anything in this subsection 13(d) to the contrary notwithstanding, the amount required to be maintained in the Debt Service Reserve Account with respect to the 2020 Bonds or any issue of Additional Bonds shall not at any time exceed the maximum amount permitted to be invested without yield restriction under Sections 103(b) and 148 of Code and applicable regulations of the United States Treasury Department.

(e) **SURPLUS ACCOUNT** - Monies in the Wayne Electric Fund remaining after the credits required in the foregoing Subsections 13(b), 13(c), and 13(d) shall be credited to the Surplus Account. Monies in the Surplus Account may be used to make up any deficiencies in any of the preceding Accounts, to retire any of the 2020 Bonds or any Additional Bonds prior to their maturity, to pay principal of and interest on any junior lien indebtedness incurred with respect to the Electric System, to provide for replacements or improvements for the Electric System or to provide for any other lawful purpose of the City (including payments in lieu of taxes or interfund transfers) as directed by the Mayor and City Council.

The provisions of this Section shall require the City to maintain a set of books and records in accordance with such accounting methods and procedures as are generally applicable to municipal utility enterprises, which books and records shall show credits to and expenditures from the several Accounts required by this Section. Monies credited to the Wayne Electric Fund or any of the Accounts therein as established by this Ordinance shall be deposited or invested separate and apart from other City funds. Except as specified below for the Debt Service Reserve Account, the City shall not be required to establish separate bank or investment accounts for the Accounts described in Subsections 13(b), 13(c), 13(d), and 13(e). Monies credited to the Debt Service Reserve Account shall, if maintained in a demand or time deposit account, be kept in a separate account and

not commingled with other Electric System funds or accounts. If invested, monies credited to the Debt Service Reserve Account may be commingled with other Electric System funds or accounts so long as the City maintains books and records clearly identifying the specific investments, or portions thereof, which belong to the Debt Service Reserve Account and each respective sub-account therein.

Monies in any of said Accounts except the Debt Service Reserve Account may be invested in investments permissible for a city of the second class. Monies in the Debt Service Reserve Account may be invested in Deposit Securities. Monies invested from the Debt Service Reserve Account shall be invested to mature in not more than five years. Investments held for the Debt Service Reserve Account will be valued at cost for purposes of determining compliance with the requirements of this Ordinance as to the amount required to be maintained in the Debt Service Reserve Account or any sub-account therein. Income from or profit realized from investments for any Account or any sub-account shall be credited to such Account or sub-account until such Account or sub-account contains any amount then required to be therein, and thereafter such income or profit shall be transferred to the Wayne Electric Fund and treated as other revenues from the operation of the Electric System. The ordinance authorizing any series of Additional Bonds for which a debt service reserve sub-account is to be established shall establish the terms for holding and investment related to such sub-account.

The pledge and hypothecation provided for the Outstanding Bonds, the 2020 Bonds and any Additional Bonds as provided for in this Ordinance is intended to and shall provide for a first and prior pledge on, lien upon and security interest in the Revenues of the Electric System superior to any pledge, lien or security interest made or given with respect to any other indebtedness of the City as to its Electric System and is intended as a full exercise of the powers of the City provided for in Sections 18-1803 to 18-1805, R.R.S. Neb. 2012, as now or hereafter amended, with respect to the City's Electric System and the revenues and earnings thereof.

Section 14. So long as any of the 2020 Bonds and any Additional Bonds issued pursuant to this Ordinance shall remain outstanding and unpaid, the City covenants and agrees to establish, revise, from time to time as necessary, and collect such rates and charges for the service furnished from the Electric System adequate to produce revenues and earnings sufficient at all times:

(a) To provide funds to pay, when due, the principal of and interest on the 2020 Bonds and any Additional Bonds issued pursuant to this Ordinance;

(b) To pay all proper and necessary costs of operation and maintenance of the Electric System and to pay for the necessary and proper repairs, replacements, enlargements, extensions and improvements to the Electric System;

(c) To provide funds sufficient to make the credits into the Accounts and at the times and in the amounts required by Section 13 of this Ordinance; and

(d) To maintain Net Revenues in each fiscal year adopted by the City for the Electric System in an amount not less than 1.10 times the total amount of principal paid or payable (exclusive of any principal redeemed prior to maturity other than principal redeemed pursuant to a schedule of mandatory redemptions) and interest falling due during such fiscal year on the 2020 Bonds and any Additional Bonds.

Section 15. To provide funds for any purpose related to the Electric System, the City may issue Additional Bonds, except for Additional Bonds issued for refunding purposes which are governed by Section 14 of this Ordinance, payable from the Revenues of the Electric System having equal priority and on a parity with the 2020 Bonds, the Outstanding Bonds and any Additional Bonds then outstanding, only upon compliance with the following conditions:

(a) Such Additional Bonds shall be issued only pursuant to an ordinance which shall provide for an increase in the monthly credits into the Bond Payment Account in amounts sufficient to pay, when due, the principal of and interest on the 2020 Bonds, any Additional Bonds then outstanding and the proposed Additional Bonds and for any monthly credits to the Debt Service Reserve Account as are required under Subsection 13(d).

(b) The City shall have complied with one or the other of the two following requirements:

- 1) The Net Revenues derived by the City from its Electric System for the fiscal year next preceding the issuance of the Additional Bonds shall have been at least equal to 1.25 times the Average Annual Debt Service Requirements of the 2020 Bonds, the Outstanding Bonds and any Additional Bonds, all as then outstanding, and of the proposed Additional Bonds, however in the event that the Mayor and Council determine it necessary and advisable for the City to issue Additional Bonds and the audit for the fiscal year next preceding the date of authorization of such Additional Bonds is not yet available, the City may issue such Additional Bonds if the audit for the fiscal year immediately preceding such next preceding fiscal year shows that the Net Revenues derived by the City from the operation of the Electric System for such fiscal year shall have been equal to 1.25 times the Average Annual Debt Service Requirements with respect to the 2020 Bonds, the Outstanding Bonds, any Additional Bonds then outstanding and the Additional Bonds proposed to be issued if the City Treasurer certifies that the unaudited books and records of the Electric System for the fiscal year next preceding the date of authorization of such Additional Bonds do not show any variance in operating results which would be sufficient to evidence a reduction in debt service coverage below 1.25 times the Average Annual Debt Service of the 2020 Bonds, the Outstanding Bonds and any Additional Bonds then outstanding and the Additional Bonds proposed to be issued; or
- 2) The City shall have received a projection made by a consulting engineer or firm of consulting engineers, recognized as having

experience and expertise in municipal utility systems, projecting that the Net Revenues of the Electric System in each of the three full fiscal years after the issuance of such Additional Bonds will be at least equal to 1.25 times the Average Annual Debt Service Requirements of the 2020 Bonds and any Additional Bonds, all as then outstanding, and of the proposed Additional Bonds. In making such projection, the consulting engineer shall use as a basis the Net Revenues of the Electric System during the last fiscal year for which an independent audit has been prepared and shall adjust such Net Revenues as follows: (A) to reflect changes in rates which have gone into effect since the beginning of the year for which the audit was made, (B) to reflect such engineer's estimate of the net increase over or net decrease under the Net Revenues of the Electric System for the year for which the audit was made by reason of: (i) changes of amounts payable under existing contracts for services; (ii) additional general income from sales to customers under existing rate schedules for various classes of customers or as such schedules may be revised under a program of changes which has been adopted by the Mayor and Council of the City; (iii) projected revisions in costs for labor, wages, salaries, machinery, equipment, supplies and other operational items; (iv) revisions in the amount of service to be supplied and any related administrative or other costs associated with such increases due to increased supply from the acquisition of any new facility; and (v) such other factors affecting the projections of revenues and expenses as the consulting engineer deems reasonable and proper. Annual debt service on any proposed Additional Bonds to be issued may be estimated by the consulting engineer in projecting Average Annual Debt Service Requirements, but no Additional Bonds shall be issued requiring any annual debt service payment in excess of the amount so estimated (on a final basis) by the consulting engineer.

The City hereby covenants and agrees that so long as any of the 2020 Bonds, the Outstanding Bonds and any Additional Bonds are outstanding, it will not issue any bonds or notes payable from the revenues of the Electric System except in accordance with the provisions of this Ordinance, provided, however, the City reserves the right to issue bonds or notes which are junior in lien to the 2020 Bonds, the Outstanding Bonds and any such Additional Bonds with the principal and interest of such bonds or notes to be payable from monies credited to the Surplus Account as provided in Subsection 13(e).

Section 16. The City may issue refunding bonds which shall qualify as Additional Bonds of equal lien to refund any 2020 Bonds, the Outstanding Bonds or Additional Bonds then outstanding, provided, that if any such 2020 Bonds, the Outstanding Bonds or Additional Bonds are to remain outstanding after the issuance of such refunding bonds, the principal payments due in any calendar year in which those bonds which are to remain outstanding mature, or in any calendar year prior thereto, shall not be increased over the amount of such principal payments due in such calendar years immediately prior to such refunding. Refunding bonds issued in

accordance with this paragraph of this Section 16 may be issued as Additional Bonds of equal lien without compliance with the conditions set forth in Subsection 15(b) of this Ordinance.

The City may also issue refunding bonds which shall qualify as Additional Bonds of equal lien to refund any 2020 Bonds, the Outstanding Bonds or Additional Bonds then outstanding provided, that, if any such 2020 Bonds, the Outstanding Bonds or Additional Bonds are to remain outstanding after the application of the proceeds of the refunding bonds to the payment of the bonds which are to be refunded, such issuance must comply with the Net Revenues test set forth in Subsection 15(b)(1) of this Ordinance and, if the proceeds of such refunding bonds are not to be applied immediately to the satisfaction of the bonds which are to be refunded, then such refunding bonds must provide by their terms that they shall be junior in lien to all 2020 Bonds, the Outstanding Bonds and any Additional Bonds outstanding at the time of issuance of such refunding bonds until the time of application of their proceeds to the satisfaction of the bonds which are to be refunded. In computing Average Annual Debt Service Requirements to show compliance with said Net Revenues test for such refunding bonds, all payments of principal and interest due on such refunding bonds from the time of their issuance to the time of application of the proceeds of such refunding bonds to the satisfaction of the bonds which are to be refunded shall be excluded from such computation to the extent that such principal and interest are payable from sources other than the Revenues of the Electric System (such as bond proceeds held in escrow or investment earnings thereon) or from monies in the Surplus Account, and all payments of principal and interest due on the bonds which are to be refunded from and after the time of such application shall also be excluded. For purposes of this paragraph of this Section 16, the time of application of the proceeds of the refunding bonds to the satisfaction of the bonds which are to be refunded shall be the time of deposit with the paying agent for such bonds which are to be refunded pursuant to Section 10-126 R.R.S. Neb. 2012 (or any successor statutory provision thereto) or the time when such bonds which are to be refunded under the terms of their authorizing ordinance or ordinances are no longer deemed to be outstanding, whichever occurs sooner.

Section 17. So long as any 2020 Bonds, the Outstanding Bonds or Additional Bonds are outstanding, the City hereby covenants and agrees as follows:

(a) The City will maintain the Electric System in good condition and will continuously operate the same in a reasonable and efficient manner, and the City will punctually perform all the duties with reference to said system required by the Constitution and statutes of the State of Nebraska, but this covenant shall not prevent the City from discontinuing the use and operation of all or any portion of the Electric System so long as the Revenues derived from the City's ownership of the properties constituting the Electric System shall be sufficient to fulfill this City's obligations under Sections 15 and 16 of this Ordinance.

(b) The City will not grant any franchise or right to any person, firm or corporation to own or operate a utility system or systems in competition with the Electric System.

(c) The City will maintain insurance on the property constituting the Electric System (other than such portions of such system as are not normally insured) against risks customarily carried by similar utilities, but including fire and extended coverage insurance in an amount which would enable the City to repair, restore or replace the property damaged to the extent necessary to make the Electric System operable in an efficient and proper manner to carry out the City's obligations under this Ordinance. The Mayor and Council shall annually, after the end of each fiscal year adopted by the City for the Electric System, examine the amount of insurance carried with respect to the Electric System and shall evidence approval of such insurance by resolution. The proceeds of any such insurance received by the City shall be used to repair, replace or restore the property damaged or destroyed to the extent necessary to make the Electric System operable in an efficient and proper manner, and any amount of insurance proceeds not so used shall be credited to the Surplus Account. In the event of any such insured casualty loss, the City may advance funds to make temporary repairs or provide for an advance on costs of the permanent repair, restoration or replacement from the Operation and Maintenance Account and any such advances shall be repaid from insurance proceeds received.

(d) The City will keep proper books, records, and accounts separate from all other records and accounts in which complete and correct entries will be made of all transactions relating to the Electric System. The City will have its operating and financial statements relating to the Electric System audited annually by a certified public accountant or firm of certified public accountants. The City will furnish to the Underwriter and to the original purchaser or purchasers of each series of Additional Bonds issued hereunder, within seven months after the end of each fiscal year of the Electric System, a copy of the financial statements of the Electric System and the report thereon of the certified public accountants.

(e) The City shall cause each person handling any of the monies in the Wayne Electric Fund to be bonded by an insurance company licensed to do business in Nebraska in an amount or amounts deemed sufficient by the Mayor and Council to cover the amount of money belonging to said system reasonably expected to be in the possession or control of such person. The amount of such bond or bonds shall be fixed by the Mayor and Council and the costs thereof shall be paid as an operating and maintenance expense from the Operation and Maintenance Account.

Section 18. The City's obligations under this ordinance and the liens, pledges, covenants and agreements of the City herein made or provided for, shall be fully discharged and satisfied as to the 2020 Bonds and any such bonds shall no longer be deemed outstanding hereunder if such bonds shall have been purchased and canceled by the City, or when payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided for by depositing with the Paying Agent and Registrar or with a national or state bank having trust powers, or trust company, in trust, solely for such payment (1) sufficient money to make such payment deposited in a bank account or bank accounts which are fully insured by insurance of the Federal Deposit Insurance Corporation and/or (2) Deposit Securities in such amount and bearing interest at such rates and payable at such time or times and maturing or redeemable at stated fixed prices at the option of the holder as to principal at such time or times as will ensure the availability of sufficient money to make such payment; provided, however, that, with respect to any bond to be paid prior to maturity,

the City shall have duly given notice of redemption of such bonds as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with the Paying Agent and Registrar or with such bank or trust company may be invested or reinvested in Deposit Securities at the direction of the City, and all interest and income from Deposit Securities in the hands of the Paying Agent and Registrar or such bank or trust company in excess of the amount required to pay principal of and interest on the 2020 Bonds for which such monies or Deposit Securities were deposited shall be paid over to the City as and when collected.

For purposes of this Section 18, any Deposit Securities shall be noncallable or callable only at the option of the holder.

Section 19. The terms and provisions of this Ordinance do and shall constitute a contract between the City and the registered owner or owners of the 2020 Bonds and no changes, variations or alterations of any kind, except for changes necessary to cure any ambiguity, formal defect or omission, shall be made to this Ordinance without the written consent of the holders of two-thirds (2/3rds) in principal amount of the 2020 Bonds then outstanding, provided, however, that neither the principal and interest to be paid upon any 2020 Bond nor the maturity date of any 2020 Bond shall be changed without the written consent of the registered owner of all such bonds then outstanding. Any registered owner of a 2020 Bond may by mandamus or other appropriate action or proceedings at law or in equity in any court of competent jurisdiction enforce or compel performance of any and all of the acts and duties required by this Ordinance, and every provision and covenant hereof, including without limiting the generality of the foregoing, the enforcement of the performance of all duties required of the City by this Ordinance and the applicable laws of the State of Nebraska, including such duties as the collecting of revenues of the Electric System and the segregation and application of such revenues as described in Section 13 of this Ordinance. After any default in payment or other default in performance, the registered owners of the 2020 Bonds, the Outstanding Bonds or any Additional Bonds shall be entitled to the appointment of a receiver for the Electric System. Any and all actions brought by any registered owner or owners of the 2020 Bonds or Additional Bonds shall be maintained for the equal and ratable benefit of all registered owners of the 2020 Bonds or Additional Bonds outstanding and no registered owners of any of the 2020 Bonds or Additional Bonds shall have any right in any manner whatsoever by any action or proceedings to affect, disturb or prejudice the pledge created by this Ordinance.

Section 20. The Authorized Officers are hereby authorized to approve and deem final, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the "Rule"), on behalf of the City, a Preliminary Official Statement relating to the 2020 Bonds and a final Official Statement in accordance with the Rule with any changes deemed appropriate by them.

Section 21. In accordance with the requirements of the Rule, the City hereby (a) authorizes and directs that an officer of the City (or any one of them) execute and deliver, on the date of issue of the 2020 Bonds, a

Continuing Disclosure Undertaking in order for the Underwriter to comply with the Rule, in such form as shall be satisfactory to such officer, and (b) covenants and agrees that it will comply with and carry out all of the provisions of such Continuing Disclosure Undertaking. Notwithstanding any other provision of this Ordinance, failure of the City to comply with any Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in a Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a 2020 Bond may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section.

Section 22. The City hereby covenants and agrees that it will make no use of the proceeds of the 2020 Bonds which would cause the 2020 Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest on the 2020 Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the 2020 Bonds to constitute "private activity bonds" within the meaning of Section 141 of the Code. The City hereby authorizes the Authorized Officers (or one or more of them) to designate the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code, including "deemed designating" the Bonds.

Section 23. The Authorized Officers and all officers of the City are hereby authorized to do all things and execute all such certificates, documents and instruments as may by them be deemed necessary and proper to complete the issuance and sale of the 2020 Bonds and the payment and redemption of the Refunded Bonds as contemplated by this Ordinance.

Section 24. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 25. This Ordinance shall be in force and take effect from and after its passage and approval and publication according to law. This Ordinance shall be published in pamphlet form.

PASSED AND APPROVED this 16<sup>th</sup> day of June, 2020.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

(SEAL)



June 10, 2020

Mayor and Council Members  
City of Wayne  
306 Pearl Street  
PO Box 8  
Wayne, NE 68787

RE: Wayne, Nebraska  
2019 Water Transmission Main, DWSRF No. 311643  
JEO Project No. 182177.00

Mayor and Council Members:

The second month of construction has continued to go well with the water transmission main project. Approximately 27,700 feet of 32,500 feet of water main has been installed. The contractor is nearing the south end of the project near the standpipe water tower. Pressure testing for the first two miles has been completed.

Enclosed is Application of Payment No. 2 in the amount of \$1,006,710.72. JEO recommends approval of this pay application.

If you have any questions or concerns, please feel free to contact me. I do plan to attend the next council meeting virtually.

Sincerely,

A handwritten signature in cursive script that reads "Roger S. Protzman".

Roger S. Protzman, P.E.  
Senior Project Engineer

RSP:skw  
Enclosures

182177LTR061020-PA2.docx

# Contractor's Application for Payment No. 2

Application Period: May 8 - June 8 2020	Application Date: 6/10/2020	
To (Owner): City of Wayne, Nebraska	From (Contractor): Ruijens Construction, Inc.	Via (Engineer): JEO Consulting Group, Inc.
Project: 2019 Water Transmission Main DWSRF No. 311643	Contract: 2019 Water Transmission Main DWSRF No. 311643	Engineer's Project No.: 182177
Owner's Contract No.:	Contractor's Project No.:	

### Application For Payment Change Order Summary

Approved Change Orders Number	Additions	Deductions	
1	\$4,845.00		
TOTALS			
NET CHANGE BY CHANGE ORDERS		\$4,845.00	

1. ORIGINAL CONTRACT PRICE..... \$ 2,166,877.91
2. Net change by Change Orders..... \$ 4,845.00
3. Current Contract Price (Line 1 ± 2)..... \$ 2,171,722.91
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)..... \$ 1,795,969.75
5. RETAINAGE:
  - a. 10% X \$1,085,861.46 Work Completed..... \$ 108,586.15
  - b. X Stored Material..... \$
  - c. Total Retainage (Line 5.a + Line 5.b)..... \$ 108,586.15
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 1,687,383.60
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 680,672.88
8. AMOUNT DUE THIS APPLICATION..... \$ 1,006,710.72
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)..... \$ 484,339.31

**Contractor's Certification**  
 The undersigned Contractor certifies, to the best of its knowledge, the following:  
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;  
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and  
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of: \$	\$1,006,710.72	(Line 8 or other - attach explanation of the other amount)
is recommended by:	 (Engineer)	6/10/2020 (Date)
Payment of: \$	\$1,006,710.72	(Line 8 or other - attach explanation of the other amount)
is approved by:	_____ (Owner)	_____ (Date)
Approved by:	_____ Funding or Financing Entity (if applicable)	_____ (Date)

**Progress Estimate**

**Contractor's Application**

For (Contract):		2019 Water Transmission Main DWSRF No. 311643		Application Number: 2								
Application Period:		May 8 - June 8 2020		Application Date: 6/10/2020								
Bid Item No.	Item Description	Contract Information			E	F	G					
		Item Quantity	Units	Unit Price				Total Value of Item (\$)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)	
1	MOBILIZATION	1	LS	\$47,250.00	\$47,250.00							
2	BONDING AND INSURANCE	1	LS	\$15,150.00	\$15,150.00							
3	16" PVC WATER MAIN, DR 18	29,266	LF	\$96.81	\$1,077,281.46							
4	16" PVC WATER MAIN, DR 18, R.L.	480	LF	\$93.40	\$44,832.00	25975						\$121,144.71
5	16" PVC WATER MAIN, DR 18, R.L., DIRECTIONALLY BORED	1,128	LF	\$118.65	\$133,887.20	500						\$1,868.00
6	12" PVC WATER MAIN, DR 18	1,597	LF	\$26.00	\$41,522.00	1,260						\$15,661.80
7	16"x16"x16" TEE, M.J., R.L.	4	EA	\$2,030.00	\$8,120.00	2						\$4,060.00
8	16"x12"x16" TEE, M.J., R.L.	1	EA	\$1,975.00	\$1,975.00	1						\$1,975.00
9	16"x6"x16" TEE, M.J., R.L.	6	EA	\$1,666.00	\$9,996.00	6						\$9,996.00
10	12"x12"x12" TEE, M.J., R.L.	1	EA	\$1,102.00	\$1,102.00							
11	12" X 6" X 12" TEE, M.J., R.L.	1	EA	\$1,011.00	\$1,011.00							
12	16"x10" REDUCER M.J., R.L.	2	EA	\$915.00	\$1,830.00							
13	16" IL-25 BEND, M.J., R.L.	8	EA	\$1,414.00	\$11,312.00	7						\$1,898.00
14	16" 22.5 BEND, M.J., R.L.	1	EA	\$1,415.00	\$1,415.00							
15	16" 45 BEND, M.J., R.L.	1	EA	\$1,516.00	\$1,516.00	1						\$1,516.00
16	16" 90 BEND, M.J., R.L.	4	EA	\$1,815.00	\$7,260.00	2						\$3,630.00
17	16" GATE VALVE AND BOX, M.J., R.L.	9	EA	\$6,889.00	\$62,001.00	8						\$6,889.00
18	16" INSERTION VALVE	2	EA	\$31,750.00	\$63,500.00							\$63,500.00
19	16" FOSTER ADAPTOR	9	EA	\$775.00	\$6,975.00	6						\$4,650.00
20	16" PLUG, M.J., R.L.	1	EA	\$875.00	\$875.00	1						\$875.00
21	12" GATE VALVE AND BOX, M.J., R.L.	2	EA	\$2,645.00	\$5,290.00							
22	12" FOSTER ADAPTOR	2	EA	\$515.00	\$1,030.00	1						\$515.00
23	10" GATE VALVE AND BOX, M.J., R.L.	1	EA	\$2,201.00	\$2,201.00							
24	10" LINE STOP	1	EA	\$10,000.00	\$10,000.00							
25	10" FOSTER ADAPTOR	1	EA	\$525.00	\$525.00							
26	AIR RELEASE MANHOLE, COMPLETE	11	EA	\$17,250.00	\$189,750.00	8						\$138,000.00
27	FLAT TOP AIR RELEASE MANHOLE, COMPLETE	1	EA	\$17,550.00	\$17,550.00							
28	WATER VALVE MANHOLE, COMPLETE	2	EA	\$19,741.00	\$39,482.00	2						\$39,482.00
29	CONNECT TO EXISTING WATER MAIN	6	EA	\$1,101.00	\$6,606.00	2						\$2,202.00
30	FIRE HYDRANT ASSEMBLY	7	EA	\$3,715.00	\$26,005.00	5						\$18,575.00
31	24" PVC CASING, R.L., DIRECTIONALLY BORED	871	LF	\$210.00	\$182,910.00	805						\$189,050.00
32	1" WATER SERVICE SADDLE	1	EA	\$231.00	\$231.00							
33	1" CORPORATION STOP	1	EA	\$245.00	\$245.00							
34	1" SERVICE LINE	67	LF	\$14.00	\$938.00							
35	BORE WATER SERVICE LINE	55	LF	\$15.00	\$825.00							
36	1" CURB STOP AND BOX	2	EA	\$350.00	\$700.00							
37	ENTRANCE CROSSING (TYPE 1)	16	EA	\$350.00	\$5,600.00	16						\$5,600.00
38	ENTRANCE CROSSING (TYPE 2)	2	EA	\$250.00	\$500.00	2						\$500.00
39	ENTRANCE CROSSING (TYPE 3)	2	EA	\$900.00	\$1,800.00	2						\$1,800.00
40	12" CMP CULVERT	40	LF	\$36.00	\$1,440.00							
41	GRAVEL SURFACE COURSE	713	TONS	\$28.00	\$19,964.00	650						\$18,200.00

**Progress Estimate**

**Contractor's Application**

For (Contract):		2019 Water Transmission Main		Application Number: 2							
Application Period:		May 8 - June 8 2020		Application Date: 6/10/2020							
Bid Item No.	Item Description	Contract Information			C	D	E	F	G		
		Item Quantity	Units	Unit Price						Estimated Quantity Installed	Value of Work Installed to Date
42	EROSION CONTROL MAT	8,039	SY	\$1.25		6300	\$7,875.00		\$7,875.00	78.4%	\$2,173.75
43	CLEARING AND GRUBBING	1	LS	\$5,500.00		1	\$5,500.00		\$5,500.00	100.0%	
44	SEEDING (ESTABLISHED CITY)	23	AC	\$1,250.00		18	\$22,750.00		\$22,500.00	78.3%	\$6,250.00
45	SILT FENCE - HIGH POROSITY	1,065	LF	\$2.10		300	\$630.00		\$630.00	28.2%	\$1,606.50
46	TEMPORARY TRAFFIC CONTROL MEASURES	1	LS	\$2,000.00		1	\$2,000.00		\$2,000.00	100.0%	
47	STAKING	1	LS	\$5,500.00		1	\$5,500.00		\$5,500.00	100.0%	
48	POWER POLE BRACING	1	LS	\$5,500.00		1	\$5,500.00		\$5,500.00		\$5,500.00
49	24" DIA. MANHOLE RISER ADJUSTMENT RING - 4" TALL	3	EA	\$55.00							\$165.00
50	24" DIA. MANHOLE RISER ADJUSTMENT RING - 8" TALL	3	EA	\$85.00							\$255.00
51	24" DIA. MANHOLE RISER ADJUSTMENT RING - 12" TALL	3	EA	\$210.00							\$630.00
52	60" DIA. MANHOLE BARREL SECTION - 16" TALL	2	EA	\$260.00							\$520.00
53	60" DIA. MANHOLE BARREL SECTION - 32" TALL	2	EA	\$955.00							\$1,910.00
54	60" DIA. MANHOLE BARREL SECTION - 48" TALL	2	EA	\$1,025.00							\$2,050.00
56	FIRE HYDRANT EXTENSION - 6"	1	EA	\$850.00							\$850.00
56	FIRE HYDRANT EXTENSION - 12"	1	EA	\$910.00							\$910.00
57	FIRE HYDRANT EXTENSION - 18"	1	EA	\$985.00							\$985.00
58	FIRE HYDRANT EXTENSION - 24"	1	EA	\$1,000.00							\$1,000.00
59	FIRE HYDRANT EXTENSION - 48"	1	EA	\$1,615.00							\$1,615.00
ALTERNATE BID											
60	PIPE CLEANING STATION	3	EA	\$15,300.00		3	\$45,900.00		\$45,900.00	100.0%	
Change Order No. 1 Drain Tile		1	LS	\$4,845.00		1	\$4,845.00		\$4,845.00	100.0%	
<b>Totals</b>							\$1,795,969.75		\$1,795,969.75	82.7%	\$375,753.16



# Progress Estimate

# Contractor's Application

For (Contract): 2019 Nebraska Street Improvements  
 CD86 No. 16-CD-208  
 Application Number: 4  
 Application Date: 6/9/2019  
 Application Period: 5/14/2019 - 6/9/2020

Bid Item No.	Item Description	Contract Information				C	D	E	F		G
		Item Quantity	Units	Unit Price	Total Value of Item (\$)				Total Completed and Stored to Date (D + E)	% (F / B)	
GROUP B											
1	Mobilization	1	LS	\$50,000.00	\$50,000.00	1.00	\$50,000.00		\$50,000.00	100.0%	
2	Temporary Traffic Control Measures	1	LS	\$7,500.00	\$7,500.00	0.50	\$3,750.00		\$3,750.00	50.0%	\$3,750.00
3	Clearing and Grubbing	1	LS	\$4,500.00	\$4,500.00	0.50	\$2,250.00		\$2,250.00	50.0%	\$2,250.00
4	Excavation, Established Quantity	1,060	CY	\$10.00	\$10,600.00	500.00	\$5,000.00		\$5,000.00	47.2%	\$5,600.00
5	Remove Pavement	6,957	SY	\$5.00	\$34,785.00	3,247	\$16,235.00		\$16,235.00	46.7%	\$18,550.00
6	Remove Concrete Sidewalk	3,946	SF	\$2.00	\$7,892.00	1,075.00	\$2,150.00		\$2,150.00	27.2%	\$5,742.00
7	Subgrade Stabilization	6,504	SY	\$14.16	\$92,096.64	3,136.00	\$44,434.08		\$44,434.08	48.2%	\$47,662.56
8	8" Concrete Pavement	6,504	SY	\$67.50	\$439,020.00	3,138.00	\$211,815.00		\$211,815.00	48.2%	\$227,205.00
9	6" Concrete Driveway	768	SY	\$64.46	\$49,505.28						\$49,505.28
10	5" Concrete Sidewalk	4,229	SF	\$6.86	\$29,010.94						\$29,010.94
11	Detectable Warning Panels	256	SF	\$44.00	\$11,264.00						\$11,264.00
12	Crushed Rock Surface Course	21	TONS	\$55.00	\$1,155.00						\$1,155.00
13	Modular Block Retaining Wall	120	SF	\$75.00	\$9,000.00						\$9,000.00
14	Remove Storm Sewer Pipe	2,504	LF	\$10.00	\$25,040.00	1,289.00	\$12,890.00		\$12,890.00	51.5%	\$12,150.00
15	Remove Storm Sewer Structure (< 6' deep)	19	EA	\$500.00	\$9,500.00	11.00	\$5,500.00		\$5,500.00	57.9%	\$4,000.00
16	Remove Storm Sewer Structure (> 6' deep)	5	EA	\$1,000.00	\$5,000.00	3.00	\$3,000.00		\$3,000.00	60.0%	\$2,000.00
17	Storm Sewer Manhole, 72"x54"	1	EA	\$6,000.00	\$6,000.00	1.00	\$6,000.00		\$6,000.00	100.0%	
18	Storm Sewer Manhole, 72"x42"	1	EA	\$5,500.00	\$5,500.00	1.00	\$5,500.00		\$5,500.00	100.0%	
19	Storm Sewer Manhole, 72"x36"	1	EA	\$5,000.00	\$5,000.00	1.00	\$5,000.00		\$5,000.00	100.0%	
20	Storm Sewer Manhole, 60"x36"	5	EA	\$4,500.00	\$22,500.00	3.00	\$13,500.00		\$13,500.00	60.0%	\$9,000.00
21	Storm Sewer Manhole, 54"x36"	1	EA	\$4,250.00	\$4,250.00	1.00	\$4,250.00		\$4,250.00	100.0%	
22	Storm Sewer Manhole, 42"x36"	1	EA	\$4,000.00	\$4,000.00						\$4,000.00
23	Drop Curb Inlet w/ Grate	1	EA	\$4,500.00	\$4,500.00						\$4,500.00
24	Steel Curb Inlet w/ Grate	1	EA	\$5,000.00	\$5,000.00	1.00	\$5,000.00		\$5,000.00	100.0%	
25	Curb Inlet (Y=8')	19	EA	\$4,500.00	\$85,500.00	6.75	\$30,375.00		\$30,375.00	35.5%	\$55,125.00
26	48" RCP, Class III	386	LF	\$150.00	\$57,900.00	384.00	\$57,600.00		\$57,600.00	99.5%	\$300.00
27	42" RCP, Class III	653	LF	\$125.00	\$81,625.00	474.00	\$59,250.00		\$59,250.00	71.6%	\$22,375.00
28	36" RCP, Class III	517	LF	\$100.00	\$51,700.00						\$51,700.00
29	30" RCP, Class III	55	LF	\$80.00	\$4,400.00	55.00	\$4,400.00		\$4,400.00	100.0%	
30	24" RCP, Class III	204	LF	\$60.00	\$12,240.00	3.00	\$180.00		\$180.00	1.5%	\$12,060.00
31	18" RCP, Class III	180	LF	\$40.00	\$7,200.00	45.00	\$1,800.00		\$1,800.00	25.0%	\$5,400.00
32	15" RCP, Class III	284	LF	\$35.00	\$9,940.00	168.00	\$5,880.00		\$5,880.00	59.2%	\$4,060.00
33	Concrete Collar, 48"	1	EA	\$1,000.00	\$1,000.00	1.00	\$1,000.00		\$1,000.00	100.0%	
34	Concrete Collar, 30"	1	EA	\$750.00	\$750.00	1.00	\$750.00		\$750.00	100.0%	
35	Concrete Collar, 24"	1	EA	\$600.00	\$600.00	1.00	\$600.00		\$600.00	100.0%	

**Progress Estimate**

**Contractor's Application**

For (Contract):		2019 Nebraska Street Improvements CDBG No. 16-CD-208		Application Number: 4							
Application Period:		5/14/2019 - 6/9/2020		Application Date: 6/9/2019							
Bid Item No.	Item Description	Contract Information			E	F	G				
		Item Quantity	Units	Unit Price				Total Value of Item (\$)	Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)
36	Concrete Collar, 15"	1	EA	\$500.00	\$500.00	1.00	\$500.00		\$500.00	100.0%	
37	Storm Sewer Tap, 15"	1	EA	\$1,000.00	\$1,000.00	1.00	\$1,000.00		\$1,000.00	100.0%	
38	Remove Water Main	175	LF	\$12.00	\$2,100.00	83.00	\$996.00		\$996.00	47.4%	-\$1,104.00
39	6" PVC Water Main, DR 18	45	LF	\$45.00	\$2,025.00	22.00	\$990.00		\$990.00	48.9%	-\$1,035.00
40	Water Main Loop, 6"	40	LF	\$135.00	\$5,400.00	61.00	\$8,235.00		\$8,235.00	152.5%	-\$2,835.00
41	Water Main Loop, 8"	90	LF	\$105.00	\$9,450.00						\$9,450.00
42	1" PE Water Service (SDR 11)	251	LF	\$18.00	\$4,518.00	259.00	\$4,662.00		\$4,662.00	103.2%	-\$144.00
43	6" x 1" Saddle	1	EA	\$450.00	\$450.00	1.00	\$450.00		\$450.00	100.0%	
44	1" Curb Stop and Box	1	EA	\$500.00	\$500.00	1.00	\$500.00		\$500.00	100.0%	
45	Water Service Loop, 1"	220	LF	\$24.81	\$5,458.20	20.00	\$496.20		\$496.20	9.1%	\$4,962.00
46	4" Insulation of Water Main	2	EA	\$350.00	\$700.00	2.00	\$700.00		\$700.00	100.0%	
47	6" Gate Valve and Box, MJ	1	EA	\$1,800.00	\$1,800.00	1.00	\$1,800.00		\$1,800.00	100.0%	
48	Adjust Manhole to Grade	5	EA	\$1,000.00	\$5,000.00	4.00	\$4,000.00		\$4,000.00	80.0%	\$1,000.00
49	Adjust Valve Box to Grade	8	EA	\$250.00	\$2,000.00	1.00	\$250.00		\$250.00	12.5%	\$1,750.00
50	Adjust Curb Stop to Grade	1	EA	\$150.00	\$150.00						\$150.00
51	Curb Inlet Sediment Filter	21	EA	\$200.00	\$4,200.00						\$4,200.00
52	Seeding, Fertilizer	3,850	SY	\$1.25	\$4,812.50						\$4,812.50
53	Erosion Control Mat, Class 1D	3,850	SY	\$1.75	\$6,737.50						\$6,737.50
Group C											
1	Cold Milling - Salvage to Owner	6,504	SY	\$3.75	\$24,390.00	6,504	\$24,390.00		\$24,390.00	100.0%	
<b>Totals</b>							\$607,078.28		\$607,078.28	49.1%	\$629,586.78

TO OWNER: City of Wayne  
Wayne, Nebraska

PROJECT: Restoration of Walking Trail

VIA ARCHITECT: Leo A Daly  
David Wigen

FROM CONTRACTOR: M+B Quality Const

APPLICATION NO.: 2  
PERIOD TO: May 1-31-2020  
PROJECT NOS.: 002-10218-000  
CONTRACT DATE: April 1st 2020

Distribution to:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

CONTRACT FOR: \_\_\_\_\_

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous certificates for payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: M+B Quality Const LLC  
By: Brent Berner Date: 6-9-20

State of: Nebraska  
County of: Madison  
Subscribed and sworn to before Brent Berner  
me this 11 day of June

Notary Public: Jane F Hardwick  
My Commission expires: May 20, 2023



**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached

- 1. ORIGINAL CONTRACT SUM ..... \$ 899,202.45
- 2. Net change by Change Orders ..... \$ 374,177.50
- 3. CONTRACT SUM TO DATE (Line 1 + 2) ..... \$ 1,273,379.75
- 4. TOTAL COMPLETED & STORED TO DATE ..... \$ 1,005,138.50  
(Column G on G703)
- 5. RETAINAGE:
  - a. 10 % of Completed Work ..... \$ 100,513.85  
(Column D + E on G703)
  - b. 0 % of Stored Material ..... \$ 0  
(Column F on G703)
 Total Retainage (Line 5a + 5b or Total in Column I of G703) ..... \$ 100,513.85
- 6. TOTAL EARNED LESS RETAINAGE ..... \$ 904,624.65  
(Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT ..... \$ 340,522.20  
(Line 6 from prior Certificate)
- 8. CURRENT PAYMENT DUE ..... \$ 564,102.45
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$ 368,755.10  
(Line 8 less Line 6)

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$ 564,102.45  
(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: David Wigen Date: 6/12/2020  
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

CAUTION: You should use an original AIA document which has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced.



# AIA Document G703™ - 1992

City of Wayne  
 Restoration of Walking Trail  
 M+B Quality Concrete L.L.C.

## Continuation Sheet

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT.

containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 2  
 APPLICATION DATE: June 9 2020  
 PERIOD TO: May 1 - June 10 2020  
 ARCHITECT'S PROJECT NO: 002-10218-000

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)						
1.	Stream Crossing + De-watering	225,000	150,000	0	0	0	150,000	75,000	15,000
2.	Signage and Barri-cades	18,500	0	15,000	15,000	0	15,000	3,500	1,500
3.	Clearing + Grubbing	98,000	50,000	48,000	8,000	0	98,000	0	9,800
4.	Remove unsuitable Fill	28,000	20,000	8,000	2,635	0	28,000	0	2,800
5.	Fill Earth	2,635	0	2,635	6,678	0	2,635	0	263.50
6.	Remove 5" Concrete	13,356	6,678	6,678	490	0	13,356	0	1,335.60
7.	Remove Pipe Railing	490	0	490	960	0	490	0	49.00
8.	Remove + Replace Chain Link Fence	960	0	960	0	0	960	0	96.00
9.	Remove Steel Sheet Piling	32,040	32,040	0	25,584	0	32,040	0	3,204.00
10.	NDOT Type B Rip Rap	39,360	13,776	47,476	149,206	0	39,360	0	3,936
11.	NDOT Type C Rip Rap	73,040	25,564	0	0	0	73,040	0	7,304.00
12.	Steel Sheet Piling	229,506	80,300	0	0	0	229,506	0	22,950.60
13.	5" Concrete Sidewalk	24,915	0	0	0	0	0	24,915	0
14.	42" Railing - 1 1/2" O.D. Pipe	49,950	0	0	0	0	0	49,950	0
15.	Sodding	16,900	0	0	0	0	0	16,900	0
16.	6" Soil w/ Wetland Seed	400	0	0	0	0	0	400	0
17.	Erosion Control Blanket	38,115	0	32,000	0	0	32,000	6,115	380
18.	Silt Fence	7,411.25	0	3,800	0	0	3,800	3,611.25	0
19.		624	0	624	0	0	624	0	62.40
		899,202.25	378,358	340,453	718,811	0	180,391.25	71,881.10	

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

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