

**AGENDA
CITY COUNCIL MEETING
September 4, 2012**

1. Approval of Minutes – August 21, 2012

2. Approval of Claims

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

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

The City Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

3. Resolution 2012-63: Approving, Ratifying and Confirming the Hiring of Special Engineers and Approving Plans, Specifications and Estimate of Cost for the 2012 Sludge Removal Project

Background: The EPA requires sludge removal from the lagoon on a regular basis. This contract for fall 2012 sludge removal and land application is the same contract with JEO that we used last year. JEO arranges for cooperating land owners, secures NDEQ land application permits, secures the lowest cost sludge removal contractor, and assures compliance and oversight of the entire process. Garry worked closely with JEO last fall to complete the first sludge removal project with great bid results and application.

Recommendation: The recommendation of Garry Poutre, Superintendent of Public Works and Utilities, is to retain JEO to arrange for the sludge removal this fall.

4. Ordinance 2012-41: Amending Wayne Municipal Code Sec. 2-50 Restrictions on other Employment or Elective Office

Background: State Statutes allow elected Councilmembers to also be city employees, but Wayne City Code does not allow it. Because of the short time left in Councilmember Sturm's term, this ordinance was prepared for Council to consider whether or not to allow a councilmember to continue to represent the Ward for his/her remaining term of office if he/she accepts a full-time position with the city.

5. Action Approving Councilmember Sturm to Finish Current Term

Background: This item and the next are dependent upon Council action on item 4 above.

6. Accepting the Resignation of Councilmember Sturm (First Ward)

7. Public Hearing: Application for Class D Liquor License – Shopko Stores Operating Co., LLC, d/b/a “Shopko Hometown 670” (Advertised Time: 5:30 p.m.)
8. Resolution 2012-64: Approving Application for Class D Liquor License — Shopko Stores Operating Co., LLC, d/b/a “Shopko Hometown 670”
9. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)

Background: Joel Hansen, Zoning Administrator, has prepared an executive summary explaining Agenda Items 9 through 30, which is included as an attachment to this agenda.

10. Ordinance 2012-41: Amending the Wayne Municipal Code, specifically Section 90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses

Recommendation: The recommendation of Joel Hansen, Zoning Administrator, and Lowell Johnson, City Administrator, is to table action on this item until January, 2013.

11. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-203(1) Permitted Accessory Uses and Structures in the R-1 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)
12. Ordinance 2012-42: Amending the Wayne Municipal Code, specifically Section 90-203(1) Permitted Accessory Uses and Structures in the R-1 Residential Zoning District
13. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-205(12) Exceptions in the R-1 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)
14. Ordinance 2012-43: Amending the Wayne Municipal Code, specifically Section 90-205(12) Exceptions in the R-1 Residential Zoning District
15. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-233(1) Permitted Accessory Uses and Structures in the R-2 Residential Zoning District. The applicant, City of

Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)

16. **Ordinance 2012-44: Amending the Wayne Municipal Code, specifically Section 90-233(1) Permitted Accessory Uses and Structures in the R-2 Residential Zoning District**
17. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-235(8) Exceptions in the R-2 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)
18. **Ordinance 2012-45: Amending the Wayne Municipal Code, specifically Section 90-235(8) Exceptions in the R-2 Residential Zoning District**
19. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-263(1) Permitted Accessory Uses and Structures in the R-3 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)
20. **Ordinance 2012-46: Amending the Wayne Municipal Code, specifically Section 90-263(1) Permitted Accessory Uses and Structures in the R-3 Residential Zoning District**
21. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-265(10) Exceptions in the R-3 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)
22. **Ordinance 2012-47: Amending the Wayne Municipal Code, specifically Section 90-265(10) Exceptions in the R-3 Residential Zoning District**
23. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-293(2) Permitted Accessory Uses and Structures in the R-4 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)
24. **Ordinance 2012-48: Amending the Wayne Municipal Code, specifically Section 90-293(2) Permitted Accessory Uses and Structures in the R-4 Residential Zoning District**
25. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-294(b)(2) Permitted Conditional Uses in the R-4 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)

26. [Ordinance 2012-49: Amending the Wayne Municipal Code, specifically Section 90-294\(b\)\(2\) Permitted Conditional Uses in the R-4 Residential Zoning District](#)

27. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-315(7) Special Exception Uses in the R-5 Residential Zoning District. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)

28. [Ordinance 2012-50: Amending the Wayne Municipal Code, specifically Section 90-315\(7\) Special Exception Uses in the R-5 Residential Zoning District](#)

29. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending the Wayne Municipal Code, specifically Section 90-703(e) Accessory Uses. The applicant, City of Wayne, wishes to make this amendment. (Advertised Time: 5:30 p.m.)

30. [Ordinance 2012-51: Amending the Wayne Municipal Code, specifically Section 90-703\(e\) Accessory Uses](#)

31. [Public Hearing: Budget Hearing \(Advertised Time: 5:30 p.m.\)](#)

Background: The budget proposed for this hearing is the result of the Mayor and Council budget work session. A copy of the proposed budget is linked to the City of Wayne website.

32. [Ordinance 2012-52: Approving Annual Appropriation Bill](#)

Recommendation: This action is required by State Statutes so the Council is authorized to spend the funds appropriated in the budget.

33. [Action on Approving Allowable 1% Increase in Base Limitation of Restricted Funds Budget](#)

Background: In 1996, the Nebraska Unicameral passed a spending limit for cities with a spending base for that budget year. The legislation allows an annual increase in the spending limit if the Council approves the same.

Recommendation: The recommendation of the League of Nebraska Municipalities is to approve a 1% increase in the spending limit each year, whether we intend to use it that year or not, because cities that skip a year can't reach back and get that 1% increase in later years if they need it.

34. [Resolution 2012-65: Adopting 2012-2013 Budget](#)

35. Public Hearing: Tax Asking/Property Tax Levy (Advertised Time: 5:30 p.m.)

36. [Resolution 2012-66: Approving Final Property Tax Request for 2012-2013](#)

37. Action on Capital Project's City Sales Tax Budget

Background: This is the portion of the budget that is funded through the local option sales tax. Expenditures in this budget are limited to capital and economic development projects.

38. Ordinance 2012-28: Amending Wayne Municipal Code Chapter 2, Article II, Council, Division 1. Generally by Adding Section 2-51 Code of Decorum (Second Reading)

39. Ordinance 2012-36: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Thursday, September 27th, Friday, September 28th and Saturday, September 29th (Wayne State College Homecoming Activities) (Second Reading)

40. Resolution 2012-67: Authorizing the Sale of Lot 4 and 8' of the Vacated Alley, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska, to Kelby R. Herman

41. Ordinance 2012-53: Directing the Sale of Lot 4 and 8' of the Vacated Alley, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska, to Kelby R. Herman

42. Resolution 2012-68: Authorizing the Sale of the East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town of the City of Wayne, Wayne County, Nebraska to Kelby R. Herman

43. Ordinance 2012-54: Directing the Sale of the East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town of the City of Wayne, Wayne County, Nebraska to Kelby R. Herman

44. Resolution 2012-69: Rescinding Council Action on Resolution 2012-33 Regarding the Application for Assistance from the Nebraska Emergency Management Agency – Hazard Mitigation Grant Program for the Purpose of Purchasing and Replacing the Emergency Civil Defense Sirens

Background: Resolution 2012-33, which approved a previous application for FEMA cost share to replace all of our civil defense sirens was submitted last year but failed to meet the deadline. We are resubmitting an updated application. This Resolution needs to be rescinded to act on the new Resolution.

45. Resolution 2012-70: To Apply for Assistance from the Nebraska Emergency Management Agency – Hazard Mitigation Grant Program for the Purpose of Purchasing and Replacing the Emergency Civil Defense Siren

46. Resolution 2012-71: Amending One-Way and Two-Way Traffic in the City of Wayne

Background: This action will restore two-way traffic to 4th Street between Sherman and School View Drive and to School View Drive between 4th Street and 5th Street.

Recommendation: The recommendation of the Police Department, Street Superintendent, and the School is to restore these streets back to two-way traffic.

47. Action on Leisure Services Coordinator Job Description

Background: This creates the job description for Leisure Services Coordinator that will assist the Recreation Services Director in managing the CAC activities. The Recreation Services Director will take over the personnel supervision and budget responsibilities for the CAC, leaving the tasks in this job description.

48. Action to Authorize the City Administrator to Temporarily Pay Out Police Dispatcher Vacation Leave in the Amount over the Accrual Limit at current Wage Rates

Background: Because we have been operating the five-person Dispatch Center with only three people, the dispatch staff has been unable to take vacation leave as it has been accruing. Under our vacation policy, an employee stops accruing vacation leave at 280 hours until the employee takes vacation time off. We are unable to provide any significant time off for the dispatchers until additional new staff is trained, and it doesn't seem appropriate for the current dispatchers to forfeit vacation leave they could be earning, but for the fact we can't give them time off.

Recommendation: I am requesting temporary Council approval to pay out future vacation leave that the dispatchers are forfeiting, as they earn it, until we get sufficient staff in place to give them time off. We are currently doing this with the certified officers.

49. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

August 21, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, August 21, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 9, 2012, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of August 7, 2012, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

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

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LIST OF AUGUST 7, 2012: DELETE: CITY OF WAYNE, RE, 475.00; INTERSTATE BATTERY, SU, 11.00; NORFOLK SPORTING GOODS, SU, 38.50; RUDOLPH'S SHOES, SU, 144.49

VARIOUS FUNDS: AMERICAN PUBLIC POWER, FE, 982.50; AMERITAS, SE, 1777.71; APPEARA, SE, 209.87; AXELS AND GEARS, SU, 549.00; BANK FIRST, SE, 120.00; CITY EMPLOYEE, RE, 130.54; BROWN SUPPLY, SU, 6119.41; CEDAR-KNOX PUBLIC POW DST, SE, 211.00; CITY EMPLOYEE, RE, 158.02; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 63359.55; CITY OF WAYNE, RE, 125.00; COMMUNITY HEALTH, RE, 3.00; CITY EMPLOYEE, RE, 247.14; COVENTRY HEALTH, SE, 20584.24; DISPLAY SALES COMPANY, SU, 385.00; CITY EMPLOYEE, RE, 211.81; CITY OF WAYNE, RE, 95.69; FLOOR MAINTENANCE, SU, 390.48; GERHOLD

CONCRETE, SU, 2561.00; GOV'T FINANCE OFFICERS, FE, 170.00; GROSSENBURG IMPLEMENT, SE, 504.67; H.K. SCHOLZ CO, SE, 47552.25; HARDING & SHULTZ, SE, 9283.73; HAWKINS, SU, 330.96; HD SUPPLY WATERWORKS, SU, 5770.46; CITY EMPLOYEE, RE, 112.58; ICMA, SE, 5306.49; INDUSTRIAL CHEM LABS, SU, 926.61; IRS, TX, 20044.59; JASON CAROLLO, SE, 25.00; CITY EMPLOYEE, RE, 57.69; KRIZ-DAVIS, SU, 391.92; LANGEMEIER, WAYNE, SE, 50.00; LUXA CONSTRUCTION, SE, 135531.44; NNEDD, SE, 930.00; CITY EMPLOYEE, RE, 432.58; NDED, RE, 345587.13; NE DEPT OF REVENUE, TX, 3120.20; NE SAFETY COUNCIL, FE, 295.00; NPPD, SE, 394215.35; OLSSON ASSOCIATES, SE, 6254.33; PITNEY BOWES, SE, 648.00; CITY EMPLOYEE, RE, 471.90; PUSH-PEDAL-PULL, SE, 54.00; REHAB SYSTEMS, SE, 19965.00; ROGER & JANIS MYERS, RE, 500.00; RONALD WRIEDT, SE, 50.00; SHERWIN WILLIAMS-NORFOLK, SU, 244.95; SIOUX CITY JOURNAL, SU, 203.84; SPARKLING KLEAN, SE, 2208.15; STAND FOR THE SILENT, RE, 600.00; VAN DIEST SUPPLY, SU, 100.59; WAED, RE, 460.00; WAYNE COUNTY CLERK, FE, 79.00; WESCO, SU, 528.24; ZEE MEDICAL SERVICE, SU, 87.25; 4IMPRINT, SU, 881.36; AMAZON.COM, SU, 183.93; BAKER & TAYLOR BOOKS, SU, 596.62; BLACK HILLS ENERGY, SE, 33.90; BOMGAARS, SU, 43.76; CITY EMPLOYEE, RE, 91.39; CITY EMPLOYEE, RE, 77.72; BROWN TRAFFIC PRODUCTS, SU, 194.00; CITY EMPLOYEE, RE, 150.00; CENTURYLINK, SE, 310.77; CITY OF NORFOLK, SE, 286.89; CITY OF WAYNE, RE, 1000.00; CITY OF WAYNE, RE, 138.00; CITY OF WAYNE, RE, 105.92; DAKOTA BUSINESS SYSTEMS, SE, 103.50; JACK'S UNIFORMS, SU, 5995.90; DE LAGE LANDEN FINANCIAL, SE, 394.00; DGR & ASSOCIATES, SE, 180.00; CITY EMPLOYEE, RE, 774.59; EGAN SUPPLY, SU, 24.27; ELLIS PLUMBING & HEATING, SE, 6145.82; FASTENAL, SU, 9.14; FORT DEARBORN LIFE, SE, 1580.11; GERHOLD CONCRETE, SU, 504.00; HEARTLAND PAPER, SU, 74.32; JANWAY COMPANY, SU, 145.65; JESSICA BOLLES, RE, 37740.00; CITY EMPLOYEE, RE, 127.32; KLEIN ELECTRIC, SE, 22140.80; KRIZ-DAVIS, SU, 650.56; CITY EMPLOYEE, RE, 86.86; LOUIS BENSOTER, RE, 135000.00; MARK KAI, RE, 449.22; MICHAEL TODD & CO, SU, 404.73; MICROFILM IMAGING SYSTEMS, SE, 668.04; NE LIBRARY COMMISSION, SU, 1000.00; OCLC, SU, 104.57; CITY EMPLOYEE, RE, 182.49; QUILL, SU, 145.57; RANDOM HOUSE, SU, 30.00; SGP SERVICES, SE, 79.88; STATE NATIONAL BANK, RE, 217.13; T & S TRUCKING, SU, 222.21; THE GLASS EDGE, SU, 379.00; UTILITIES SECTION, FE, 2553.00; VERIZON, SE, 220.35; VOSS LIGHTING, SU, 56.75; WAED, RE, 139.00; WAYNE COMMUNITY SCHOOLS, RE, 2417.84; WESCO, SU, 108.63

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

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Elise Hepworth updated the Council on some of the events and programs that are being scheduled the first week of September for the "Stand for the Silent" anti-bullying cause.

Mayor Chamberlain proclaimed the month of September as "Stand for the Silent" month.

Administrator Johnson stated he received a housing development proposal from Kelby Herman with the following terms:

1. Mr. Herman would purchase, for \$500 each, the empty lots the City owns at:
 - a. 509 Nebraska Street (Lot 4, and 8 feet of the vacated alley, Block 7, North Addition)
 - b. 418 West 1st Street (East 48 feet of West 100 feet of Lots 4, 5, and 6, Block 24, Original Town)
2. Mr. Herman would construct market rate rental properties on each lot within 24 months of acquiring them.
3. The City would execute a TIF Financing Agreement, based upon the resale value of the lots, to Mr. Herman's development company.
4. There would be available to Mr. Herman the \$5,000 per unit loan program that is similar to the "New Home" loan program, with the terms amended to 5 years at 0%.

Mr. Herman wants to build a duplex on the West 1st Street lot and a four or five plex on the Nebraska Street property. The lots are big enough to build these units, plus accommodate parking in the back.

Kelby Herman was present to answer questions.

Councilmember Ley made a motion, which was seconded by Councilmember Van Delden, directing the City Attorney to prepare a Purchase Agreement and authorizing the Mayor to execute the same on behalf of the City. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, Executive Director of Wayne Area Economic Development, provided the Council with the six-month LB 840 update.

Gene Hansen, Superintendent of Electric Production, updated the Council on the new megawatt peak set this summer and the new Catalytic Converters and Cooling Tower Projects.

The following Resolution would approve Contract Amendment #1 to the Letter Agreement for professional services with Olsson Associates for the RICE NESHAP Compliance Project for a fee of not to exceed \$45,000. Said additional services will be:

- Oversee the installation of all RICE NESHAP compliance equipment procured as a part of the first phase of the project;
- Coordinate certification testing of the catalytic equipment with the NDEQ and perform the testing necessary to certify the equipment for compliance with the requirements of RICE NESHAP 4Z; and
- Close out the project by supplying all certification test results and related paperwork to the NDEQ on behalf of the City of Wayne and provide copies of all submittals to the City; and

Councilmember Sturm introduced Resolution No. 2012-59 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-59

A RESOLUTION APPROVING CONTRACT AMENDMENT #1 TO THE LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE RICE NESHAP COMPLIANCE PROJECT.

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

The following Resolution would approve a Memorandum of Understanding between the City of Wayne and Providence Medical Center. Tom Lee, Providence Medical Center Administrator, stated that PMC is applying for a 340B drug program. The contract requires that they develop an MOU with a state or local government to provide health care services to low income individuals who are not entitled to Medicare or Medicaid benefits at no reimbursement or considerably less than full reimbursement from these patients. This will allow them to get some of their drugs at an average wholesale price, which will be a savings for both PMC and the residents being served as well.

Councilmember Sturm introduced Resolution No. 2012-61 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-61

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND PROVIDENCE MEDICAL CENTER.

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

A request has been received from Wayne Grain & Feed to use city owned property on which to stockpile corn if needed.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley approving the request of Wayne Grain & Feed to use city owned property to stockpile corn, if needed. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade, which will include Band Day, on Saturday, September 29, 2012.

Councilmember Sturm introduced Resolution No. 2012-58 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-58

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

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

Administrator Johnson stated a new agreement has been reached with Wayne State College regarding the sharing of law enforcement resources at the college. The hours had been reduced from 32 to 22 hours per week last year, and will remain at 22 again this year. In addition, the amount that the College paid for said services had been reduced from \$42,000 to \$30,000 last year and will stay at \$30,000 this year.

Councilmember Frevert introduced Resolution No. 2012-60 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-60

A RESOLUTION APPROVING INTERLOCAL AGREEMENT TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE AND WAYNE STATE COLLEGE.

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

Joel Hansen, Certified Street Superintendent, stated the following Resolution would approve only the design portion of the 10th Street, Main to Windom Street, project, that was submitted by Eisenbraun & Associates for the sum of not to exceed \$17,160. Eisenbraun also submitted a separate proposal for construction services in the amount of \$53,780. This was reduced from \$82,000. Staff recommendation is that Council only approve the design portion of the project at this time. Staff will solicit bids for the construction services portion of the project.

Councilmember Sturm introduced Resolution No. 2012-62 and moved for approval of the design portion only; Councilmember Ley seconded.

RESOLUTION NO. 2012-62

A RESOLUTION APPROVING AGREEMENT FOR SERVICES BETWEEN THE CITY OF WAYNE AND EISENBRAUN & ASSOCIATES FOR THE 10TH STREET, MAIN TO WINDOM STREET RECONSTRUCTION PROJECT, AND AUTHORIZING THE USE OF LOCAL FUNDS TO BE REIMBURSED BY FUTURE ALLOCATIONS OF STATE HIGHWAY STP REPLACEMENT FUNDS FOR SAID PROJECT.

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

Further discussion took place on the Code of Decorum ordinance. A draft with the changes made from the last meeting was reviewed by Council

Councilmember Ley shared concerns regarding the absentee portion of the ordinance, more specifically the language that states a vacancy will exist on the City Council if a Councilmember is absent more than 30% of the regular meetings.

Attorney Miller recommended leaving that portion of the ordinance which mirrors state statute in the ordinance.

Councilmember Sturm stated he liked the requirement of having to attend at least 70% of the meetings from the standpoint that the Council is elected by our constituents, and they expect us to be at the meetings. If the Council doesn't like that requirement, then consideration should be given to bringing back the discussion of getting paid on a per meeting basis.

Councilmember Frevert didn't think it was a thing about pay. It's more about attendance and being in the know of what's going on.

Mayor Chamberlain stated he has been asked by members of the public if he can do anything to compel or require Councilmembers to be in attendance at the meetings. He advises them that as long as the Councilmembers don't miss more than 5 in a row, he can't do anything about.

Councilmember Ley made a motion, and Councilmember Alexander seconded to table action on Ordinance 2012-28 Code of Decorum until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who voted Nay, the Mayor declared the motion carried.

Councilmember Brodersen introduced Ordinance 2012-35, and moved for approval of the second reading thereof; Councilmember Ley seconded.

ORDINANCE NO. 2012-35

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE SIDE YARD UTILITY EASEMENTS CONSISTING OF THE EAST 7 FEET OF SIDE-YARD UTILITY EASEMENT IN LOT 5 AND THE WEST 7 FEET OF SIDE-YARD UTILITY EASEMENT IN LOT 6, FAIRWAY ESTATES SUBDIVISION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA

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

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

Councilmember Ley made a motion and Councilmember Brodersen seconded to move for final approval of Ordinance No. 2012-35. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ken Jorgensen, owner of The Max, was present requesting Council consideration to extending the hours of sale of alcoholic liquor to 2:00 a.m. on the following dates:

- Thursday, September 27th, Friday, September 28th, and Saturday, September 29th – Wayne State College Homecoming Activities
- Saturday, October 27th – Saturday before Halloween
- Thursday, November 1st – Thursday after Halloween
- Thursday, December 13th and Friday, December 14th – Wayne State College Graduation
- Monday, December 31st – New Year's Eve

Councilmember Frevert introduced Ordinance No. 2012-36 and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2012-36

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE HOMECOMING ACTIVITIES (September 27th, 28th, and 29th).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who voted Nay and Councilmember Berry who abstained, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Sturm introduced Ordinance No. 2012-37 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-37

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR IN CONJUNCTION WITH A HALLOWEEN PARTY (OCTOBER 27TH).

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

Councilmember Sturm made a motion and Councilmember Haase seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who voted Nay and Councilmember Berry who abstained, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Haase seconded to move for final approval of Ordinance No. 2012-37. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember

Ley who voted Nay and Councilmember Berry who abstained, the Mayor declared the motion carried.

Mr. Jorgensen requested that Ordinance No. 2012-38 be pulled from the agenda. The Ordinance died for lack of a motion.

Councilmember Brodersen introduced Ordinance No. 2012-39 and moved for approval thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2012-39

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR IN CONJUNCTION WITH WAYNE STATE COLLEGE GRADUATION (DECEMBER 13TH AND 14TH).

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

Councilmember Sturm made a motion and Councilmember Frevert seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who voted Nay and Councilmember Berry who abstained, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-39. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who voted Nay and Councilmember Berry who abstained, the Mayor declared the motion carried.

Councilmember Frevert introduced Ordinance No. 2012-40 and moved for approval thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2012-40

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC FOR NEW YEAR'S EVE.

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

Councilmember Sturm made a motion and Councilmember Frevert seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who voted Nay and Councilmember Berry who abstained, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-40. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Ley who voted Nay and Councilmember Berry who abstained, the Mayor declared the motion carried.

Discussions took place in regard to amending the municipal code to allow Councilmembers who get employed by the City to complete or finish their current term in office with the approval of a majority of Council. A councilmember has accepted a position with the City whose term expires in December. This change would give the Council the ability to say whether or not the Councilmember can or cannot finish a term on a case-by-case basis. The reason for this is that there is the potential for an elected

official to get employed right after an election. It's not a State Statute that you can't do both. Mayor Chamberlain was not comfortable with it being long-term. He would ask this particular Councilmember to stay on through the end of the year.

Council consensus was to have staff prepare an ordinance amending the Wayne Municipal Code for Council consideration at the next meeting.

Councilmember Alexander made a motion, which was seconded by Councilmember Ley, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:15 p.m.

CLAIMS LISTING SEPTEMBER 4, 2012

ADVANCED CONSULTING	WESTERN RIDGE PAVING	1,900.00
AMERICAN BROADBAND	FIBER LINE LEASE/TELEPHONE CHARGES	2,205.55
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,893.32
APPEARA	LINEN & MAT SERVICE	164.16
ARCADIAN MARKSMANSHIP	RANGE MEMBERSHIP	100.00
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	120.00
BLACK HILLS ENERGY	GAS BILLINGS	276.10
CITY EMPLOYEE	HEALTH REIMBURSEMENT	257.00
BOMGAARS	FAN/SPREADER/LADDER/CONNECTORS ETC	1,232.97
CITY EMPLOYEE	SAFETY BOOTS/HEALTH REIMBURSEMENT	3,710.91
BROWN SUPPLY CO	WATER DECAL/RHINO POST	556.20
BSN SPORTS, INC	VOLLEYBALL NET ANTENNA	582.12
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	250.00
CITY OF WAYNE	DRIVEWAY BOND DEPOSIT REFUND	500.00
CITY OF WAYNE	FIREHALL DEPOSIT REFUND	105.00
CITY OF WAYNE	PAYROLL	68,068.70
CITY OF WAYNE	UTILITY REFUNDS	161.08
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
DIXON CO CLERK'S OFFICE	FILING FEE	5.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	9.89
ECHO GROUP INC JESCO	HEATER-LIFT STATION	172.68
ECOLAB, INC.	NEUTRALIZERS-LAUNDRY	223.52
EGAN SUPPLY CO	GYM FLOOR RESURFACING	6,550.49
ERMA BARKER	CLEANING FIREHALL	45.00
FASTENAL CO	BOLTS/FASTENERS	55.36
FIRST CONCORD GROUP LLC	CAFETERIA FEES	3,102.18
FLOOR MAINTENANCE	DETERGENT/CLEANERS/SPONGES	151.06
FREDRICKSON OIL CO	DIESEL FUEL-GRINDER/TIRES	841.79
GROSSENBURG IMPLEMENT INC	V-BELT/MOWER BLADES & REPAIR	923.82
CITY EMPLOYEE	HEALTH REIMBURSEMENT	80.27
CITY EMPLOYEE	HEALTH REIMBURSEMENT	394.72
HD SUPPLY WATERWORKS, LTD	WATER METERS/REMOTE WIRES	4,492.94
CITY EMPLOYEE	HEALTH REIMBURSEMENT	14.78
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,296.11
IRS	FICA WITHHOLDING	26,261.44
JACK'S UNIFORMS	SHOULDER PATCHES	638.75
JEO CONSULTING GROUP	WWTP	1,708.00
JIM MITCHELL	TREE INCENTIVE	50.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	461.30
JORGENSEN LAW OFFICE	ATTORNEY FEES	1,637.50
L.G. EVERIST	ROCK	519.72
LAW ENFORCEMENT SERVICES	OFFICER TESTING	270.00
LOIS HALL	ENERGY INCENTIVE	464.67
CITY EMPLOYEE	HEALTH REIMBURSEMENT	54.06

MATT EISCHEID	TREE INCENTIVE	200.00
MCGUIRE & NORBY	ATTORNEY FEE	5,314.60
MERCY MEDICAL CLINICS	PRE EMPLOYMENT TESTING	58.00
MICHAEL TODD & CO INC	REFLECTORS/LETTERS	446.25
MIKE TOWNE	NPPD COST RECOVERY	1,100.00
MOONLIGHT TOWING LLC	TOWING CHARGES	111.83
CITY EMPLOYEE	HEALTH REIMBURSEMENT	5.72
NE DEPT OF REVENUE	STATE WITHHOLDING	3,181.49
NE DEPT OF ROADS	E 10TH ST PROJECT	4,557.74
NE SAFETY COUNCIL	SHIPPING CHARGES ON VIDEOS	11.41
N.E.NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY	5,122.00
PIEPER & MILLER	ATTORNEY FEES	6,298.00
POSTMASTER	POSTAGE ON WATER SAMPLE LETTER	543.93
PUSH-PEDAL-PULL	EQUIPMENT REPAIR	749.70
QUILL CORPORATION	TONER CARTRIDGES	339.33
SOLBERG MANUFACTURING INC	RICE RULE-FREIGHT CHARGE	1,085.81
STADIUM SPORTING GOODS	SHIRTS/MOUTH PIECES	191.50
STANLEY STEAMER	CLEAN FIREHALL CARPETS	375.00
CITY EMPLOYEE	SAFETY BOOTS	150.00
TYLER TECHNOLOGIES	SOFTWARE MAINTENANCE FEES	14,870.91
UNITED WAY	PAYROLL DEDUCTIONS	10.00
US BANK	REGISTRATIONS/MEALS/HELMETS/CHAIR ETC	3,830.93
VERIZON WIRELESS SERVICES	CELL PHONE CHARGES	102.07
VIAERO	CELL PHONE CHARGES	169.34
WAYNE AUTO PARTS	ALTERNATOR/OIL/COUPLER BODY	215.64
WAYNE COMMUNITY HOUSING	HOUSING STUDY	805.00
WAYNE COUNTY COURT	BOND	400.00
WAYNE GREENHOUSE	LIGHTING EFFICIENCY	108.00
WESCO DISTRIBUTION INC	VESTS/METERS	649.65

RESOLUTION NO. 2012-63

**A RESOLUTION APPROVING, RATIFYING AND CONFIRMING THE
HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS,
SPECIFICATIONS AND ESTIMATE OF COST FOR THE 2012 SLUDGE
REMOVAL PROJECT.**

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the hiring of JEO Consulting Group, as engineers for the 2012 Sludge Removal Project is hereby approved, ratified and confirmed, and that the plans, specifications and estimate of cost of \$175,000, as filed in the office of the City Clerk, for the said project are hereby approved.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 2, ARTICLE II. COUNCIL BY AMENDING SECTION 2-50 RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 2, Article II, Section 2-50(a) of the Wayne Municipal Code is amended as follows:

Sec. 2-50. Restrictions on other employment or elective office.

- a. The mayor and members of the council shall hold no other elective or appointive office or employment with the city, **except that if a current member of council obtains employment with the city, he/she may be authorized to complete his/her current term of service upon a majority vote of all other elected council members.**

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

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

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

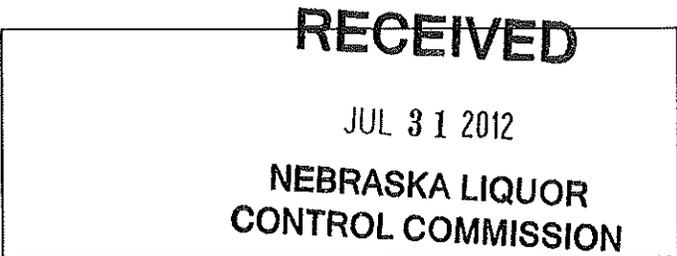
By _____
Mayor

ATTEST:

City Clerk

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

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



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

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

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

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

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

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

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

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

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)
Commission will call this person with any questions we may have on this application**

✓ Name Jessica M. Walske Phone number: 920-429-4166

Firm Name Shopko

PREMISE INFORMATION

Trade Name (doing business as) Shopko Hometown #670

Street Address #1 615 Dearborn Street

Street Address #2 _____

City Wayne County Wayne #21 Zip Code 68787

Premise Telephone number 420-375-1544

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

city

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

Name Shopko Stores Operating Co., LLC

Street Address #1 Attn: Tax Department

Street Address #2 PO Box 19060

City Green Bay State WI Zip Code 54307-9060

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

READ CAREFULLY

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

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

Length See Exhibit A feet

Width _____ feet

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

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

APPLICANT INFORMATION

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

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

YES NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Peter Vandenhouten	8/2011	Allouez, WI	OWI	License Revocation
Gary Gibson	1986	Indiana	Minor in possession	Fine

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

YES NO

If yes, give name of business and liquor license number _____

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

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

YES NO

If yes, give name and license number Pamida Stores Operating Co., LLC / License #71978

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

YES NO

If yes:

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

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

YES NO

If yes, list the lender(s) _____

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

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

YES NO

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

No silent partners

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

YES NO

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

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

YES NO

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

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

YES NO

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

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

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

State National Bank & Trust, Wayne, NE / Gary Gibson, Russell Steinhorst, Peter Vandenhouten

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

See Attached Listing Exhibit B.

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

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

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

Applicant Name	Date Trained (mm/yyyy)	Name of program where trained (name, city)

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

Lease: expiration date August 1, 2018
 Deed
 Purchase Agreement

*Sublease
State
Automatic
Renewal*

14. When do you intend to open for business? September 17, 2012

15. What will be the main nature of business? General Merchandise Retailer

16. What are the anticipated hours of operation? Mon-Sat; 9 a.m.-9 p.m.: Sun: 9 am-6 pm.

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

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
See attached Exhibit C					

If necessary attach a separate sheet.

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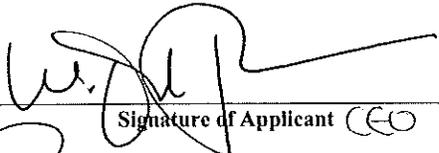
JUL 31 2012

**NEBRASKA LIQUOR
CONTROL COMMISSION**

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

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

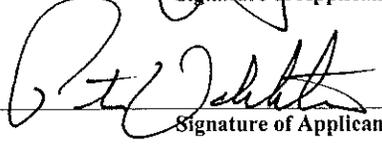
Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.



 Signature of Applicant CEO

Non-Participating

 Signature of Spouse



 Signature of Applicant SVP-Secretary

Non-participating

 Signature of Spouse

 Signature of Applicant

 Signature of Spouse

 Signature of Applicant

 Signature of Spouse

 Signature of Applicant

 Signature of Spouse

ACKNOWLEDGEMENT

State of ~~Nebraska~~ Wisconsin
 County of Brown

The foregoing instrument was acknowledged before me this

7-26-12

 date

by W. Paul Jones / Peter Vandenhouten

 name of person acknowledged



 Notary Public signature

Affix Seal

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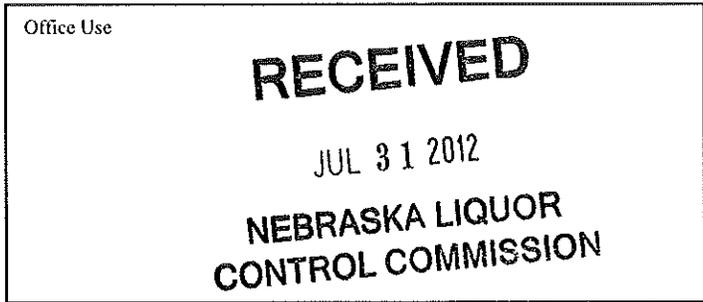
JUL 31 2012

**NEBRASKA LIQUOR
 CONTROL COMMISSION**

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

APPLICATION FOR TEMPORARY OPERATING PERMIT (TOP)

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



- Enclose completed application for liquor license from purchasers
- Enclose document showing sale of business; document may be in the form of purchase agreement/contract, management agreement or promissory note. Must include purchase date or closing date within 2-3 weeks of requesting TOP. Must show name of business being sold. Must be signed by seller.

NAME OF EXISTING BUSINESS (SELLER) AND LICENSE

71978/ Pamida Stores Operating Co., LLC / 615 Dearborn St., Wayne, NE 68787

On (date) February 7, 2012 seller and buyer entered into a contract for sale of the business known as _____.

Buyer seeks to obtain a Temporary Operating Permit (TOP) to allow them to operate the business under the same terms and conditions of premise licensee; subject to approval by the Nebraska Liquor Control Commission (NLCC) for a period not to exceed 90 days.

Seller hereby declares that they are current on all accounts with all Nebraska licensed wholesaler under section §53-123.02. A seller who provides false information regarding such accounts is guilty of a Class IV misdemeanor for each offense.

Pamida Stores Operating Co., LLC

Shopko Stores Operating Co., LLC *OK*

[Signature]
Signature of Seller Secretary

[Signature]
Signature of Buyer SVP- Secretary

State of ~~Nebraska~~ Wisconsin
County of Brown

State of ~~Nebraska~~ Wisconsin
County of Brown

The forgoing instrument was acknowledged before me this 7-26-12 Date

The forgoing instrument was acknowledged before me this 7-12-12 Date

[Signature]
Notary Public Signature

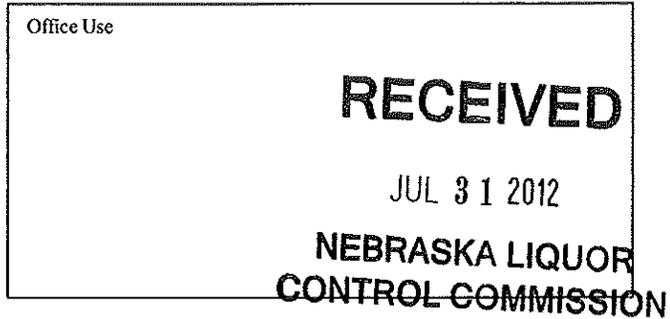
[Signature]
Notary Public Signature

Affix Seal Here

Affix Seal Here

**MANAGER APPLICATION
INSERT - FORM 3c**

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



Corporate manager, including their spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 – 006) and must provide proof of voter registration in the State of Nebraska
- 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
- 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
- 5) Must be 21 years of age or older
- 6) May be required to take a training course

BL voter reg

Corporation/LLC information

Name of Corporation/LLC: Shopko Stores Operating Co., LLC

Premise information

Premise License Number: _____

(if new application leave blank)

Premise Trade Name/DBA: Shopko Hometown #670

Premise Street Address: 615 Dearborn Street

City: Wayne

State: NE

Zip Code: 68787

Premise Phone Number: 402-375-1544

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.

http://www.lcc.ne.gov/license_search/licsearch.cgi

G. J. White, Secretary

CORPORATE OFFICER/MANAGING MEMBER SIGNATURE

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Gender: MALE FEMALE

Last Name: Wibben First Name: Daniel MI: R

Home Address (include PO Box if applicable): 208 W 6th St.

City: Wayne County: Wayne Zip Code: 68787

Home Phone Number: (402) 375-1586 Business Phone Number: (402) 375-1544

Social Security Number: _____ Drivers License Number & State: H12767169 NE

Date Of Birth: 5/26/1974 Place Of Birth: Sioyx Falls, SD

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES NO spousal

Spouse's information

Spouses Last Name: Wibben First Name: Carol MI: L

Social Security Number: _____ Drivers License Number & State: NE H12769219

Date Of Birth: 9-20-74 Place Of Birth: Vermillion, SD

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Wayne, NE	2000	2012	Wayne, NE	2000	2012

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 NEBRASKA LIQUOR CONTROL COMMISSION

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	YEAR TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
1997	2012	Pamida	Jim Larson	(402) 375-1544
1990	1997	Shopko	Myron Berry	(405) 338-1118

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

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

YES NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
				RECEIVED JUL 31 2012 NEBRASKA LIQUOR CONTROL COMMISSION

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? YES NO

IF YES, list the name of the premise.

Pamida # 165 Wayne, NE

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business? YES NO

4. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application? (Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)

YES NO prints enclosed

5. List any alcohol related training and/or experience (when and where).

None

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non participation may be attached.

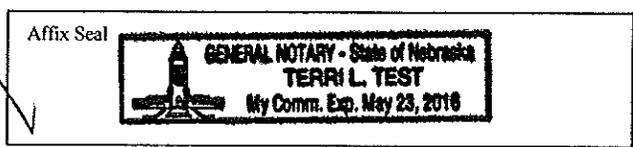
The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

[Signature] Signature of Manager Applicant [Signature] Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Wayne The foregoing instrument was acknowledged before me this
6-13-12 by Dan Wibben / Carol Wibben
date name of person acknowledged

[Signature]
Notary Public signature



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

RECEIVED
JUL 31 2012
NEBRASKA LIQUOR CONTROL COMMISSION
Form 103
Rev 11/2012
Page 5 of 5

RESOLUTION NO. 2012-64

WHEREAS, Shopko Stores Operating Co., LLC, d/b/a "Shopko Hometown 670" made application to the Nebraska Liquor Control Commission for a Retail Class D Liquor License at Highway 35 East, Wayne, Wayne County, Nebraska; and

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

WHEREAS, notice of hearing on said application was published in one issue of the Wayne Herald on August 23, 2012; and

WHEREAS, hearing was held on September 4, 2012, and all persons desiring to present evidence for or against said application were heard.

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

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**City of Wayne
Interoffice Memorandum**

Date: August 28, 2012
To: Mayor Chamberlain
Wayne City Council
From: Joel Hansen, Staff Liaison to Planning Commission
Re: Recommendation from August 6, 2012 Meeting

EXECUTIVE SUMMARY: The Council previously tabled amendments to the zoning code in regards to industrial uses. I would recommend the first item on this agenda also be tabled since it is in regards to concrete crushing in the I-1 District and be brought forth at the same time the rest of the language is considered regarding industrial uses. The remaining items are in regards to the size restrictions on accessory structures in residential districts. Originally the Council placed a limit of 1,064 square feet. It became apparent that we have some very large residential lots where larger buildings would be more acceptable such as in Muhs Acres or other areas around the outskirts of Wayne. Thus in 2010 the code was amended to create a cap of 7% of the lot area up to 3,000 square feet and create a use by exception that would allow up to 4,000 square feet. The proposed changes would remove the 3,000 square foot cap and the use by exception leaving 7% of the lot area or 1,064 square feet, whichever is greater, as the maximum size of all accessory structures. This means even on smaller lots they can still build up to the 1,064 square feet and on larger lots they can exceed that up to 7% of the lot area. This topic was brought forth after the discussion regarding Private Recreation Building that was proposed by Kelby Herman.

At their meeting held on August 6, 2012, the Wayne Planning Commission held several public hearings; the results of those public hearings are as follows:

Public Hearing: Amending Section 90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council to amend Section 90-714(b)(1), by adding the following:

1. Physical appearance. All operations other than concrete crushing shall be carried on within an enclosed building, except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena - aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-203(1) Permitted Accessory Uses and Structures in the R-1 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sorensen and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council to amend Section 90-203(1) Permitted Accessory Uses and Structures in the R-1 Residential District, by amending the following use:

1. Accessory buildings or uses customarily incidental to the uses permitted in Section 90-202, provided that:
 1. a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 2. b) Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area ~~up to 3,000 square feet~~, whichever is greater.
 3. c) Shall be in conformance with the provisions of Section 90-703.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Char Melena - aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-205(12) Exceptions in the R-1 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Braun and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council to amend Section 90-205(12) Exceptions in the R-1 Residential District, by amending the following use:

~~12. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena - aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-233(1) Permitted Accessory Uses and Structures in the R-2 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council to amend Section 90-233(1) Permitted Accessory Uses and Structures in the R-2 Residential District, by amending the following use:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 1. a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 2. b) Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area ~~up to 3,000 square feet~~, whichever is greater.
 3. c) Shall be in conformance with the provisions of Section 90-703.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-235(8) Exceptions in the R-2 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sorensen and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council to amend Section 90-235(8) Exceptions in the R-2 Residential Zoning District, by amending the following use:

- ~~8.—Accessory structures exceeding 3,000 square feet but not to exceed 4,000 square feet or seven percent of the total lot area.~~

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena - aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-263(1) Permitted Accessory Uses and Structures in the R-3 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After

and discussion, motion was made by Commissioner Braun and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council to amend Section 90-263(1) Permitted Accessory Uses and Structures in the R-3 Residential Zoning District, by amending the following use:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 1. a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 2. b) Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area ~~up to 3,000 square feet~~, whichever is greater.
 3. c) Shall be in conformance with the provisions of Section 90-703.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-265(10) Exceptions in the R-3 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council to amend Section 90-265(10) Exceptions in the R-3 Residential Zoning District, by amending the following use:

- ~~10. Accessory structures exceeding 3,000 square feet but not to exceed 4,000 square feet or seven percent of the total lot area.~~

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-293(2) Permitted Accessory Uses and Structures in the R-4 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Braun and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council to amend Section 90-293(2) Permitted Accessory Uses and Structures in the R-4 Residential Zoning District, by amending the following use:

2. Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 1. a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 2. b) Collectively the area of all accessory structures shall not exceed 1064 square feet of 7% of the lot area ~~up to 3,000 square feet~~, whichever is greater.
 3. c) Shall be in conformance with the provisions of Section 90-703.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-294(b)(2) Permitted Conditional Uses in the R-4 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sorensen and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council to amend Section 90-294(b)(2) Permitted Conditional Uses in the R-4 Residential Zoning District, by amending the following use:

- (b) Exceptions, in accordance with Article XI of this chapter, are:
 1. Child care centers
 2. ~~Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-315(7) Special Exception Uses in the R-5 Residential Zoning District

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Braun and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council to amend Section 90-315(7) Special Exception Uses in the R-5 Residential Zoning District, by amending the following use:

~~7. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-703(e) Accessory Uses

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council to amend Section 90-703(3) Accessory Uses, by amending the following use:

- (e) Unattached accessory use. Any unattached accessory building(s) in combination with the principal or primary structure, in any R designated zoning district, shall not exceed a combined area greater than 50% of the lot area, provided the combined total area of all unattached accessory structures shall not exceed 1064 square feet or 7 percent of the lot area ~~up to 3,000 square feet~~, whichever is greater.

With the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Piper – aye; Commissioner Braun – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

ORDINANCE NO. 2012-42

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-203(1) PERMITTED ACCESSORY USES AND STRUCTURES; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-203(1) Permitted Accessory Uses and Structures (R-1 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-203(1) of the Wayne Municipal Code is amended as follows:

Sec. 90-203. Permitted Accessory Uses and Structures

1. Accessory buildings or uses customarily incidental to the uses permitted in Section 90-202, provided that:
 - a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b) Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area ~~up to 3,000 square feet~~, whichever is greater.
 - c) Shall be in conformance with the provisions of Section 90-703.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-43

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-205(12) EXCEPTIONS; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-205(12) Exceptions (R-1 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-205(12) of the Wayne Municipal Code is amended as follows:

Sec. 90-205. Exceptions.

~~12. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-44

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-233(1) PERMITTED ACCESSORY USES AND STRUCTURES; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-233(1) Permitted Accessory Uses and Structures (R-2 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-233(1) of the Wayne Municipal Code is amended as follows:

Sec. 90-233. Permitted Accessory Uses and Structures

1. Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b) Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area **up to 3,000 square feet**, whichever is greater.
 - c) Shall be in conformance with the provisions of Section 90-703.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-45

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-235(8) EXCEPTIONS; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-235(8) Exceptions (R-2 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-235(8) of the Wayne Municipal Code is amended as follows:

Sec. 90-235. Exceptions.

~~8. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-46

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-263(1) PERMITTED ACCESSORY USES AND STRUCTURES; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-263(1) Permitted Accessory Uses and Structures (R-3 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-263(1) of the Wayne Municipal Code is amended as follows:

Sec. 90-263. Permitted Accessory Uses and Structures

1. Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b) Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area ~~up to 3,000 square feet~~, whichever is greater.
 - c) Shall be in conformance with the provisions of Section 90-703.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-47

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-265(10) EXCEPTIONS; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-265(10) Exceptions (R-3 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-265(10) of the Wayne Municipal Code is amended as follows:

Sec. 90-265. Exceptions.

~~10. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-48

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-293(2) PERMITTED ACCESSORY USES AND STRUCTURES; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-293(2) Permitted Accessory Uses and Structures (R-4 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-293(2) of the Wayne Municipal Code is amended as follows:

Sec. 90-293. Permitted Accessory Uses and Structures

2. Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b) Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area **up to 3,000 square feet**, whichever is greater.
 - c) Shall be in conformance with the provisions of Section 90-703.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-49

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-294(b)(2) PERMITTED CONDITIONAL USES; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-294(b)(2) Permitted Conditional Uses (R-4 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-294(b)(2) of the Wayne Municipal Code is amended as follows:

Sec. 90-294. Permitted Conditional Uses.

(b) Exceptions, in accordance with Article XI of this chapter, are:

1. Child care centers

~~2. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-50

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-315(7) SPECIAL EXCEPTION USES; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-315(7) Special Exception Uses (R-5 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article IV, Section 90-315(7) of the Wayne Municipal Code is amended as follows:

Sec. 90-315. Special Exception Uses.

~~7. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.~~

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-51

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII. SUPPLEMENTARY DISTRICT REGULATIONS BY AMENDING SECTION 90-703(e) ACCESSORY USES; 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. The Planning Commission held a public hearing on August 6, 2012, and recommended amending Section 90-703(e) Supplementary District Regulations of the Wayne Municipal Code, with the "Findings of Fact" being:

- Staff's recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article VIII, Section 90-703(e) of the Wayne Municipal Code is amended as follows:

Sec. 90-703. Accessory Uses

- e. Unattached accessory use. Any unattached accessory building(s) in combination with the principal or primary structure, in any R designated zoning district, shall not exceed a combined area greater than 50% of the lot area, provided the combined total area of all unattached accessory structures shall not exceed 1064 square feet or 7 percent of the lot area ~~up to 3,000 square feet~~, whichever is greater.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

City of Wayne
Budget Session Changes

07/30/2012

		proposed	council change	difference
10-551-80.03	Pub Bldg Sound system council c	\$ 10,000.00	\$ 5,000.00	\$ (5,000.00)
10-582-84.13	Water line to Airport	\$ -	\$ 30,000.00	\$ 30,000.00
10-509-98.00	cash reserves	\$ 397,387.00	\$ 372,387.00	\$ (25,000.00)
	Expenditure (deductions) of additions			<u>\$ -</u>
32-620-84.18	Water line to airport	\$ 60,000.00	\$ -	\$ (60,000.00)
32-629-98.00	Funded Depreciation	\$ 207,991.00	\$ 267,991.00	\$ 60,000.00
				<u>\$ -</u>
54-840-74.00	lb840 projects	\$ 194,269.00	\$ 164,269.00	\$ (30,000.00)
54-840-74.12	Other - water line to airport	\$ -	\$ 30,000.00	\$ 30,000.00
				<u>\$ -</u>

ORDINANCE NO. 2012-52

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2012, through September 30, 2013. All sums of money contained in the budget statement as fund totals are hereby appropriated for the necessary expenses and liabilities of the City of Wayne. A copy of the budget document shall be forwarded, as provided by law, to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Wayne County, Nebraska, for use by the levying authority.

Section 2. 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 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-65

A RESOLUTION TO ADOPT THE 2012-2013 BUDGET FOR THE CITY OF WAYNE.

WHEREAS, LB 989 changed budget limitation provisions regarding restricted funds for political subdivisions; and

WHEREAS, LB 1114 established Levy Limits for local governments; and

WHEREAS, the 2012-2013 Budget document meets the requirements of the legislative laws; and

WHEREAS the Mayor and Council of the City of Wayne, Nebraska, has conducted a public hearing as prescribed by law and heard and considered comments concerning the 2012-2013 budget for the City of Wayne; and

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska, hereby finds and determines that it is in the best interest of the City that the 2012-2013 Budget be adopted as the Official Budget for fiscal year 2012-2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the 2012-2013 Budget of the City of Wayne, Nebraska, be and is hereby adopted.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-66

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY2012-2013.

WHEREAS, Nebraska Revised Statute 77-16-01.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wayne passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Wayne that the property tax request for the current year be different than the property tax request for the prior year.

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

1. The 2012-2013 property tax request be set at \$744,210.48; said calculated levy being \$.411612; and
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 1, 2012.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

[Back to Top](#)

City of Wayne
60% of 1% City Sales Tax
CAPITAL PROJECTS BUDGET

Last Updated **08/31/2012**

City of wayne	Potential Projects Estimated Costs	Actual			Estimated Budget 2011-12	Actual collections & expenses to 7/12/12	Estimated Budget 2012-13	Estimated Budget 2013-14	Estimated Budget 2014-15	Estimated Budget 2015-16	Estimated Budget 2016-17	Estimated Budget 2017-18	Estimated Budget 2018-19	Estimated Budget 2019-20	Estimated Budget 2020-21	Estimated Budget 2021-22	Estimated Budget 2022-23	Estimated Budget 2023-24	
		2008-09	9/30/10	9/30/11															
City Sales Tax (est. 2% growth)		\$ 20,885.04	283,071.37	269,421.98	\$ 301,422	\$ 293,212.88	\$ 307,450	\$ 313,599	\$ 319,871	\$ 326,269	\$ 332,794	\$ 339,450	\$ 346,239	\$ 353,164	\$ 360,227	\$ 367,432	\$ 374,780	\$ 382,276	4,990,144.16
Interest		\$ 62.32	938.69	688.35		\$ 245.16													1,934.52
Total Revenues		\$ 20,947.36	284,010.06	\$ 270,110.33	\$ 301,422	\$ 293,458.04	\$ 307,450	\$ 313,599	\$ 319,871	\$ 326,269	\$ 332,794	\$ 339,450	\$ 346,239	\$ 353,164	\$ 360,227	\$ 367,432	\$ 374,780	\$ 382,276	4,992,078.68
* Property Tax Reduction																			
POTENTIAL SALES TAX PROJECTS																			
Infrastructure Projects																			
Kardell Industrial Street (General Fund)	\$260,000		150,000.00																150,000.00
Windom (Debt Service)	\$118,000																		-
Downtown Sidewalks (Debt Service)+interest	\$322,000			\$ 38,800.00	\$ 38,800	\$ 38,800.00	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	\$ 38,800	388,000.00
Airport White topping runways	\$100,000			\$ 100,000.00															100,000.00
Trail Slope Stabilization	\$50,000				\$ 50,000														-
Storm Drain stabilization project	\$250,000				\$ 250,000	\$ 36,941.89													36,941.89
Total Infrastructure	\$1,100,000	\$ -	\$ 150,000.00	\$ 138,800.00	\$ 338,800	\$ 75,741.89	\$ 38,800	674,941.89											
Building & Facility Projects																			
* Transfers City Tax to Sewer/WWTP-council approved	\$1,400,000			\$ 75,000.00	\$ 75,000	\$ 75,000.00	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	1,050,000.00
Bressler Park Bathrooms ADA	\$22,500				\$ 22,500	\$ 22,500	\$ 22,500												22,500.00
Victor Park Bathrooms ADA	\$22,500				\$ 22,500	\$ 5,941.81	\$ 17,500												23,441.81
New Restroom East Park	\$47,000				\$ 10,000	\$ 10,000													10,000.00
ADA Restroom Hank Overin	\$30,000				\$ 10,000	\$ 20,000	\$ 10,000												30,000.00
Lighting Hank Overin (1/2 from Electric)	\$120,000																		-
* 2200' Concrete Trail alternate Phase II	\$16,500				\$ 16,500	\$ 16,500													16,500.00
Library Senior Center/Roof Rubber Roof	\$90,000																		-
* New Swimming Pool	\$1,400,000				\$ 75,000	\$ 6,221.25	\$ 150,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	981,221.25
Summer Sports Complex SW ballfield	\$4,000			\$ 4,000.00															4,000.00
Verizon Tower	\$69,716					\$ 69,715.83													69,715.83
Trail Phase II	\$235,000						\$ 235,000												235,000.00
Water Line to airport	\$30,000						\$ 30,000												30,000.00
Total Buildings & Facilities	\$3,487,216	\$ -	\$ -	\$ 79,000	\$ 231,500	\$ 156,879	\$ 576,500	\$ 160,000	\$ 150,000	\$ 2,472,379									
Equipment / Projects																			
ADA lift - swimming pool			4,373.00																4,373.00
Police car replacement	\$35,000																		-
* Aerial Ladder Truck	\$600,000				\$ 150,000	\$ 150,000.00													150,000.00
* Playground Equipment	\$75,000						\$ 35,000												35,000.00
St. Equipment New/Replacement	\$155,700																		-
Replace personnel carrier	\$65,000																		-
Replace Command Vehicle	\$40,000																		-
City hall Phone System	\$45,000																		-
Digitize Wayne Herald	\$10,000		9,441.78	\$ 10,409.34	\$ 4,000	\$ 1,660.79													21,511.91
Bleacher Replacement	\$20,000			\$ 18,296.20															18,296.20
Total Equipment / Projects	\$1,045,700	\$ -	13,814.78	\$ 28,705.54	\$ 154,000	\$ 151,660.79	\$ 35,000	\$ -	229,181.11										
Total Expenditures	\$5,632,916	\$ -	163,814.78	\$ 246,505.54	\$ 724,300	\$ 384,281.57	\$ 650,300	\$ 198,800	\$ 188,800	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	3,376,501.89					
Remaining Funds		\$ 20,947.36	141,142.64	\$ 164,747.43		\$ 73,923.90													

* Sales tax committee suggestions

City of Wayne
LB 840 - 40% of 1% City Sales Tax

Last Updated 08/31/2012

City of Wayne	Potential Projects Costs	Last Updated 08/31/2012																	Maximum of \$3,200,000 of LB 840 projects
		Actual 2008-09	Actual 8/5/10	Actual collections & expenses to 7/31/11	Estimated Budget 2011-12	Actual collections & expenses to 4/14/12	Estimated Budget 2012-13	Estimated Budget 2013-14	Estimated Budget 2014-15	Estimated Budget 2015-16	Estimated Budget 2016-17	Estimated Budget 2017-18	Estimated Budget 2018-19	Estimated Budget 2019-20	Estimated Budget 2020-21	Estimated Budget 2021-22	Estimated Budget 2022-23	Estimated Budget 2023-24	
City Sales Tax (est. 2% growth)		13,925.43	188,714.24	179,614.64	186,000.00	195,475.25	\$ 198,000	\$ 201,960	\$ 205,999	\$ 210,119	\$ 214,322	\$ 218,608	\$ 222,980	\$ 227,440	\$ 231,989	\$ 236,628	\$ 241,361	\$ 246,188	\$ 3,233,323
Loan			500,000.00			70,000.00													\$ 570,000
Loan Repayments				10,682.00	8,593.14	8,563.14	\$ 29,965	\$ 8,593	\$ 8,593	\$ 8,593	\$ 8,593	\$ 8,593	\$ 8,593	\$ 8,593	\$ 8,593	\$ 8,593	\$ 5,043		\$ 114,405
Interest			378.23	692.06	500.00	48.40	\$ 25												\$ 1,144
Total Revenues		13,925.43	689,092.47	190,988.70	195,093.14	274,086.79	\$ 227,990	\$ 210,553	\$ 214,592	\$ 218,712	\$ 222,915	\$ 227,201	\$ 231,573	\$ 236,033	\$ 237,032	\$ 236,628	\$ 241,361	\$ 246,188	\$ 3,918,872
Potential Projects by Approved LB840 Category																			
Real estate purchases																			
Options on industrial sites		-	-	-	-	-													\$ -
Downtown lots		-	-	-	-	-													\$ -
Subtotal		-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Loan Guarantee																			
Nobel Carr LLC yet to be named	150,000.00	-	-	-	-	-													\$ -
Subtotal	150,000.00	-	-	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Relocate &/or assist qualifying business																			
Digital Blue - approved	30,600.00	30,600.00	-	-	-	-													\$ 30,600
Interactive Impact - approved	30,000.00	30,000.00	-	-	-	-													\$ 30,000
Northeast Nebraska Investors - motel - approved	250,000.00	-	250,000.00	-	-	-													\$ 250,000
DRJ LLC/Inet Library	43,019.00	-	43,019.00	-	-	-													\$ 43,019
Bomgaars - sewer line under highway	26,000.00	-	-	-	-	13,285.00													\$ 13,285
RBDK LLC	70,000.00	-	-	-	-	70,000.00													\$ 70,000
Miss Molly's	30,000.00	-	-	-	-	30,000.00													\$ 30,000
Subtotal	479,619.00	60,600.00	-	293,019.00	-	113,285.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 466,904
Bonds																			
Loan repayment	622,875.00	-	7,500.00	113,500.00	110,500.00	117,300.00	\$ 120,125	\$ 104,500	\$ 101,500										\$ 564,425
Subtotal	622,875.00	-	7,500.00	113,500.00	110,500.00	117,300.00	\$ 120,125	\$ 104,500	\$ 101,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 564,425
Grants for Job Training																			
Subtotal	-	-	-	-	-	-													-
Small Business microenterprise																			
Farmers Market & Community garden	2,750.00	-	2,750.00	-	-	-													2,750
water line to airport	30,000.00	-	-	-	-	-	30,000												30,000
Subtotal	2,750.00	-	2,750.00	-	-	-	30,000	-	-	-	-	-	-	-	-	-	-	-	32,750
Tourism																			
Wayne Veterans Memorial	72,686.00	-	71,177.09	1,508.78	-	-													72,686
Subtotal	72,686.00	-	71,177.09	1,508.78	-	-													72,686
Marketing																			
Community Wide Promotion - approved	25,000.00	-	10,000.00	10,000.00	10,000.00	5,000.00	10,000												35,000
Chicken Show	5,717.69	-	-	-	-	5,717.69													5,718
Subtotal	30,717.69	-	10,000.00	10,000.00	10,000.00	10,717.69	10,000	-	-	-	-	-	-	-	-	-	-	-	35,000
Housing Development																			
Benscoter Subdivision - engineering costs- approved	36,000.00	36,000.00	-	-	-	-													36,000
Windom Ridge - housing study	5,000.00	-	-	-	-	5,000.00													5,000
City of Wayne Housing DPA - loan - approved - repaid	7,132.00	-	7,132.00	-	-	-													7,132
Subtotal	48,132.00	36,000.00	7,132.00	-	-	5,000.00	-	-	-	-	-	-	-	-	-	-	-	-	48,132
Revitalize Downtown																			
Wayne Movie Theater (Project Majestic) - approved	200,000.00	-	200,000.00	-	-	-													200,000
Wayne Community Theater	5,000.00	-	-	-	-	5,000.00													5,000
Subtotal	205,000.00	-	200,000.00	-	-	5,000.00	-	-	-	-	-	-	-	-	-	-	-	-	205,000
Revolving loan																			
Godfather's Pizza - approved	38,000.00	-	38,000.00	-	-	-													38,000
DRJ LLC/Inet Library - 3% - approved	43,019.00	-	-	43,019.00	-	-													43,019
Subtotal	81,019.00	-	38,000.00	43,019.00	-	-													81,019
LB840 Projects																			
Budget	-	-	-	118,279.00	-	-	194,269												194,269
Subtotal	-	-	-	118,279.00	-	-	194,269	-	-	-	-	-	-	-	-	-	-	-	194,269
Total	1,692,798.69	96,600.00	336,559.09	461,046.78	238,779.00	251,302.69	354,394	104,500	101,500	-	1,700,185								
Remaining Funds	(82,674.57)	269,858.81	(199.27)	-	22,584.83	(103,819)	2,234	116,326	334,039	556,953	784,154	1,015,728	1,251,761	1,488,792	1,725,421	1,966,782	2,212,970	-	-

ORDINANCE NO. 2012-28

AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 2, ARTICLE II. COUNCIL, DIVISION 1. GENERALLY, BY ADDING SECTION 2-51 CODE OF DECORUM; 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 , Nebraska:

Section 1. That Chapter 2, Article II., Division 1., of the Municipal Code is amended by adding Sec. 2-51 as follows:

Sec. 2-51. Code of Decorum.

It is the policy of the City of Wayne that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of conduct for all city officials and employees is adopted. The City Council may adopt, amend, and/or rescind this code. If any portion of this Code of Conduct is found to conflict with City Ordinance or State Law, the provisions of City Ordinance or State Law shall be followed.

MAYOR:

1. Presides at all the meetings of the City Council.
2. May debate any matter coming before the City Council.
3. Votes when his/her vote shall be decisive and the City Council is equally divided on any pending matter.
4. Has superintending control of all officers and affairs of the Municipality and shall take care that the State and Municipal law are complied with.
5. Has the power to approve or veto any ordinance, order, by-law, resolution, award of contract, or allowance of a claim passed by the City Council.
6. Demonstrates respect, kindness, consideration, and courtesy to others.
7. Prepares in advance of City Council meetings and becomes familiar with agenda items.
8. Will not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain.
9. Shall communicate to the City Council such information and recommend such measures as in the Mayor's opinion may tend to improve the municipality.
10. May call for a special meeting.
11. Makes judgment calls on proclamations and similar situations.
12. Recognized as spokesperson for the City. The Mayor may designate another.
13. Selects substitute for City representation when unable to attend events.
14. Recommends subcommittees and names for appointment to Committees for City Council confirmation.
15. Leads the City Council into an effective, cohesive working team.
16. Signs documents on behalf of the City.
17. Serves as official delegate of the City at events and conferences.
18. Provides advance notice to City Hall if he/she is unable to attend any called meeting.
19. Demonstrates honesty and integrity in every action and statement.

20. Inspires public confidence in Wayne City government.
21. Will treat all people fairly, based upon authority and recognized standards.

COUNCIL PRESIDENT:

1. Chairs Council meetings in the absence of the Mayor.
2. May debate any matter coming before the City Council and may move, second, debate and vote from the chair, subject only to such limitations of debate as are imposed by these rules on all members, and shall not be deprived of any rights and privileges of a Councilmember by reason of his/her acting as presiding officer.
3. Performs the duties of the Mayor if the Mayor is absent or disabled.
4. Represents City at ceremonial functions at the request of the Mayor.

COUNCILMEMBERS:

All members of the City Council have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. The Council is the policymaker of Wayne City Government, and therefore the City Council should feel free to ask for, and receive thorough answers to reasonable questions. It is their responsibility to make good policy by understanding the form of government and the role they play in that form. The Council shall make all decisions in the City of Wayne's best interest.

Councilmembers should:

1. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
2. Prepare in advance of City Council meetings and be familiar with agenda items.
3. Not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain, including confidentiality in executive session.
4. Represent the City at ceremonial functions at the request of the Mayor.
5. Apply knowledge and expertise to the assigned activity and to the interpersonal relationships that are part of the job in a consistent, confident, and competent manner.
6. Serve as a model of leadership and civility to the employees of the City and the citizens of the community.
7. Inspire public confidence in Wayne City government.
8. Provide advance notice to City Hall whenever possible if he/she is unable to attend any called meeting.
9. A vacancy will exist on the City Council if a Councilmember is absent more than 30% of the regular meetings (December 1st – December 1st) or more than five (5) consecutive regular meetings unless the absences are excused by a majority vote of the remaining members. This procedure, by law, requires notice and a hearing be provided to the Councilmember.
10. Demonstrate honesty and integrity in every action and statement.

MEETING PROCEDURES:

Regular City of Wayne Council meetings are held on the first (1st) and third (3rd) Tuesdays of every month. The Mayor or four (4) Councilmembers can call for a special meeting, the object of which shall be submitted to the City Council in writing.

In chairing official meetings of the City Council, the Mayor, or Council President shall:

1. Maintain order, decorum, and the fair and equitable treatment of all speakers.
2. Keep discussion and questions focused on specific agenda items under consideration.
3. Open public hearings at the designated time(s) and inform those in attendance that each person addressing the City Council shall step up to the podium, state their name and address for the record, and unless further time is granted by the City Council, limit their remarks to three (3) minutes in length.

~~ELECTED OFFICIALS CONDUCT IN PUBLIC MEETINGS:~~

- ~~1. Every Councilmember desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.~~
- ~~2. A member, once recognized, shall not be interrupted when speaking, unless the presiding officer is required to call the member to order or as otherwise provided in this article. If a member, while speaking, is called to order, they shall cease speaking until the question of order is determined, and if in order, the member shall be permitted to proceed.~~
- ~~3. A member having the floor shall yield the same for a point of order addressed to the chair, a question of personal privilege raised by any member and an inquiry for information addressed to the chair. The member may, upon request of any other member, temporarily yield the floor for a question or a statement by any member, at the conclusion of which they will again be entitled to the floor.~~
- ~~4. The City Council may limit debate or discussion on any matter, by "calling the question" on a motion. "Calling the question" requires a second and must pass by a two-thirds vote.~~
- ~~5. A Councilmember may request, through the Mayor, the privilege of having a transcript of their statement on any subject under consideration of the Council entered in the minutes.~~

ELECTED OFFICIALS CONDUCT WITH CITY STAFF:

1. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Rude or boorish behavior towards staff is not acceptable.
2. Questions of City staff should be directed only to the City Administrator, City Attorney, City Clerk, or Department Heads. All requests for information concerning staff should be copied to the City Administrator. Requests for follow-up or directions to staff should be made only through the Mayor or City Administrator when appropriate and should be in writing so there is no confusion on the request. When in doubt about what staff contact is appropriate, Councilmembers should contact the Mayor or City Administrator for direction.
3. Materials supplied to a Councilmember in response to a request will be made available to all members of the City Council so that all have equal access to information.
4. Councilmembers should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should only be made to the Mayor or City Administrator through private correspondence or conversation.
5. Councilmembers should not attempt to influence City staff in their daily work or in the granting of City licenses and permits.

ELECTED OFFICIALS CONDUCT WITH CONSULTANTS/ENGINEERS AND THE PUBLIC:

1. Making individual presenters feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident. Every effort should be made to be fair and impartial in listening to testimony that is presented.
2. It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is acceptable to look down at documents or to make notes, but continual visiting, reading or gazing around gives the appearance of disinterest.
3. All speakers should be allowed the privilege of making an appropriate presentation without interruption. If a speaker becomes flustered or defensive by questions, it is the responsibility of the Chair to stay calm, focus the speaker, and maintain the order and decorum of the meeting.
4. Questions directed to the public/consultants/engineers should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

ELECTED OFFICIALS CONDUCT WITH OTHER AGENCIES, BOARDS AND COMMISSIONS:

1. If an elected official appears before another governmental agency, legislative hearing or organization to give a statement on an issue, the elected official must clearly state: 1) if his/her statement reflects his/her personal opinion or if it is the official stance of the City; and 2) whether this is the majority or minority opinion of the City Council.
2. If the elected official is officially representing the City, he/she must support and advocate the official City position on an issue, and not his/her personal viewpoint.
3. Elected officials may be asked to attend a Board or Commission meeting as a liaison of the City Council. The elected official should be sensitive to the way his/her participation could be viewed as unfairly affecting the process. Any public comments by an elected official should be clearly made as individual opinion and not as representation of the feeling of the entire body unless directed to do so.
4. A primary role of Boards/Commissions is to represent the many points of view in the municipality and to provide advice to the elected officials based on a full spectrum of concerns and perspectives. Elected officials shall be fair and respectful of all citizens serving on Boards/Commissions. It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer.

ELECTED OFFICIALS CONTACT WITH THE MEDIA:

1. The best advice for dealing with the media is to never go "off the record".
2. The Mayor or his/her designee is the designated representative of the City Council to represent and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether his/her comments represent the official City position or his/her personal viewpoint.

ELECTED OFFICIALS CONDUCT IN UNOFFICIAL SETTINGS:

1. Councilmembers should make no promises on behalf of the City Council. It is appropriate to give a brief overview of City policy and to refer to City staff for further

information. It is inappropriate to overtly or implicitly promise City Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, etc).

2. It is acceptable for Councilmembers to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions or actions.

REQUIREMENT OF THE PUBLIC WHEN ADDRESSING THE CITY COUNCIL AS A BODY:

1. The presiding officer of the City Council can, but is not required by state law to, provide opportunity during City Council meetings for discussion by interested persons or their authorized representatives on any City Council agenda item prior to final action thereon; provided, that a preference shall be given to any person who, at least three (3) days prior to the meeting, shall have requested opportunity for discussion by notice directed to the City Clerk.
2. Any member of the public may direct a written communication to the City Council on any matter concerning City business by directing the communication to the City Council through the Mayor, City Administrator, or City Clerk. Any such written communication that cannot be handled administratively shall be placed on the agenda at the next regularly scheduled meeting.
3. The presiding officer shall, from time to time, make such rules as he/she may deem necessary to fulfill and carry out the intent of the provisions of this section.
4. As a general rule, each person addressing the City Council shall step up to the podium, state his/her name and address for the record, and unless further time is granted, limit his/her remarks to three (3) minutes in length. All remarks shall be addressed to the City Council as a body and not to any member thereof. No person, other than the City Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without permission of the Mayor or Presiding Officer.
5. Nothing in this section shall prohibit any citizen from contacting a Councilmember(s) regarding an issue of concern.

SANCTIONS:

1. Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.
2. Councilmembers should refer to the Mayor or City Administrator any City staff who do not follow proper decorum in their dealings with Councilmembers, other City staff, or the public. Such employees may be disciplined in accordance with City Personnel regulations.
3. City Councilmembers who intentionally and repeatedly do not follow proper decorum may be reprimanded, formally censured by the Council, and/or lose seniority or committee assignments. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by the City Council.
4. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full City Council in a public meeting.
5. If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the Mayor who will then conduct a study on the report and take the next appropriate action.

6. These actions can be, but are not limited to: discussing and counseling the individual on violations; recommending sanction to the full City Council to consider in a public meeting; or forming a City Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for council consideration.

CHECKLIST FOR MONITORING CONDUCT:

1. Will my decision/statement/action violate the trust, rights or good will of others?
2. What are my interior motives and the spirit behind my actions?
3. If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
4. How would my conduct be evaluated by people whose integrity and character I respect?
5. Even if my conduct is not illegal or unethical, is it done at someone else's expense?
6. Is my conduct fair? Just? Morally right?
7. If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
8. Does my conduct give others reason to trust or distrust me?
9. Am I willing to take an ethical stand when it is called for?
10. Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
11. Do I exhibit the same conduct in my private life as I do in my public life?
12. Can I take legitimate pride in the way I conduct myself and the example I set?
13. Do I listen and understand the views of others?
14. Do I question and confront different points of view in a constructive manner?
15. Do I work to resolve differences and come to mutual agreement?
16. Do I support others and show respect for their ideas?
17. Will my conduct cause public embarrassment to someone else?

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-36

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

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., only, on the business days of Thursday, September 27, 2012, Friday, September 28, 2012, and Saturday, September 29, 2012, in conjunction with the Wayne State College Homecoming Activities.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-67

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTY TO KELBY R. HERMAN.

WHEREAS, the City of Wayne is the owner of the following described property, to-wit:

Lot 4, and 8' of the vacated alley, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska.

WHEREAS, Kelby R. Herman is interested in purchasing said property from the City of Wayne; and

WHEREAS, there are no current delinquent real estate taxes or special assessments payable to Wayne County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Wayne, Nebraska, that the City Attorney is directed to prepare an ordinance directing the sale of a tract of land described as follows:

Lot 4, and 8' of the vacated alley, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska.

to Kelby R. Herman for the sum of \$1.00 and other valuable consideration.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-53

AN ORDINANCE DIRECTING THE SALE OF LOT FOUR, AND 8' OF THE VACATED ALLEY, BLOCK 7, NORTH ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Section 1. The Mayor and City Council are directed to convey by Warranty Deed to Kelby R. Herman the property owned by the City and legally described as Lot 4, and 8' of the vacated alley, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska, for the sum of \$1.00 and other valuable consideration.

Section 2. Notice of the sale and the terms contained in Section 1 shall be published for three consecutive weeks in the Wayne Herald, provided that if a remonstrance against said sale signed by legal electors thereof equal in number to 30% of the electors of the City voting at the last regular municipal election held therein, be filed with the governing body within thirty days of the passage and publication of this ordinance, said property shall not then, nor within one year thereafter, be sold.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-68

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTY TO KELBY R. HERMAN.

WHEREAS, the City of Wayne is the owner of the following described property, to-wit:

The East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town of the City of Wayne, Wayne County, Nebraska; and

WHEREAS, Kelby R. Herman is interested in purchasing said property from the City of Wayne; and

WHEREAS, there are no current delinquent real estate taxes or special assessments payable to Wayne County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Wayne, Nebraska, that the City Attorney is directed to prepare an ordinance directing the sale of a tract of land described as follows:

The East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town of the City of Wayne, Wayne County, Nebraska,

to Kelby R. Herman for the sum of \$1.00 and other valuable consideration.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

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ORDINANCE NO. 2012-54

AN ORDINANCE DIRECTING THE SALE OF THE EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Section 1. The Mayor and City Council are directed to convey by Warranty Deed to Kelby R. Herman the property owned by the City and legally described as the East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town of the City of Wayne, Wayne County, Nebraska, for the sum of \$1.00 and other valuable consideration.

Section 2. Notice of the sale and the terms contained in Section 1 shall be published for three consecutive weeks in the Wayne Herald, provided that if a remonstrance against said sale signed by legal electors thereof equal in number to 30% of the electors of the City voting at the last regular municipal election held therein, be filed with the governing body within thirty days of the passage and publication of this ordinance, said property shall not then, nor within one year thereafter, be sold.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-69

A RESOLUTION RESCINDING COUNCIL ACTION ON RESOLUTION 2012-33 REGARDING THE APPLICATION FOR ASSISTANCE FROM THE NEBRASKA EMERGENCY MANAGEMENT AGENCY – HAZARD MITIGATION GRANT PROGRAM FOR THE PURPOSE OF PURCHASING AND REPLACING THE EMERGENCY CIVIL DEFENSE SIRENS.

WHEREAS, the City Council, on April 17, 2012, approved Resolution 2012-33 which authorized the application for assistance from the Nebraska Emergency Management Agency – Hazard Mitigation Grant Program for the purpose of purchasing and replacing the emergency civil defense sirens in Wayne; and

WHEREAS, since the passage of said Resolution 2012-33, the total cost of the project has increased thereby making it necessary to rescind the same and approve a new Resolution reflecting the updated cost of the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that Resolution 2012-33 approved on April 17, 2012, is hereby rescinded.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-70

A RESOLUTION TO APPLY FOR ASSISTANCE FROM THE NEBRASKA EMERGENCY MANAGEMENT AGENCY – HAZARD MITIGATION GRANT PROGRAM FOR THE PURPOSE OF PURCHASING AND REPLACING THE EMERGENCY CIVIL DEFENSE SIRENS.

WHEREAS, the City of Wayne, Nebraska, is applying for federal assistance from the Nebraska Emergency Management Agency – Hazard Mitigation Grant Program for the purpose of purchasing and replacing the emergency civil defense sirens in Wayne; and

WHEREAS, the City Administrator of Wayne, Nebraska, is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Emergency Management Agency; and

WHEREAS, the City of Wayne, Nebraska, currently has the written commitment for the 25% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project; and

WHEREAS, the grant application reflects the total cost of the project as being \$110,655, with the 25% local match from the City of Wayne, Nebraska, being \$27,664; and

WHEREAS, the City of Wayne, Nebraska, will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years; and

WHEREAS, the City of Wayne, Nebraska, will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act; and

WHEREAS, the City of Wayne, Nebraska, will comply with all rules and regulations of the Nebraska Emergency Management Agency, applicable Executive Orders, and all state laws that govern the grant applicant during the performance of the project; and

WHEREAS, the City of Wayne, Nebraska, will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the American with Disability Act of 1991; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the City of Wayne applies for assistance from the Nebraska Emergency Management Agency for the purpose of purchasing and replacing the emergency civil defense sirens in Wayne.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-71

**A RESOLUTION AMENDING ONE-WAY AND TWO-WAY TRAFFIC IN
THE CITY OF WAYNE, NEBRASKA**

WHEREAS, there is hereby established the following one-way and two-way traffic streets in the City of Wayne:

1. **Two ~~One~~**-way traffic going south on School View Drive between 4th Street and 5th Street.
2. **Two ~~One~~**-way traffic going east on 4th Street between School View Drive and Sherman Street.

PASSED AND APPROVED this 4th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

Leisure Services Coordinator

General Functions Shall assist with daily operation and public enjoyment of the CAC and its programs.

The Recreation Director shall supervise position. In Recreation Director's absence, this position will act as facility supervisor.

Essential Duties and Responsibilities This position will be responsible for the coordination of all leisure activities the Activity Center has to offer. Person will need to maintain current activities and develop new. "Front Desk" duties, i.e., membership check-in and checkout. Daily operations of CAC and Recreation Department programs. Assist with custodial needs of CAC. Assist with the enforcement of CAC rules and policy. "Set-up" and "tear-down" for activities and special events. Other duties as assigned by the CAC and Recreation Director.

Job Standards / Skills Knowledge of athletics, the growth and development of children and youth, first-aid with basic knowledge in physical education; good communication skills; ability to work with general public; ability to work with minimal supervision and dependable when scheduled to work front desk and special events.

Salary Range \$8.05 – \$10.77