

**AGENDA
CITY COUNCIL MEETING
October 2, 2012**

1. Approval of Minutes – September 18, 2012

2. Approval of Claims

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

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

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

- 3. Public Hearing:** Blighted and Substandard Area Determination (Boyle’s First Addition – Lot 2 and Boyle’s Second Addition Lots 1, 2, 3, 4, and Lot 1 Admin Subdivision of Boyle’s Outlot, City of Wayne, Wayne County, Nebraska, a/k/a “Angel Acres”)

Background: NNEDD has conducted the “Blight and Substandard Determination Study” on the above-identified property. A copy of the study is included in this packet. A developer has come forward and is interested in obtaining TIF financing for this area of land. In order for this developer to be eligible for TIF financing, the area needs to be declared blighted and substandard. This is a tool that can be used to develop areas.

The Planning Commission will meet on this matter Monday and consider passing a Resolution confirming that the area described in the study meets the definition of blighted and substandard.

- 4. Resolution 2012-74: Making Findings and Declaring Portions of the City of Wayne to be Blighted and Substandard Pursuant to the Nebraska Community Development Act**

- 5. Resolution 2012-75: Approving Service/Consultant Agreement with Northeast Nebraska Economic Development District to Assist the City with Meeting HUD’s National Objectives and Ensuring Compliance of all CDBG ED RLF Activities and Regulations**

Background: Northeast Nebraska Economic Development District (NNEDD) has provided a Service Agreement to assist us in processing new revolving loan fund loans from this point forward, using our existing guidelines/policies, to meet HUD’s National Objective and to ensure that Federal rules and regulations are followed to meet the CDBG ED RLF guidelines that they are anticipating DED will follow at this time. NNEDD, at this point, will not be assisting with the processing of the

application intake and approval, just the CDBG requirements such as conducting the environmental assessment, Davis Bacon wage monitoring, and LMI job monitoring. The City will be billed at a rate of \$60/hr, plus mileage at the current IRS rate for said services.

Recommendation: The recommendation of staff is to approve the agreement as presented.

6. [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 \(Third and Final Reading\)](#)
7. [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 \(Third and Final Reading\)](#)
8. [Ordinance 2012-55: Amending Wayne Municipal Code Sec. 78-142 Restricted Parking from 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 5:00 p.m., Monday through Friday](#)

Background: This amendment comes as a result of a request from Wayne Public Schools and staff. This ordinance will eliminate the parking restrictions on the north side of 5th Street from Sherman Street to School View Drive, and on the west side of Douglas Street from West 4th Street to West 3rd Street.

Recommendation: Approve the ordinance, and waive the required three readings.

9. [Ordinance 2012-56: Amending Wayne Municipal Code by Adding Sec. 78-143 Restricted Parking from 7:00 a.m. to 9:00 a.m., Monday through Friday](#)

Background: This parking restriction also comes as a result of a request by the School; however, they only wish to have restricted parking in the morning on the west side of Douglas Street from the north line of West 4th Street to the north line of West 3rd Street.

Recommendation: Approve the ordinance, and waive the required three readings.

10. [Ordinance 2012-57: Amending Wayne Municipal Code Article VI Unsafe Buildings by Adding Sec. 18-246 Violations and Penalties](#)

Background: The City has adopted the 2006 International Property Maintenance Code to address general issues with buildings such as sanitary and structural issues. At times, the Building Inspector needs to placard the building with a notice to alert the public regarding safety issues, such as when a house becomes inhabitable or a building is condemned for structural deficiencies. We are currently addressing a commercial building that has been deemed as an unsafe structure, and the proper notice has been placed on the front door. The owner keeps removing the placard, and we are spending time each day to go back and repost the front door with the proper notice. We currently have no means to discourage this practice via penalties in our local code. Joel has worked with the City Attorney's office to create the

attached ordinance. Since the building we are currently addressing may end up being condemned due to structural deficiency of the main support beam, we are asking that you consider adopting the language ASAP to protect the public and help ensure the proper notice remains on the door.

Recommendation: The recommendation of staff is to approve this ordinance and waive the required three readings.

11. Action on Certificate of Payment No. 2 for \$132,081.10 to Sioux City Engineering Company for the Benscoter Addition – Phase 1 Paving Project

Background: A pay request has been received from Olsson Associates, the engineer on this project, for \$132,081.10 to Sioux City Engineering. This is for work completed in compliance with the bid contract.

Recommendation: Approve the same as recommended by the engineer on the project.

12. Recess

- a. Convene as Community Development Agency
- b. Approve Minutes – August 7, 2012
- c. Action on Request by Lou Benscoter to Relinquish Ownership of Lot 4, Western Ridge II Addition back to the Community Development Agency

Background: Lou Benscoter is relinquishing ownership of Lot 4, Western Ridge II Addition. He will forfeit the \$100 down payment, and in addition, pay all real estate taxes accrued on the lot to date. A copy of Lou's letter regarding the same is included in this packet.

- d. Adjourn CDA and Reconvene as Council

13. Appointments:

- Marlen Chinn as Police Chief

14. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

September 18, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, September 18, 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, Dale Alexander, Doug Sturm, Kaki Ley, and Kathy Berry; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Jon Haase and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 6, 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 Van Delden made a motion, which was seconded by Councilmember Sturm, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 4, 2012, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTION TO CLAIMS LIST OF AUGUST 7, 2012: DELETE REHAB SYSTEMS, SU, 5750.00

VARIOUS FUNDS: AMERICAN LIBRARY ASSOC, FE, 185.00; AMERITAS, SE, 1990.25; APPEARA, SE, 216.25; ARNIE'S FORD-MERCURY, SU, 188.32; ADVENTURE, SE, 3000.00; BAKER & TAYLOR BOOKS, SU, 989.56; BANK FIRST, FE, 120.00; BARONE SECURITY SYSTEMS, SE, 266.00; CITY EMPLOYEE, RE, 219.94; CARHART LUMBER CO, SU, 496.03; CARROLL DISTRIBUTING, SU, 818.84; CHARTWELLS, SE, 6180.25; CHEMQUEST, SU, 4565.00; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, PY, 59640.46; CLAYTON ERWIN, RE, 30.00; COMMUNITY HEALTH, RE, 3.00; COPY WRITE, SE, 165.83; CITY

EMPLOYEE, RE, 8.78; DAVE'S DRY CLEANING, SE, 144.00; DEMCO, SU, 111.54; DOESCHER APPLIANCE, SE, 89.00; CITY EMPLOYEE, RE, 41.54; DUTTON-LAINSON, SU, 1656.35; EASYPERMIT POSTAGE, SU, 1691.59; ECHO GROUP, SU, 116.87; CITY EMPLOYEE, RE, 42.74; ELECTRIC FIXTURE, SU, 2124.91; ELLIS PLUMBING & HEATING, SE, 238.47; FLOOR MAINTENANCE, SU, 142.85; FORT DEARBORN LIFE, SE, 1513.16; GAYLORD BROS, SU, 143.62; GERHOLD CONCRETE, SU, 352.08; GREAT PLAINS ONE-CALL, SE, 62.08; CITY EMPLOYEE, RE, 117.14; HARDING & SHULTZ, SE, 36017.31; HIRERIGHT SOLUTION, SE, 40.00; ICMA, SE 5318.37; INGRAM BOOK CO, SU, 699.66; IRS, TX, 19423.55; JASON CAROLLO, SE, 140.00; JEO CONSULTING GROUP, SE, 4132.50; JOHN'S WELDING AND TOOL, SE, 47.40; JOYCE REEG, RE, 500.00; KELLY SUPPLY, SU, 316.65; KTCH, SE, 845.00; MAIN STREET AUTO CARE, SE, 90.00; MERIT MECHANICAL, SE, 4648.00; MIDSTATES ERECTORS, SE, 151160.00; MIDWEST LABORATORIES, SE, 376.55; MOONLIGHT TOWING, SE, 138.45; 330.00; NE DEPT OF ENVIRONMENTAL, FE, 500.00; NE DEPT OF REVENUE, TX, 3110.75; NE MAIN STREET, FE, 30.00; NE PUBLIC HEALTH, SE, 882.00; NNPPD, SE, 12408.90; OLSSON ASSOCIATES, SE, 1065.11; PAULSON CONSTRUCTION, SE, 2489.00; PEPSI-COLA, SU, 93.10; PRESTO X, SE, 84.13; QUALIFICATION TARGETS, SU, 141.60; RANDOM HOUSE, SU, 495.73; CITY EMPLOYEE, RE, 292.70; ROBERTSON IMPLEMENT, SU, 717.08; S & S WILLERS, SU, 793.79; SGP SERVICES, SE, 459.30; SIOUX CITY JOURNAL, SU, 194.99; SPARKLING KLEAN, SE, 1202.86; STADIUM SPORTING GOODS, SU, 234.00; STATE NATIONAL BANK, SE, 59.84; STATE NATIONAL BANK, RE, 78353.75; CITY EMPLOYEE, RE, 3424.55; CITY EMPLOYEE, RE, 189.98; VAN DIEST SUPPLY, SU, 2024.00; WAYNE COUNTY CLERK, SE, 119.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE GROCERY, SU, 6.25; WAYNE HERALD, SE, 1613.72; WAYNE VETERINARY CLINIC, SE, 14.00; WESCO, SU, 8801.96; WEST DES MOINES, FE, 14.99; WAPA, SE, 32333.96; ZACH HEATING & COOLING, SE, 120.00; ZACH OIL COMPANY, SU, 5123.47; AMAZON.COM, LLC DVD'S 521.94; CITY EMPLOYEE, RE, 2977.78; CITIZENS NATIONAL BANK, RE, 3343.34; CITY OF NORFOLK, SE, 491.10; CITY OF NORFOLK, SE, 1500.00; CITY OF WAYNE, RE, 725.63; CITY OF WAYNE, RE, 25.00; CONSOLIDATED MANAGEMENT, SE, 190.25; COVENTRY HEALTH, SE, 20584.24; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; CITY EMPLOYEE, RE, 1308.10; GEMPLER'S, SU, 69.90; GERHOLD CONCRETE, SE, 1698.56; CITY EMPLOYEE, RE, 47.66; HOA SOLUTIONS, SU, 98.00; JACK'S UNIFORMS, SU, 52.90; JASON CAROLLO, SE, 30.00; CITY EMPLOYEE, RE, 94.15; KRIZ-DAVIS, SU, 447.30; MAIN STREET AUTO CARE, SE, 94.79; CITY EMPLOYEE, RE, 505.95; NPPD, SE, 368148.31; PITNEY BOWES, SU, 648.00; CITY EMPLOYEE, RE, 66.49; PROVIDENCE MEDICAL CENTER, SE, 234.00; QUILL, SU, 20.89; REHAB SYSTEMS, SE, 5750.00; ROBERT WOehler & SONS, SE, 23140.50; RON'S RADIO, SE, 1764.00; SIOUX CITY/SIOUX FALLS, SU, 172.66; STADIUM SPORTING GOODS, SE, 85.50; TOM'S BODY & PAINT SHOP, SE, 790.73; UNITED RENTALS, SU, 817.75; VOSS LIGHTING, SU, 337.62; WAED, RE, 6383.33; WAYNE COUNTY COURT, RE, 450.00

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

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

Councilmember Brodersen arrived at 5:32 p.m.

Josh Piersanti, along with Matt Hepworth, Wayne State College Professors, gave a presentation on the photo restoration project that the students did last year on behalf of the City, along with showcasing the photos that were restored.

The following Resolution would approve an agreement with Northeast Nebraska Economic Development District to conduct a blight study for the "Middle East Wayne Redevelopment Area." Once the study is completed and the redevelopment plan has been reviewed by the Planning Commission and approved by the CDA and Council, tax increment financing will be available to developers on a case-by-case basis.

Councilmember Sturm introduced Resolution No. 2012-72 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-72

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

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

Roger Protzman, JEO Consulting Group, stated that two bids were received on the 2012 Lagoon Sludge Removal and Application Project. The low bidder for the project was DRT Biosolids from Bloomer, Wisconsin. This is the same contractor that completed the work last year. The bidding specifications dictated that the total cost of the project be \$175,000.00, and the contractors were bidding for the lowest unit price of dry tons to be removed. DRT Biosolids submitted a bid of \$90.00 per dry ton which is \$6.00 lower than last year. This equates to 1944.4 dry tons being removed. Mr. Protzman requested that the award of the project be contingent upon NDEQ's acceptance of the contract documents.

Garry Poutre, Superintendent of Public Works & Utilities, stated that the landowner agreements are in place for applying the sludge.

Councilmember Brodersen introduced Resolution No. 2012-73 and moved for its approval, with the same being contingent upon NDEQ's acceptance of the contract documents; Councilmember Ley seconded.

RESOLUTION NO. 2012-73

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE
"2012 LAGOON SLUDGE REMOVAL AND APPLICATION PROJECT."

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

Councilmember Sturm made a motion and Councilmember Frevert seconded to approve Change Order No. 6 for the 2009-2010 Wastewater Treatment Facility

Improvement Project which is a net decrease of \$3,363.99. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, JEO Consulting Group, stated that the final pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$59,145.10. Mr. Protzman asked that final payment be made contingent upon the electrical sub-contractor providing the as-built drawings to JEO.

Councilmember Ley made a motion and Councilmember Sturm seconded approving Application for Payment No. 18 (Final) for the Wastewater Treatment Plant Project in the amount of \$59,145.10 to Eriksen Construction Company, with the same being contingent upon receiving the as-built drawings from the electrical sub-contractor. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A request was made by Greg VanderWeil in regard to allowing them to close off the east end of 10th Street from Providence Road to Hillside Avenue for an electric vehicle rally on Saturday, October 6, 2012. OPPD and NPPD will be providing the required \$1,000,000 liability insurance coverage and naming the City as an additional insured.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander, approving the request of Greg VanderWeil to close off the east end of 10th Street from Providence Road to Hillside Avenue for an electric vehicle rally on Saturday, October 6, 2012, with the stipulation that proof of \$1,000,000 liability insurance and naming the City as an additional insured be provided to the City prior to

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

Councilmember Sturm introduced Ordinance No. 2012-28 and moved for approval of the third and final reading thereof; Councilmember Van Delden seconded.

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.

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

Councilmember Van Delden introduced Ordinance 2012-53, and moved for approval of the second reading thereof; Councilmember Ley seconded.

ORDINANCE NO. 2012-53

AN ORDINANCE 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.

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

Councilmember Frevert introduced Ordinance 2012-54, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

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.

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

Alex Koch, Recreation Services Director, was present requesting Council consideration to allowing him to replace the carpet in the fitness room at the Community Activity Center with a standard heavy duty rubber floor covering. The rubber flooring has a 20-30 year life expectancy. The estimated cost is \$12,212.17. Mr. Koch estimates the labor to install the flooring will be somewhere in the neighborhood of \$2,000 - \$4,000.

Administrator Johnson stated the project costs will be paid out of the construction fund reserve which still has about \$140,000 in it.

Councilmember Alexander made a motion, which was seconded by Councilmember Frevert, approving the request to replace the carpet in the Community Activity Center fitness room with padded flooring, and to use construction fund reserves to pay for the same. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson brought forward a proposal from Kelby Herman concerning the incentive loan program. Rather than the \$20,000 short-term construction loan incentive, Mr. Herman suggested a 3-year, 0% interest loan of \$5,000 per market

rate single-family home or per apartment unit. It was noted that the monies used for this incentive program are being borrowed from the Electric Fund.

During discussion, it was determined that this additional incentive would have a 3-year payback time period or be required to be paid back upon the sale of the house/apartment complex, whichever occurred first. In addition, this would be an “either or deal” – a person could either do the short-term loan of \$20,000 or the long-term loan of \$5,000, but not both.

Mayor Chamberlain recommended that this be a \$160,000 pool, with those two options being able to be used for the loans.

Administrator Johnson suggested not limiting the number of loans a builder could make application for. If you have contractors that want to build apartments or houses, why would we care how many incentives they apply for? Once the \$160,000 is loaned out, if there is more interest, more money could be borrowed from the Electric Fund to continue the program.

Councilmember Sturm made a motion, which was seconded by Councilmember Frevert, amending the incentive loan program of \$160,000.00 set aside from the Electric Fund to include a \$5,000.00, 3-year (or until the same is sold, whichever occurs first), 0% interest loan per market rate apartment unit or per single-family market rate home. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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

of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:22 p.m.

CLAIMS LISTING OCTOBER 2, 2012

FISCAL YEAR END CLAIMS 2011/2012

ALTEC INDUSTRIES, INC.	HYDRAULIC CYLINDER	548.32
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,914.33
APPEARA	LINEN & MAT SERVICES	164.16
ARNIE'S FORD-MERCURY INC	POLICE VEHICLE REPAIRS	1,433.69
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	120.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	354.35
BLACK HILLS ENERGY	GAS BILLS	227.33
BOMGAARS	FD-MARKERS/ELECTRICAL TAPE/POWDER	16.65
CITY EMPLOYEE	HEALTH REIMBURSEMENT	186.07
BROWN SUPPLY CO	COUPLING	1,155.24
BROWN TRAFFIC PRODUCTS	TRAFFIC LIGHT	97.00
CENTURYLINK	TELEPHONE CHARGES	310.93
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUNDS	450.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	100.00
CITY OF WAYNE	MILEAGE REIMBURSEMENT	556.11
CITY OF WAYNE	PAYROLL	61,104.44
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CONSOLIDATED MANAGEMENT	OFFICER TRAINING MEALS	106.75
CITY EMPLOYEE	HEALTH REIMBURSEMENT	76.45
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	53.87
ENERGY FEDERATION, INC.	LED LIGHTS	425.88
ERIKSEN CONSTRUCTION CO,	WWTP	59,145.10
FIRST CONCORD GROUP LLC	FLEX FEES	3,102.18
GERHOLD CONCRETE CO INC.	CONCRETE	2,095.94
H.K. SCHOLZ COMPANY	COOLING TOWER/UNIT 7 & 8 GENERATORS	37,168.50
HEIKES AUTOMOTIVE LLC	TOWING	47.93
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,498.25
IRS	FEDERAL WITHHOLDING	19,921.10
JEO CONSULTING GROUP	WWTP/AQUATIC STUDY	2,276.00
JOSEPH G SMITH	BOOKS	20.47
MAIN STREET AUTO CARE	TOWING	90.00
MCGUIRE & NORBY	ATTORNEY FEES	363.27
CITY EMPLOYEE	HEALTH REIMBURSEMENT	113.23
NE DEPT OF REVENUE	STATE WITHHOLDING	3,186.44
NE DEPT OF ROADS	HWY RIGHT-OF-WAY	500.00
NE SALT & GRAIN CO	ICE CONTROL SALT	1,641.06
NORTHEAST COMM COLLEGE	FIRST AID CLASS-D JENSEN	19.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY	5,152.00
OLSSON ASSOCIATES	BENSCOTER ADDITION	1,022.39
RON'S RADIO	REPLACE DEFECTIVE RADIO	181.00

ROSE EQUIPMENT INC.	TAR	3,519.02
CITY EMPLOYEE	SAFETY BOOTS	127.32
SEVERN TRENT	CABLE ASSEMBLY/HARNESS	1,076.01
STADIUM SPORTING GOODS	JACKET/SHIRTS	780.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	101.70
STEFFEN	NUT	33.22
UNITED WAY	PAYROLL DEDUCTIONS	10.00
VERIZON WIRELESS SERVICES	CELL PHONES	219.94
VIAERO	CELL PHONES	172.08
WAYNE AREA ECONOMIC DEVEL	OP/SPEC BUILDING MARKETING	1,489.52
WAYNE AUTO PARTS	FILTERS/GLOVES/PLUGS ETC	428.02
WAYNE SENIOR CENTER	RODEO REGISTRATION REIMBURSEMENT	50.00
GRAND TOTAL		217,580.16

RESOLUTION NO. 2012-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY TO BE BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT; ORDERING PUBLICATION OF NOTICE AND OTHER MATTERS.

WHEREAS, it is desirable and in the public interest that the City of Wayne, Nebraska, a Municipal Corporation and City of the First Class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 19423 as amended, known as the Community Development Law, is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning implementation of urban redevelopment projects; and

WHEREAS, the City, in accordance with the Laws of the State of Nebraska applicable to Cities of the First Class, has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943 as amended; and

WHEREAS, the Planning and Zoning Commission of the City has recommended that the area described in Attachment "A" be declared blighted and substandard and in need of redevelopment; and

WHEREAS, this Council has held a public hearing, after notice as required by Sections 18-2109 and 18-2115, R.R.S. 1943, as amended, and has received and duly considered evidence relating to the present condition of the areas as shown and described on Attachment "A"; and

WHEREAS, Section 18-2109 R.R.S. 1943, as amended, required that prior to the preparation by the City of a redevelopment plan for a redevelopment project, this Council as governing body of the City, by Resolution, finds and determines that the area is a substandard and a blighted area as defined in said Urban Renewal and Redevelopment Law and in need of redevelopment; and

WHEREAS, the evidence demonstrates that said area, as shown and described on Attachment "A", constitutes a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment;

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

1. That it is hereby found and determined that the area shown and described on Attachment "A" constitutes a substandard and blighted area as defined by Section 18-2103, R.R.S., 1943, as amended, and that said area is in need of redevelopment.
2. That it is hereby found and determined that a substandard and blighted condition exists as set forth and discussed in Attachment "A", "Blight and Substandard Area Determination Study."
3. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law. The elimination of said substandard and blighted condition under the authority of the Community Development Law is found to be a public purpose and in the public interest.
4. That it is hereby found and determined that said area is an eligible site for an urban redevelopment project under the provisions of Chapter 18, Article 21, Revised Statutes of 1943, as amended.
5. That the City Clerk is directed to publish notice, according to law, inviting proposals from developers for the redevelopment of the area described on Attachment "A".
6. That the City Clerk shall refer all such proposals to the Planning and Zoning Commission of the City for their recommendation, on receipt of such proposals and publish notice of hearing thereon, as is required by the Community Development Law.

PASSED AND APPROVED this 2nd day of October, 2012.

THE CITY OF WAYNE, NEBRASKA,

By: _____
Mayor

ATTEST:

City Clerk

EXHIBIT "A"

ANGEL ACRES:

Lot 1-12, Block Two, including the 80' street right-of-way around Block 2, John Lake's Addition to the City of Wayne, Wayne County, Nebraska.

City of Wayne

Blight and Substandard Determination
Study for Area Referred to as

Angel Acres

September 26, 2012



Wayne-Angel Acres

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Executive Summary

The purpose of this study is to determine if all or part of the designated study area has deteriorated and become “substandard and blighted” according to the Community Development Law established in Nebraska Statute 18-2102.

Community Development Law

18-2102. Community Development Law; purpose. It is hereby found and declared that there exist in cities of all classes and villages of this state areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable lands uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of municipalities, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination.

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and over crowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

18-2103(11). Blighted area shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe condition, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions; (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

Objective Criteria

State statute establishes a series of five quantitative or “objective” criteria. An area must meet at least one of these initial criteria.

- ***Underemployment.*** The qualifying condition is an unemployment rate in the designated area that is at least 120% of the state or national average. Block group data from the 2010 Census, as well as subsequent geographic area studies available through the Nebraska Department of Labor, were utilized to determine qualifying areas under this standard.
- ***Average age of residential or commercial units in the area.*** The qualifying condition is an average age that is at least forty (40) years old.
- ***Per capita income.*** The qualifying condition is a per capita income for the area that is lower than the average per capita income of the municipality in which the area is designated. Block group data from the 2010 Census was utilized to indicate the presence of this criterion.
- ***Population.*** The qualifying condition is that the area has had either stable or decreasing population based on the last two decennial censuses. Block group data from 1990, 2000, and 2010 was examined to indicate the presence of this criterion.
- ***Unimproved land.*** Compliance with this standard involved examining the corporate limits and defining areas within those limits which remain unimproved.

The qualification is if more than half of the plotted and subdivided property in the area has been within the city for forty years and has remained unimproved during that time.

Subjective Criteria

If an area met one of the objective qualifying requirements, it would then be subject to further review under the “subjective” criteria section of the statute. If one or more of these qualifiers was met, the area in question was determined to be “blighted and substandard.” The “subjective” criteria include the following:

- A substantial number of deteriorated or deteriorating structures,
- The existence of defective or inadequate street layout,
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness,
- Unsanitary or unsafe conditions,
- Deterioration of site or other improvements,
- Diversity of ownership,
- Tax or special delinquency exceeding the fair value of the land,
- Defective or unusual conditions of title,
- Improper subdivision or obsolete platting,
- The existence of conditions which endanger life or property by fire and other causes, or
- Any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

Study Area:

The findings in this study are based on analysis conducted for a location referred to as the “Angel Acres,” a tract of land which includes the following parcels:

Boyle’s First Addition-Lot 2

Boyle’s Second Addition Lots 1, 2, 3, 4,

Lot 1 Admin Subdivision of Boyle’s Outlot

See Exhibit 1 for map.

Findings

Documentation of Qualifying Conditions – Objective Criteria

1) Unemployment.

Wayne County had a July 2012 unemployment rate of 4.2%. NE had an unemployment rate of 4.0% and the USA had a rate of 8.3%.

The study area does not meet the criteria of at least 120% of the state or national average.

2) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least (40) years old.

There is one residential property within the redevelopment area which has a 1920 date of construction listed at the Wayne County Assessors’ office. On the same lot is a garage which was identified on a 1945 photo of the city. Another lot contains a garage which was built in 1994 according to a building permit. Two of the three building structures in the area are well over 40 years of age with the average age of 59 years. There is one lot which contains the remains of a deteriorating concrete foundation and the floor of a livestock barn. See Exhibit 2 for table and pictures.

The study area does meet the qualifying condition for average age.

3) Per capita income.

Per capita income data by census is not available for this specific area.

The study area does not meet the per capita income qualification

4) Population.

Population has increased over the past two decennial censuses for the City of Wayne. The study area does not line up with a block group to show a smaller area.

- 1990 Census: community: population-5,142
- 2000 Census: community: population-5,586
- 2010 Census: community: population-5,660

The study area does not meet the criteria of decreasing population.

5) Unimproved land

The study area has three properties in the boundary, with one vacant lot, which is not 50%.

The study area does not meet the criteria of unimproved land.

As a result of meeting at least one of the “objective” criteria, the redevelopment area is subject to further review under the “subjective” criteria section of the statute.

Documentation of Qualifying Conditions – Subjective Criteria

- 1) A substantial number of deteriorated or deteriorating structures.

The results of the study conclude that a substantial number of deteriorating structures in the redevelopment area exists. The inadequate provisions for ventilation, light, or sanitation are evidenced in Exhibit 3, pictures.

Field analysis conducted on July 27, 2012 determined that notable parcels within the redevelopment area have a significant combination of deteriorating factors present. The field survey included a detailed evaluation of the exterior of the structures. All three of the buildings surveyed demonstrated severe effects of deterioration, including dilapidated roofing, windows, siding, foundations and porches.

During analysis, the buildings were giving a condition rating. The building conditions ratings were based on the following criteria:

Dilapidated: In need of more than one major repair, for example, to the roof, foundation, windows, and/or siding, etc. Severe visible damage to the foundation automatically leads to a classification of dilapidated. A dilapidated classification is usually considered to be beyond rehabilitation.

Poor: Had visible signs of deterioration, especially to the windows, siding, roof, and porch. Asbestos shingles/siding automatically leads to a classification of poor. Could be rehabilitated, but substantial cost would be involved.

Fair: Usually had one sign visible of deterioration to the windows, siding, roof, etc. Not a significant amount of damage, but some work would be required to list the building for top dollar.

Good: Structure had no substantial signs of deterioration; however, cosmetic flaws were visible, such as outdated fixtures or very minor paint damage. A good classification would require very little to no cost to sell the structure for top dollar.

Excellent: Structure shows absolutely no signs of deterioration. No cosmetic flaws were visible. Only a very small percentage of structures will fall into this category.

Building Condition	Excellent	Good	Fair	Poor	Dilapidated	Vacant lots
Total: ---- -					3	1
3 of 3 buildings (100%) rated "Dilapidated"						
3 of 3 buildings (100%) rated "Poor" or "Dilapidated"						

Of the total properties (buildings) assessed, three out of three were given ratings of poor or dilapidated. This accounts for 100% of the total properties in the redevelopment area. There was also one lot which did not have a building and was not counted.

The Study Area does meet the criteria of a substantial number of deteriorated or deteriorating structures.

2) The existence of defective or inadequate street layout.

The study area consists of a rectilinear street grid.

The study area does not meet the existence of defective or inadequate street layout criteria of blighted.

3) Faulty lot layout in relation to size, adequacy, accessibility or usefulness.

The configuration of lots, with antiquated narrow lots can inhibit development in the study area.

The study area does not meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria of blighted.

4) Unsanitary or unsafe conditions.

The study area inspection revealed that unsafe conditions exist. Due to the ages of the structures in question, health and safety issues are present that pose a threat to individuals that utilize the area.

- Based simply on the age of the properties in the study area, structural integrity, out-of-date wiring, ineffectual plumbing, outdated bathroom facilities, deficient air and heating capabilities, and improper exits/entrances (i.e., window/door escapes) are present.
- Inadequate and aging structures in the study area contain foundation, floor structure; doors/windows/fire escapes (egress/ingress) flaws. These basic building elements constitute an economic or social liability and are detrimental to public health, safety and welfare in their present condition.
- The age of the properties is also indicative of having lead based paint present. The very young, in particular, are very susceptible to the safety issues caused by lead based paint.
- In addition to inadequate structures are deteriorated sidewalks, ramps, streets, curbs and alleys located throughout the district. Miscellaneous areas of tall weed growth, unsafe vacant lots and the outdoor storage of junk and chemicals also exist and pose harmful risks for residents.

The study area does meet the unsanitary or unsafe conditions criteria.

5) Deterioration of site or other improvements.

The field survey evaluated the condition of site improvements, including old building cement foundations and floors, lack of gutters, sidewalks, alleys, fences, and site drainage. The property in the study area was determined to have inadequate sidewalks, no street access to the interior lots, old concrete building foundations, old concrete floor, and dilapidated farm fencing.

The study area does meet the deterioration of site or other improvements criteria.

6) Diversity of ownership.

Based on available property records, land in the Study Area is owned by only one property owner.

The study area does not meet the diversity of ownership criteria.

7) Tax or special delinquency exceeding the fair value of the land.

The Wayne County Assessors' records did not reveal any excessive tax or special assessment.

The study area does not meet the tax or special delinquency criteria.

8) Defective or unusual conditions of title.

No defective or unusual conditions of title were identified.

The study area does not meet the defective or unusual conditions of title criteria.

9) Improper subdivision or obsolete platting.

The configuration of antiquated narrow lots, both in areas of the residential and the commercial areas can inhibit development in the Study Area.

The study area does not meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria.

10) The existence of conditions that endanger life or property by fire and other causes.

The average age of the structures in the redevelopment area is 59 years old. The existence of aged flammable materials, deteriorating electrical systems, and faulty heating systems increases the potential threat of fire. Deteriorating roofing and aged wiring can also contribute to dangerous conditions.

The field survey also identified various amounts of combustible items stored in the tree area, near or against walls of the primary or secondary structures creating a

substantial fire hazard. The study also identified items such as tires which, if left out, can hold water creating mosquito breeding grounds. In addition, vacant and dilapidated buildings were identified.

Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and is detrimental to the public health, safety, morals or welfare.

The study area does meet the existence of conditions that endanger life or property by fire and other causes criteria.

Conclusion

The purpose of this study is to determine if all or part of the designated study area is “substandard and blighted”. In order to make the determination of “substandard and blighted”, state statute establishes a series of five quantitative or “objective” criteria. The area must meet at least one of these initial “objective” criteria to be considered for further review under the “subjective” criteria requirements. In this instance, it has been determined that the following “objective” criteria has been met:

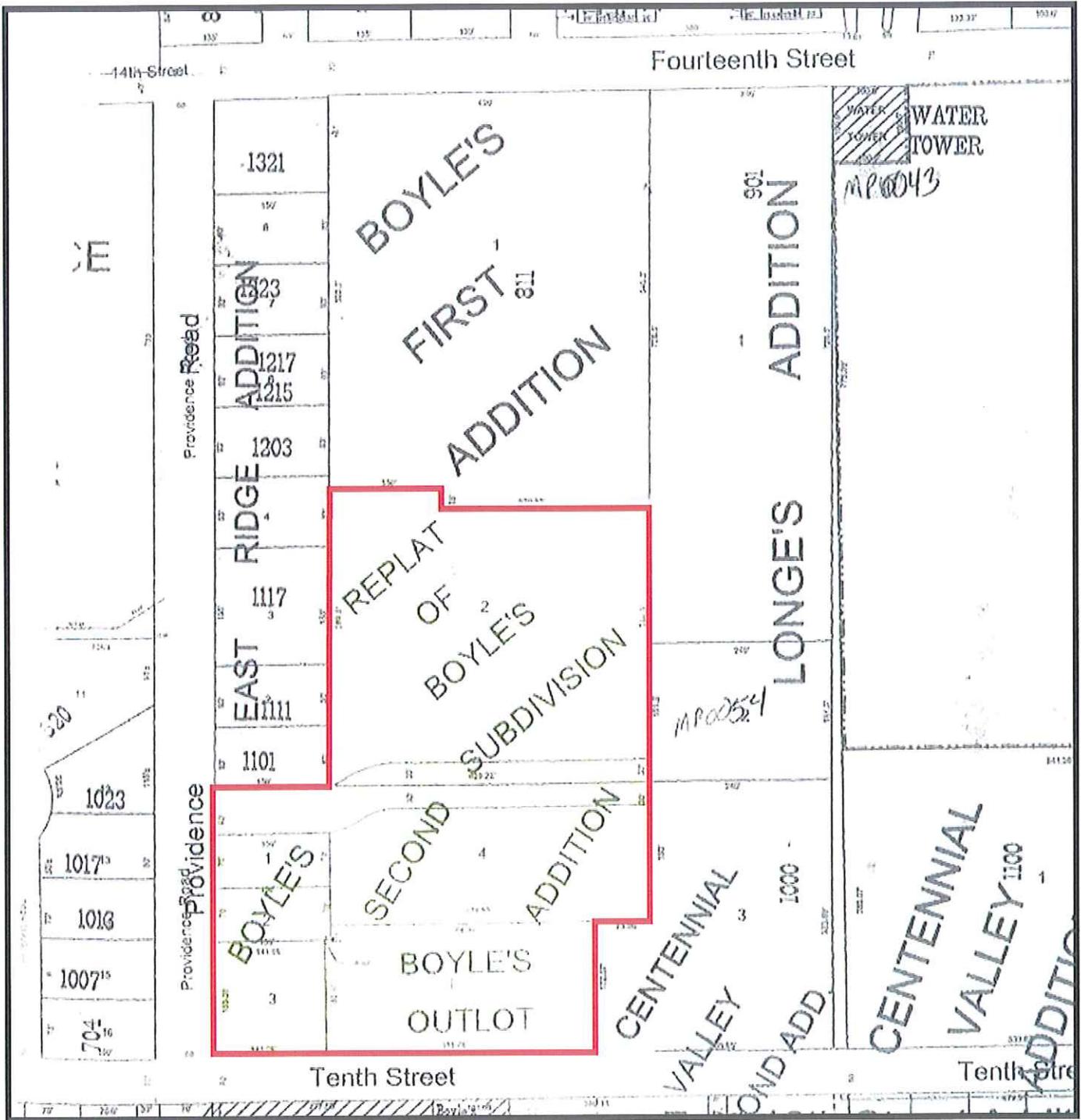
- Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least forty (40) years old.

If an area met one of the “objective” qualifying requirements, it would then be subject to further review under the “subjective” criteria section of the statute. In this instance, it has been determined that the “subjective” criteria of the following have been met:

- A substantial number of deteriorated or deteriorating structures,
- Unsanitary or unsafe conditions,
- Deterioration of site or other improvements,
- The existence of conditions which endanger life or property by fire and other causes, or
- Any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

Having met both “objective” and “subjective” criteria of “substandard and blighted” as defined by section 18-2103 (10) and 18-2103 (11) of the Nebraska Community Development Law, this study has determined that the study area is both “substandard and blighted” under the provisions identified and the general plan as required.

Wayne 2012 Blight Study - Angel Acres



— Angel Acres Blight Area

Property List				
Property	Structure	Year	Age	Condition
Boyle's First Addition – Lot 2	Garage	1994	18	Dilapidated
Boyle's Second Addition – Lots 1, 2, 3, 4	House	1920	92	Dilapidated
	Garage	1945	67	Dilapidated
Lot 1 Admin Subdivision of Boyle's	Vacant Lot			
Average Age			59 Years	

Wayne-Windom Ridge

Site Visit- 7/27/2012



Home constructed in 1920



Deteriorating garage with cracked concrete walls and foundation



Home with deteriorating basement walls and foundation



Deteriorating garage with debris



Deteriorating garage



Old concrete farm building foundation



Concrete foundation from old farm building



Concrete foundation and floors



Old farm fencing



Debris in trees



Trash and debris



Debris, tires, and metal improperly disposed of
in trees



Trash and debris

RESOLUTION NO. 2012-75

A RESOLUTION APPROVING SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT TO ASSIST THE CITY WITH MEETING HUD'S NATIONAL OBJECTIVES AND ENSURING COMPLIANCE OF ALL CDBG ED RLF ACTIVITIES AND REGULATIONS.

WHEREAS, the City of Wayne is desirous to enter into a Service/Consultant Agreement with Northeast Nebraska Economic Development District to assist with meeting HUD's National Objectives for CDBG ED RLF activities and ensuring compliance of all CDBG ED RLF Federal rules and regulations, including, but not limited to, public hearings, environmental reviews, and Davis-Bacon wage requirements.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the agreement between Northeast Nebraska Economic Development District and the City of Wayne be approved as written, and the City Administrator and/or Mayor is authorized and directed to execute said contract on behalf of the City.

PASSED AND APPROVED this 2nd day of October, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT SERVICE/CONSULTANT AGREEMENT

THIS AGREEMENT made and entered into by and between the City of Wayne, Nebraska, hereinafter referred to as the City and the Northeast Nebraska Economic Development District, hereinafter referred to as the Consultant.

WITNESSES THAT:

WHEREAS, the City and the Consultant are desirous of entering into a contract to formalize their relationship, and

WHEREAS, pursuant to Title I of the Housing and Community Development Act of 1974, as amended through 1981, the State of Nebraska Department of Economic Development (DED) is authorized by the federal Department of Housing and Urban Development (HUD) to provide Community Development Block Grant Program funds (hereinafter referred to as CDBG funds) to units of local government selected to undertake and carry out certain programs and projects under the Nebraska State Community Development Block Grant Program in compliance with all applicable local, state and federal laws, regulations and policies, and

WHEREAS, the City has a CDBG Economic Development Revolving Loan Fund Program (CDBG ED RLF) as a result of previous CDBG project(s) for the purposes set forth herein, and

WHEREAS, the Scope of Work included in this contract is authorized as part of the City's approved CDBG ED RLF program, and

WHEREAS, it would be beneficial to the City to utilize the Consultant as an independent entity to accomplish the Scope of Work set forth herein and such endeavor would tend to best accomplish the objectives of the local CDBG program.

NOW, THEREFORE, in consideration of the mutual promises, covenants and provisions contained herein and the mutual benefits to be derived therefrom, the parties hereto agree as follows:

1. Services to be Provided by the Parties

- a. The Consultant shall complete in a satisfactory and proper manner as determined by the City the work activities described in the Scope of Work (Attachment #1 to the contract).
- b. The City will provide such assistance and guidance as may be required to support the objectives set forth in the Scope of Work and will provide compensation for services as set forth in Section 3 below.

2. Time of Performance

The effective date of this contract shall be the date the parties sign and complete execution of the contract. The termination date of the contract shall be upon the end of the required monitor period as determined later by the Consultant.

3. Consideration

The City shall reimburse the Consultant for all allowable expenses agreed upon by the parties to complete the Scope of Work. Reimbursement under this contract shall be based on monthly billings, supported by appropriate documentation of cost actually incurred at a rate of \$60.00 per hour plus mileage at the current IRS rate. It is expressly understood that claims for reimbursement shall not be submitted in excess of actual, immediate cash requirements necessary to carry out the purposes of this agreement.

WITNESS WHEREOF, the City and the Consultant have executed this contract agreement as of the date and year last written below.

CITY OF WAYNE , NEBRASKA

BY _____

TITLE _____

DATE _____

NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT

BY _____

TITLE Executive Director _____

DATE _____

SCOPE OF WORK

THE CONTRACTOR WILL AS FOLLOWS:

1. Assist the City of Wayne with meeting HUD's National Objectives for CDBG ED RLF activities.
2. Assist the City of Wayne to ensure compliance of all CDBG ED RLF federal rules and regulations including but not limited to public hearings, environmental reviews, and Davis-Bacon wage requirements.

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 2nd day of October, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

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 2nd day of October, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-55

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, PARKING, SECTION 78-142 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M. AND FROM 3:00 P.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. Section 78-142 of the City of Wayne Municipal Code is hereby added to read as follows:

Sec. 78-142. Restricted Parking from 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 5:00 p.m. Monday through Friday.

(a) No person shall, at any time, park a vehicle between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 3:00 p.m. and 5:00 p.m. Monday through Friday upon any of the following streets:

~~(1) The north side of the centerline of 5th Street from the west line of Sherman Street to the west line of School View Drive.~~

~~(2) The west side of the centerline of Douglas Street from the south line of West Fourth Street to the north line of West Third Street.~~

(1) The east side of the centerline of Sherman Street from the south line of West Fourth Street to the north line of West Third Street.

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

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

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

PASSED AND APPROVED THIS _____ day of October, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-56

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, PARKING, BY ADDING SECTION 78-143 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M. MONDAY THROUGH FRIDAY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. Section 78-143 of the City of Wayne Municipal Code is hereby added to read as follows:

Sec. 78-143. Restricted Parking from 7:00 a.m. to 9:00 a.m. Monday through Friday.

(a) No person shall, at any time, park a vehicle between the hours of 7:00 a.m. and 9:00 a.m. Monday through Friday upon any of the following streets:

(1) The west side of the centerline of Douglas Street from the south line of West Fourth Street to the north line of West Third Street.

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

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

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

PASSED AND APPROVED THIS _____ day of October, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

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ORDINANCE NO. 2012-57

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 18, ARTICLE VI, UNSAFE BUILDINGS, BY ADDING SECTION 18-246 VIOLATIONS AND PENALTIES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. Section 18-246 of the City of Wayne Municipal Code is hereby added to read as follows:

Sec. 18-246. Violations and Penalties.

- (a) It shall be unlawful for any person to remove, destroy, or deface any notice posted by the Building Inspector upon any structure in regards to the code adopted by Section 18-242.
- (b) Any person violating this provision shall be penalized up to seven (7) days in jail, a \$500.00 fine, or both.

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

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

PASSED AND APPROVED THIS _____ day of October, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

No.	Description	Unit	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Total Amount Completed	90% Due Contractor	10% Retainage	Amt. Paid Prev. Est.	Total Due This Est.	
	Bid Section "A" - Paving Improvements											
1	MOBILIZATION	LS	1	\$12,850.00	\$12,850.00	1	\$12,850.00	\$11,565.00	\$1,285.00	\$11,565.00	\$0.00	
2	CLEARING AND GRUBBING	LS	1	\$787.50	\$787.50	1	\$787.50	\$708.75	\$78.75	\$708.75	\$0.00	
3	EARTHWORK FOR PAVING	LS	1	\$8,648.50	\$8,648.50	1	\$8,648.50	\$7,783.65	\$864.85	\$7,783.65	\$0.00	
4	EARTHWORK FOR STORM WATER DETENTION	LS	1	\$11,441.75	\$11,441.75	0.5	\$5,720.88	\$5,148.79	\$572.09	\$5,148.79	\$0.00	
5	FLYASH	TN	470	\$75.05	\$35,273.50	470	\$35,273.50	\$31,746.15	\$3,527.35	\$31,746.15	\$11,482.65	
6	TRAFFIC CONTROL	LS	1	\$787.50	\$787.50	1	\$787.50	\$708.75	\$78.75	\$708.75	\$177.19	
7	REMOVE PAVEMENT	SY	1131	\$6.30	\$7,125.30	1131	\$7,125.30	\$6,412.77	\$712.53	\$0.00	\$6,412.77	
8	6" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	3313	\$27.80	\$92,101.40	3313	\$92,101.40	\$82,891.26	\$9,210.14	\$47,888.28	\$35,002.98	
8x	7" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	3661	\$31.20	\$111,103.20	3661	\$111,103.20	\$99,992.88	\$11,110.32	\$41,726.88	\$38,286.00	
9	6" CONCRETE TRAIL	SY	107	\$29.90	\$3,199.30	99	\$2,960.10	\$2,664.09	\$296.01	\$0.00	\$2,664.09	
10	4" CONCRETE SIDEWALK	SY	531	\$34.20	\$18,160.20	389	\$13,303.80	\$11,973.42	\$1,330.38	\$0.00	\$11,973.42	
11	DETECTABLE WARNING	SF	136	\$56.50	\$7,684.00	120	\$6,780.00	\$6,102.00	\$678.00	\$0.00	\$6,102.00	
	TOTAL Bid Section "A"				\$308,162.15		\$297,441.68	\$267,697.51	\$29,744.17	\$136,616.41	\$132,081.10	

**COMMUNITY DEVELOPMENT AGENCY
MINUTES OF AUGUST 7, 2012**

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

Chair Haase advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection.

The next item on the CDA agenda was to approve the minutes of the July 17, 2012, meeting.

Member Chamberlain made a motion and Member Ley seconded approving the minutes of the July 17, 2012, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to consider and take action on CDA Resolution 2012-5 authorizing the issuance of tax increment revenue bond (Benscoter Project).

Member Chamberlain introduced CDA Resolution No. 2012-5 and moved for its approval; Member Sturm seconded.

CDA RESOLUTION NO. 2012-5

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

Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Discussion took place on a proposed new housing construction loan incentive program.

The existing "New Housing Construction Loan Incentive Program" provides a \$20,000 construction loan at 0% interest for contractors that build new single-family homes. The loan is repaid by the contractor when the house is sold. If the applicant is an owner building his/her own home, the incentive or loan is to be repaid when the owner secures a mortgage on the completed house. At the annual School/City/County planning retreat in July, it was proposed that we would get more interest in the program if we let private lenders make the loans, and the City's incentive be amended to eliminate any direct loan and replace that with:

- A buy-out of the interest cost of the construction loan to build the house; and
- Payment of the real estate taxes accrued until the house is sold up to a maximum of 24 months, whichever comes first for spec homes.

The incentive for real estate taxes would apply only for construction of spec homes. It could also be possible to extend this incentive to multi-unit apartments

until such time as they are 70% rented out, sold, or 24 months has passed, whichever comes first. If this amendment would be approved, the money (buy-out of interest or payment of real estate taxes) would not get recaptured to pay back to the electric fund.

Member Sturm made a motion to approve the proposed new housing construction loan incentive program. The said motion died for lack of a second.

The original incentive program stays as is.

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

September 24, 2012

Jon Haase, Chair
Wayne Community Development Agency
306 Pearl Street
Wayne, NE 68787

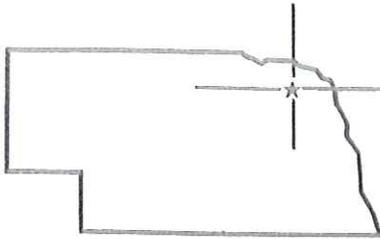
Dear Jon:

I hereby return ownership of Lot 4, Western Ridge to the Wayne Community Development Agency. I forfeit the \$100 down payment and will pay all real estate taxes accrued on the lot to date.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lou Bencoter", with a long horizontal flourish extending to the right.

Lou Bencoter



City of Wayne

MAYOR

September 21, 2012

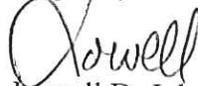
Ken Chamberlain, Mayor
City of Wayne
306 Pearl St.
Wayne, NE 68787

Dear Mayor,

The names of two candidates for Wayne Chief of Police were received from the Wayne Civil Service Commission. We reviewed the information provided by the Commission and interviewed the candidates today.

After careful consideration, I am recommending Marlen Chinn to you and the city council for appointment as Wayne Police Chief.

Regards,



Lowell D. Johnson, City Administrator

cc: Wayne Civil Service Commission