

**AGENDA
CITY COUNCIL MEETING
November 20, 2012**

1. [Approval of Minutes – November 6, 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 2012-89: Amending the City of Wayne Energy Star Program for FY2012-13 and FY2013-14](#)

Background: This Resolution was tabled at the last Council meeting. The following is what was included in the last packet regarding the proposed changes:

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

1. Add a new trial incentive to encourage new energy efficient home construction that is certified through the Five Star Energy program.

○ **This would designate \$45,000 per year for two years of already budgeted incentive program funds to a trial incentive for the Five Star Energy Program as follows:**

- a) **\$3,000 one-time incentive to a first time homebuyer of a new construction single-family residence within the City of Wayne that qualifies for the Five Star Energy Plan;**
- b) **Applicants would be approved on a first come, first serve basis;**
- c) **Third Party Certification that Five Star requirements have been met in the completed home before receipt of the incentive by the homebuyer; and**
- d) **Two shade trees that are large species must be planted on each lot.**

○ **This reallocates funds within our existing program.**

○ **Controlling summer peak load still drives the NPPD incentives and our local incentives. This will help first time homebuyers with down payments and will help demonstrate the effect of this level of energy efficiency on summer peak load control of the City and NPPD electric systems.**

2. Eliminate an old incentive to install permanent resistance heat in commercial buildings and residences. This incentive was intended to help level out the electric load of the Wayne electric system by adding winter electric use while at the same time we're working to reduce summer peak loads. With new EPA air quality requirements and apparent long-term, low cost natural gas, the best use of incentive funds would seem to be to focus on summer peak control. The cost of summer peak load power used for air conditioning is projected to climb.

4. Resolution 2012-91: Authorizing the Sale of Lots 12, 13, and 14, Benscoter Addition Planned Unit Development Replat 1

Background: This Resolution and the following Ordinance will formalize the action taken at the last Council meeting to sell Lots 12, 13, and 14, Benscoter Planned Unit Development Replat 1, to Benscoter, Inc., for the sum of \$2,000 per lot.

5. Ordinance 2012-59: Directing the Sale of Lots 12, 13, and 14, Benscoter Addition Planned Unit Development Replat 1

6. Discussion Regarding the Planning Commission's Decision Not to Act on City Planner's Proposal to Amend City Code to Require one Stall per bedroom in new multi-unit housing – Public Hearing Set for December 4th

7. Recess

a. Convene as Community Development Agency

b. Approve Minutes – November 6, 2012

c. Approve Claims

d. Action on Right of First Refusal Agreement for Kelby Herman on Lots 26, 28, 32, 34, and 39, Western Ridge II Subdivision

Background: If approved, this would give Mr. Herman the right of first refusal on the above-referenced lots in Western Ridge. This was part of his proposal that was discussed at the last Council meeting. The lots in question are highlighted in yellow on the attached map.

e. Adjourn CDA and Reconvene as Council

8. Action to Change January 1, 2013, Council Meeting Date – Per Sec. 2-73 of Wayne Municipal Code, the meeting date must be either the preceding Monday or subsequent Wednesday or Thursday

9. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

November 6, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, November 6, 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 Eric Knutson; 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 October 25, 2012, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 16, 2012, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: 4IMPRINT, SU, 228.68; AMAZON.COM, CU, 286.82; AMERICAN BROADBAND, SE, 2211.41; AMERITAS, SE, 5833.75; APPEARA, SE, 301.09; ARNIE'S FORD-MERCURY, SU, 1238.29; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 240.00; CITY EMPLOYEE, RE, 425.74; BENSCOTER PLUMBING, SE, 22513.68; BLACK HILLS ENERGY, SE, 243.00; BOMGAARS, SU, 639.98; BROWN SUPPLY, SU, 271.39; CASEY ELECTRIC, SE, 399.34; CENTURYLINK, SE, 311.13; CHEMQUEST, SU, 11085.37; CITY OF NORFOLK, SE, 204.21; CITY OF PONCA, RE, 12671.97; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, PY, 130231.56; CITY OF WAYNE, RE, 40.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 389.27; CITY OF WAYNE, RE, 575.96; CITY OF

WEST POINT, RE, 18393.96; CITY OF WISNER, RE, 1915.20; CLAUSSEN & SONS IRRIG., SE, 160.00; COACHDECK LLC, SU, 47.50; COMMUNITY HEALTH, RE, 6.00; CONSOLIDATED MANAGEMENT, SE, 297.00; CITY EMPLOYEE, RE, 2598.79; DALE FERNAU, SE, 3800.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 110.08; DEMCO, SU, 1201.17; DUE FROM AIRPORT, SE, 145.84; CITY EMPLOYEE, RE, 4545.67; ECHO GROUP, SU, 57.12; CITY EMPLOYEE, RE, 1349.49; ED. M FELD EQUIPMENT, SE, 18.33; ELECTRIC FIXTURE & SUPPLY, SU, 118.40; ENGINEERED CONTROLS, SU, 2960.00; FASTENAL, SU, 15.24; FIREMAN'S ASSOCIATION, RE, 5000.00; FIRST CONCORD GROUP, SE, 3102.18; FLOOR MAINTENANCE, SU, 382.97; CITY EMPLOYEE, RE, 290.68; GALE GROUP, SU, 1409.00; GILL HAULING, SE, 155.00; GRAINGER, INC., SU, 42.07; GROSSENBURG IMPLEMENT, SE, 395.40; CITY EMPLOYEE, RE, 5965.17; HACH COMPANY, SU, 69.15; HD SUPPLY WATERWORKS, SU, 2671.20; CITY EMPLOYEE, RE, 21.76; HELENA CHEMICAL, SU, 72.00; IAEI, FE, 102.00; ICMA, SE, 11098.55; IRS, TX, 44493.34; JASON CAROLLO, SE, 50.00; CITY EMPLOYEE, RE, 1525.72; KNOEPFLER CHEVROLET, SU, 133.06; FIREMAN, RE, 425.31; KRIZ-DAVIS, SU, 599.06; LIBERAL GASKET, SU, 262.27; MAIN STREET AUTO CARE, SE, 198.00; MCMASTER-CARR SUPPLY, SU, 257.80; MES-MIDAM, SU, 4689.00; MICHAEL TODD & CO, SU, 995.38; MIDWEST OFFICE AUTOMATION, SE, 1060.18; MULTIMEDIA SALES & MARKET, SE, 313.50; NATIONAL BUSINESS FURNITURE, SU, 894.00; CITY EMPLOYEE, RE, 514.35; NE DEPT OF ENVIRONMENTAL, FE, 300.00; NE DEPT OF HEALTH, FE, 298.00; NE DEPT OF REVENUE, TX, 7214.38; NE HARVESTORE, SU, 14042.48; NE LIBRARY COMMISSION, FE, 662.60; NE SAFETY COUNCIL, SE, 11.49; NISSEN, BRENDA, RE, 500.00; NORTHWEST ELECTRIC, SE, 90.67; OLSSON ASSOCIATES, SE, 383.50; OTTE CONSTRUCTION, SE, 200.00; OVERHEAD DOOR COMPANY, SE, 95.50; PIEPER & MILLER, SE, 3015.00; PONCA RURAL FIRE BOARD, RE, 3032.40; POSTMASTER, SU, 135.00; PRESTO X COMPANY, SE, 57.58; PROVIDENCE MEDICAL CENTER, SE, 10000.00; RITA MCLEAN, RU, 328.07; ROSE EQUIPMENT, SU, 3169.31; SEVERN TRENT, SU, 3627.69; STATE ELECTRICAL DIVISION, FE, 50.00; STATE NATIONAL BANK, RE, 499.10; STATE NATIONAL BANK, RE, 10634.54; TOM'S BODY & PAINT SHOP, SE, 20.80; CITY EMPLOYEE, SU, 150.00; UNITED RENTALS, SU, 1004.18; UPSTART, SU, 183.85; US BANK, SE, 7178.14; VERIZON, SE, 352.32; VIAERO, SE, 207.16; VILLAGE OF WINSIDE, RE, 4053.58; WAED, RE, 7383.33; WAYNE COMMUNITY HOUSING, SE, 1955.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE HERALD, RE, 92.00; WAYNE STATE FOUNDATION, SE, 100.00; CITY EMPLOYEE, RE, 575.96; FIREMAN, RE, 422.25; BACON & VINTON, SE, 4000.00; CHARTWELLS, SE, 6205.00; CITY OF WAYNE, RE, 250.00; CONSOLIDATED MANAGEMENT, SE, 97.25; CITY EMPLOYEE, RE, 144.17; EASYPERMIT POSTAGE, SU, 705.53; ELLIS PLUMBING, SE, 120.00; GREAT PLAINS ONE-CALL, SE, 96.96; HARDING & SHULTZ, SE, 175.00; HOBBY LOBBY, SU, 78.01; JASON CAROLLO, SE, 105.00; JEO CONSULTING GROUP, SE, 8451.75; KELLY SUPPLY, SU, 141.86; KRIZ-DAVIS, SU, 242.29; MAISE ELECTRICAL, SU, 17645.65; MATTHEW BENDER & CO, SU, 312.31; MIKE TOWNE, SE, 1700.00; NANCY RODRIGUEZ, SU, 43.75; NNPPD, SE,

3255.00; PEPSI-COLA, SU, 1003.20; PLUNKETT'S PEST CONTROL, SE, 97.34; QUALITY FOODS, SU, 102.75; STADIUM SPORTING GOODS, SU, 1762.00; STATE NATIONAL BANK, SE, 65.68; TOM'S BODY & PAINT SHOP, SE, 121.00; USA BLUE BOOK, SU, 270.71; UTILITIES SECTION, FE, 190.00; WAYNE COUNTY CLERK, SE, 10.50; WAYNE KIWANIS, FE, 130.00; WAYNE MANUFACTURING, SU, 571.62; WESCO, SU, 7918.64; WAPA, SE, 26498.04; ZEE MEDICAL SERVICE, SU, 94.06;

Councilmember Haase made a motion and Councilmember Sturm 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.

Mayor Chamberlain rearranged the order of the agenda.

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

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

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

The next item on the CDA agenda was to approve the minutes of the October 16, 2012, meeting.

Member Frevert made a motion and Member Chamberlain seconded approving the minutes of the October 16, 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 take action on a proposal submitted by Kelby Herman to build market rate homes, in return for reduced lot prices, in the Western Ridge II Subdivision.

Kelby Herman, d/b/a Progressive Property Inspections, LLC, was present and stated he would like to purchase a minimum of 5 lots, with an option to purchase an additional 5 lots, within the Western Ridge II Subdivision at a 25% discount off of the current list price. The first 5 lots will be purchased and homes constructed within the next 30 months. Should he fail to construct 5 homes on these discounted lots within the 30 month time frame, the following penalty will result: (ex: Progressive Property Inspections purchases 4 lots at the discounted price and builds four homes in the 30-month time frame, but fails to purchase and build on the fifth lot. Progressive Property Inspections will pay the city the amount of the discount given on the first four lots as a penalty for not completing the five structures in the 30-month time frame). The penalty to be paid will only be the discount given on the lots that have been purchased. If due to the housing demand, less than five lots are purchased again, the penalty will only be the discount given on the lots purchased.

The recommendation of the City Administrator is:

- Two shade trees of a large species would be planted on each lot;
- Discount limited to \$9,000 and \$12,000 lots;
- Lots 9, 10, 29, 30, 31 as first five;
- Discount incentive be paid at the end of performance; and
- All homes would meet blower door test of 5 ACH @ 50 pascals.

The discount only comes into effect after 30 months have passed. Mr. Herman would pay full price for the lots, and after 30 months, if he has done what he said he would do, then he would receive the performance discount from the City.

Member Frevert made a motion, which was seconded by Member Sturm, to approve the proposal submitted by Kelby Herman to purchase Lots 9, 10, 29, 30, and 31 in the Western Ridge II Subdivision, at a 25% discount off of the current list price, provided homes are constructed thereon within the next 30 months, that 2 shade trees of large species are planted on each lot, that all homes will meet blower door test of 5 ACH @ 50 pascals, with the discount incentive being paid at the end of 30-month performance period. 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 take action on CDA Resolution 2012-7 authorizing the issuance of a tax increment revenue bond for the Progressive Property Inspections, LLC, project. This authorizes the issuance of TIF financing that was already approved for the duplex to be built on First Street by Progressive Property Inspections, LLC.

Member Chamberlain introduced CDA Resolution No. 2012-7 titled as follows and moved for its passage and approval by the Agency:

CDA RESOLUTION NO. 2012-7

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

Member Sturm seconded the motion.

On roll call vote, the following Agency Members voted in favor of the motion:

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

Member Sturm 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.

Mayor Chamberlain stated the time was at hand for the public hearing regarding an application for a Retail Class C Liquor License for Malachi, Inc., d/b/a "Wildcat Lanes."

Rick Burner, representing Malachi, Inc., d/b/a "Wildcat Lanes", was present to answer questions.

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

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

Councilmember Sturm introduced Resolution No. 2012-83 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-83

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS C LIQUOR LICENSE — MALACHI, INC., D/B/A “WILDCAT LANES.”

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

Administrator Johnson stated the following Resolution would amend the housing construction loan incentives that were approved at the last Council meeting.

Councilmember Sturm introduced Resolution No. 2012-84 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-84

A RESOLUTION AMENDING HOUSING CONSTRUCTION LOAN INCENTIVES FOR BUILDERS.

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

Administrator Johnson stated the following Resolution would approve the Wage and Salary Schedule for the Police Department. This will correct an error in the wage scale that was approved at the last Council meeting. The wage range for the Senior Patrolman position should have been \$18.22 - \$24.25 instead of \$18.22 - \$23.60.

Councilmember Van Delden introduced Resolution No. 2012-85 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-85

A RESOLUTION APPROVING WAGE AND SALARY SCHEDULE FOR THE POLICE DEPARTMENT.

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

Administrator Johnson stated the following Resolution would amend the rules and regulations for the reimbursement of expenses and fees for members of the Wayne Volunteer Fire Department. This will make the requirements for firefighters when they attend meetings, training, etc., the same as the reimbursement requirements for city staff.

Councilmember Brodersen introduced Resolution No. 2012-86 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2012-86

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

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

Administrator Johnson stated the following Resolution would approve a Letter Agreement for Professional Services with Olsson Associates for the "Chief's Way Sanitary Sewer Project" for a fee not to exceed \$29,590. This will extend sewer south underneath Highway 35 in front of John Deere and then west. Since an improvement district for sanitary sewer cannot be created outside city limits, we will use the equivalent of what the assessments would be, which includes the engineering fees, as the hook-up fees.

Councilmember Sturm introduced Resolution No. 2012-87 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-87

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

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

Betty McGuire, City Clerk, stated the following Resolution would amend the City's ICMA Retirement Corporation Agreement to provide for "Roth" individual retirement accounts (IRA's) for city employees. A representative from ICMA recently presented a new Roth IRA option being made available to city employees. There would be no cost to the City; however, the Council must amend the plan to include this option.

Councilmember Ley introduced Resolution No. 2012-88 and moved for its approval; Councilmember Berry seconded.

RESOLUTION NO. 2012-88

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

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

Administrator Johnson stated the following Resolution would amend the energy incentive program as follows:

1. Add a new trial incentive to encourage new energy efficient home construction that is certified through the Five Star Energy program.

This would designate \$45,000 per year for two years of already budgeted incentive program funds to a trial incentive for the Five Star Energy Program as follows:

- a) \$3,000 one-time incentive to a first-time homebuyer of a new construction single-family residence within the City of Wayne that qualifies for the Five Star Energy Plan;
- b) Applicants would be approved on a first come, first serve basis;
- c) Third Party Certification that Five Star requirements have been met in the completed home before receipt of the incentive by the homebuyer; and
- d) Two shade trees that are large species must be planted on each lot.

This reallocates funds within our existing program.

Controlling summer peak load still drives the NPPD incentives and our local incentives. This will help first time homebuyers with down payments and will help demonstrate the effect of this level of energy efficiency on summer peak load control of the City and NPPD electric systems.

2. Eliminate an old incentive to install permanent resistance heat in commercial buildings and residences. This incentive was intended to help level out the electric load of the Wayne electric system by adding winter electric use while at the same time we're working to reduce summer peak loads. With new EPA air quality requirements and apparent long-term, low cost natural gas, the best use of incentive funds would seem to be to focus on summer peak control. The cost of summer peak load power used for air conditioning is projected to climb.

Lou Benscoter was also present regarding this matter.

After discussion, a motion was made by Councilmember Frevert, and seconded by Councilmember Brodersen to table action on this matter until the next Council meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, stated the following Resolution is part of a process that WAED is doing again to become recognized as a certified economic development community. This simply gives the community a leg up in the search for economic development prospects and opens an avenue for some additional funds that we wouldn't be eligible for without the certification.

Councilmember Sturm introduced Resolution 2012-90, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-90

A RESOLUTION SUPPORTING THE CITY OF WAYNE'S PARTICIPATION
IN NEBRASKA'S ECONOMIC DEVELOPMENT CERTIFIED PROGRAM.

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

Lou Benscoter, representing Benscoter Development, was present regarding his offer to purchase the three city owned lots legally described as Lots 12, 13, & 14, Benscoter Addition Planned Unit Development Replat 1, for the sum of \$2,000 each. Mr. Benscoter stated that these lots were appraised for \$3,400 each.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, approving the offer submitted by Benscoter Development to purchase the three city-owned lots legally described as Lots 12, 13, & 14, Benscoter Addition Planned Unit Development Replat 1, for the sum of \$2,000 each. 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, which was seconded by Councilmember Van Delden, 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 6:35 p.m.

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CLAIMS LISTING NOVEMBER 20, 2012

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,507.43
APPEARA	LINEN & MAT SERVICE	93.31
BAKER & TAYLOR BOOKS	BOOKS	766.41
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	120.00
BARONE SECURITY SYSTEMS	FIRE INSPECTION-FIREHALL	81.96
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,595.03
BIG T ENTERPRISES, INC	BATTERIES	192.85
BLAZE PUBLICATION	ADVERTISING-LADDER TRUCK	32.00
BLUETARP FINANCIAL, INC.	GARDEN HOSE REEL/NOZZLE/CART	411.39
BROWN SUPPLY CO	3.6 EXTENSION/LUG	680.24
CENTER POINT PUBLISHING	BOOKS	78.62
CHEMQUEST, INC.	VER-DATE CHEMICAL	1,567.50
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	1,300.00
CITY OF WAYNE	DRIVEWAY DEPOSIT REFUND	500.00
CITY OF WAYNE	PAYROLL	63,104.78
CLAUSSEN & SONS IRRIG.	FALL BLOWOUT-SB/HANK OVERIN	185.00
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CONSOLIDATED MANAGEMENT	OFFICER TRAINING CENTER MEALS	97.25
COPY WRITE PUBLISHING	BUSINESS CARDS/TAPES/SHARPENER/PUNCH	502.54
CITY EMPLOYEE	HEALTH REIMBURSEMENT	124.43
DAKOTA BUSINESS SYSTEMS	COPIER EQUIPMENT LEASE	103.50
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	114.00
DEARBORN NATIONAL LIFE	DISABILITY/LIFE INSURANCE	1,585.34
DGR & ASSOCIATES CO	ELECTRIC SERVICES	151.50
DUTTON-LAINSON COMPANY	INSULATE/SEALS/ELBOWS	501.24
EAKES OFFICE PLUS	COPY PAPER	599.80
ED. M FELD EQUIPMENT CO	SWIVEL/HOSE REPAIR	177.45
EISENBRAUN & ASSOC.	10TH ST DESIGN	3,201.00
ELLIS PLUMBING & HEATING	CH STOOL REPAIR/SEWER STUB LOCATE	309.00
FLOOR MAINTENANCE	BLEACH/DETERGENT	102.95
FREDRICKSON OIL CO	TIRE REPAIRS/GENERATOR FUEL	630.13
GALE GROUP	BOOKS	70.82
GREEN SOURCE	SUBSCRIPTION RENEWAL	19.95
GROSSENBURG IMPLEMENT INC	TAR KETTLE SCREWS	4.34
CITY EMPLOYEE	HEALTH REIMBURSEMENT	155.92
HAMPTON INN KEARNEY	LODGING-BRADY/POUTRE	539.70
HAWKINS, INC	FLUORIDE FOR WELLS	541.39
CITY EMPLOYEE	HEALTH REIMBURSEMENT	47.66
HOA SOLUTIONS, INC.	PRESSURE TRANSDUCER	2,009.00
HOLIDAY INN OF KEARNEY	LODGING-B BREITKREUTZ	157.90
HOLIDAY INN-DOWNTOWN	LODGING-POWER GENERATION CONF	801.90
HTM SALES INC	GASKET/PUMP BRACKET	399.38
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,608.77
INGRAM BOOK COMPANY	BOOKS	510.61
IRS	FEDERAL WITHHOLDING	21,469.38

JACK'S UNIFORM	INSIGNIAS/NAME PLATE	249.65
JEO CONSULTING GROUP	SLUDGE REMOVAL	3,141.50
JOHN'S WELDING AND TOOL	VALVE HANDLE	30.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	5,458.12
JORGENSEN CONCRETE	TEAR OFF/RESHINGLE GRANDSTAND	3,700.00
KLEIN ELECTRIC	TRENCHING	11,518.50
KTCH AM/FM RADIO	RADIO ADS	525.00
LOVE SIGNS	CHICKEN SHOW-SIGN RELETTER	125.00
MERCY MEDICAL CLINICS	FLU SHOTS	150.00
MIDWEST LABORATORIES, INC	BOD TESTING	756.90
MIDWEST OFFICE AUTOMATION	LIBRARY COPY CHARGES	203.80
MIDWEST TURF & IRRIGATION	AERAVATOR ROLLER/SHAFT/SEEDER BOX	11,173.00
MSC INDUSTRIAL	SCREW EXTRACTORS	160.55
MURPHY TRACTOR & EQUIPMENT	QUICK ATTACHMENT ASSEMBLY	1,534.97
NE DEPT OF REVENUE	STATE WITHHOLDING	3,461.51
NE DEPT OF ROADS	SENIOR CENTER MINIVAN	6,731.00
NE NEB INS AGENCY INC	SKIDLOADER INSURANCE	60.00
NE SAFETY COUNCIL	SHIPPING ON SAFETY VIDEOS	11.41
NEBR PUBLIC POWER DIST	ELECTRICITY	252,947.40
NMC, INC.	TRANSFER SWITCH REPAIR	481.50
NORFOLK DAILY NEWS	2 SUBSCRIPTIONS	276.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTION	88.86
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	12,418.90
NORTHWEST ELECTRIC LLC	SEALED BALL BEARINGS	132.32
O'KEEFE ELEVATOR COMPANY	ANNUAL ELEVATOR TESTING/RELAY	1,052.00
OLSSON ASSOCIATES	RICE COMPLIANCE/BENSCOTER	1,291.00
PAC N SAVE	SUMMER READING SUPPLIES	48.09
PITNEY BOWES INC	POSTAGE METER & FOLDER LEASE	648.00
PRESTO X COMPANY	PEST CONTROL	144.39
CITY EMPLOYEE	HEALTH REIMBURSEMENT	147.58
RAINBOW WORLD	LB840 GRANT - RAINBOW WORLD	100,000.00
RANDOM HOUSE	CD'S	123.71
RON'S RADIO	HIGHBAND RADIO	1,363.77
ROSE EQUIPMENT INC.	HEATED HOSE-TAR MACHINE/TAR	7,280.99
CITY EMPLOYEE	HEALTH REIMBURSEMENT	406.41
TOM'S BODY & PAINT SHOP	TAILGATE HANDLE REPAIR	38.71
UNITED WAY	UNITED WAY DEDUCTION	15.00
W.T. COX SUBSCRIPTIONS	SUBSCRIPTIONS	1,994.23
WAYNE BASEBALL ASSOCIATION	10 BAGS SOFTENER SALT	50.00
WAYNE HERALD	ADS AND NOTICES	902.38
WAYNE SENIOR CENTER	OKTOBERFEST SENIOR MEAL	358.97
WESCO DISTRIBUTION INC	MARKING PAINT	1,882.28
CITY EMPLOYEE	CLOTHING/HEALTH REIMBURSEMENT	101.74
ZACH OIL COMPANY	GASOLINE	5,473.24
ZIMCO	FERTILIZER	1,806.00

RESOLUTION 2012-89

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

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

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

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

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

7. The City will provide an incentive of \$10.19 per installed kw to all commercial customers that design their facilities towards electric usage.

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

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

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

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

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

PASSED AND APPROVED this 20th Day of November, 2012

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-91

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTY TO BENSCHOTER, INC., A NEBRASKA CORPORATION.

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

Lots 12, 13, and 14, Benschoter Addition Planned Unit Development Replat 1, of the City of Wayne, Wayne County, Nebraska; and

WHEREAS, Benschoter, Inc., a Nebraska, Corporation, 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; and

WHEREAS, Resolution 2012-49 which was passed on June 19, 2012, and authorized the sale of Lot 12, Benschoter Addition Planned Unit Development Replat 1, to Benschoter, Inc., for \$10,000.00 is hereby rescinded.

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:

Lots 12, 13, and 14, Benschoter Addition Planned Unit Development Replat 1, of the City of Wayne, Wayne County, Nebraska,

to Benschoter, Inc., a Nebraska Corporation, for the sum of \$6,000.00 and other valuable consideration.

PASSED AND APPROVED this 20th day of November, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-59

AN ORDINANCE DIRECTING THE SALE OF LOTS 12, 13, AND 14, BENSOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 1, OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BENSOTER, INC., A NEBRASKA CORPORATION.

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 Benscoter, Inc., a Nebraska Corporation, the property owned by the City and legally described as Lots 12, 13, and 14, Benscoter Addition Planned Unit Development Replat 1, of the City of Wayne, Wayne County, Nebraska, for the sum of \$6,000.00 and other valuable consideration.

Section 2. That Ordinance No. 2012-27 passed on June 19, 2012, which directed the sale of Lot 12, Benscoter Addition Planned Unit Development Replat 1, to Benscoter, Inc., for \$10,000.00 is hereby rescinded.

Section 3. 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 4. 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 20th day of November, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

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City of Wayne
CDA Claims List
November 20, 2012

7/18/12	Pieper Miller Trust – Herman incentive loans	40,000.00
11/20/12	City of Wayne – title services	16.66

