

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

**1. Approval of Minutes – November 20, 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. Adjourn Sine Die**

**4. Swearing in of Newly Elected Councilmembers**

**5. Select President of Council**

**6. Reconvene**

**7. Presentation of Dedication of Service Plaques to Outgoing Councilmembers**

**8. Action to Accept Declination to Serve Notice by Doug Sturm – 1st Ward**

**9. Action Declaring Notice of Vacancy in Ward One and Authorizing City Clerk to Publish said Notice**

**10. Action on Mayor's Youth Council Recommendation on Park Equipment for the Western Ridge Subdivision**

**Background: Mayor Shelton formed the Mayor's Youth Council in 2008 to help involve high school kids in community planning and events. In addition to litter pick up and recycling, three recent projects that Mayor Chamberlain has tasked to this MYC are:**

- **Propose optional uses for the lagoon site area after it is decommissioned.**
  - a. **At this time, the MYC kids are reviewing their own ideas for what they like about the community and what the Wayne area needs over the next 20 years and how the 26-acre lagoon site could be used for that.**
  
- **Propose a name for the new Western Ridge park being developed.**
  - a. **At this time, the MYC is reviewing ideas for park names that could memorialize area people, events, history or recreation themes for the park.**

- Propose a set of new playground equipment for this park.
- a. The MYC kids have reviewed equipment in our parks and reviewed playground equipment in catalogs provided by our City Park staff. They have voted and selected the \$36,000 playground equipment set displayed in the attachment to recommend for the Western Ridge park.

In the park budget for next season, we have allocated \$35,000 from the Sales Tax Capital Projects fund for \$15,000 in new park equipment for the Western Ridge Park and \$20,000 for Sunnyview Park. Representatives from the MYC will be at the Council meeting.

**Recommendation:** Playground equipment is expensive and purchasing small amounts at a time is usually not as satisfying to the public as accumulating cash and installing one larger system later. I suggest that we accept the MYC recommendation for park equipment, but do only one park in 2013 and budget more money in next year's budget to do the other park in 2014. The MYC students will have an opinion on this.

11. [Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending Sec. 90-710 Parking Regulations, Schedule of Minimum Off-Street Parking & Loading Requirements \(Advertised Time: 5:30 p.m.\)](#)

**Background:** This proposal would require one parking stall per bedroom for only new construction multi-unit apartments. There are four multi-unit housing projects being built in Wayne in the next few months in existing residential neighborhoods. Our existing zoning code requires 1.5 off-street parking stalls per apartment unit for new construction apartment projects. Many of these new apartments will be 2 or 3 bedroom units, and in Wayne almost every tenant has a car.

In consideration of the neighborhoods where projects are being built, the builders of the new apartment projects are planning to provide 1 off-street parking stall per bedroom. Joel Hansen has proposed to the Planning Commission that we amend the Wayne Zoning Code to require 1 off-street parking stall per bedroom in all future new construction multi-unit housing projects. After their advertised public hearing on this proposal, the Planning Commission deliberated the issue, but was unable to pass a motion to make a recommendation for or against. The procedure for the City Council to act on a "no recommendation" by the Planning Commission is in the following segment of the Wayne City Code:

**Sec. 90-903. Amendment consideration and adoption.**

(a) The procedure for consideration and adoption of any proposed amendments shall be in like manner as that required for the consideration and adoption of this chapter except as modified in this article. For action on zoning amendments, a quorum of the planning commission is more than half of all members. A vote either for or against an amendment by a majority of all the planning commission members present constitutes a recommendation of the commission; whereas a vote either for or against by less than a majority of the planning commission present constitutes a failure to recommend.

(b) When the planning commission submits a recommendation of approval or disapproval of such amendment, the council, if it approves such recommendation, may either adopt such recommendation by ordinance or take no further action as appropriate. If the planning commission submits a failure to recommend, the council may take such action as it deems appropriate

12. Ordinance 2012-60: Amending Sec. 90-710 Parking Regulations, Schedule of Minimum Off-Street Parking & Loading Requirements

Recommendation: The recommendation of Joel Hansen, City Planner, and Lowell Johnson, City Administrator, is to approve the requirement for a minimum of 1 off-street parking stall per bedroom to be provided for future multi-unit housing projects only. Paved terrace parking is considered off-street parking.

13. Action on Recommendations from the LB840 Sales Tax Advisory Committee on a Request by Wayne Area Economic Development for Community Marketing/Administration Grant in the amount of \$5,000. Community Marketing includes the Wayne Works campaign, people/workforce attraction, and the continual business and industry marketing

Recommendation: This is the annual WAED request for allocation of LB840 sales tax funds for marketing. Marketing the Wayne area is one of the allowable activities in the sales tax economic development plan that voters approved in 2008. Recommendation of the WAED Board is to allocate the marketing funds.

14. Action on 2013 Group Health Insurance Proposals and to Increase Deductibles to \$600 Single/\$1,200 Family with Same Incentives as in 2012 to Reduce the Deductibles to \$250 Single/\$500 Family — Gary Boehle, First National Agency

Background: Full-time city employees are eligible to participate in the City's group health insurance plan. We have had a plan with Coventry for the last 3 years. We bid out our 2013 coverage in October, and Blue Cross/Blue Shield of Nebraska is the lowest cost provider. The premium details are as follows:

The total monthly premium will go from around \$21,500 to \$23,936.

**New Employee Premium Monthly Rates:**

Single - \$294.24  
Family - \$823.88  
Emp/Sp - \$617.91  
Emp/Ch - \$514.93

**Old Rates:**

Single - \$280.40  
Family - \$726.25  
Emp/Sp - \$552.38  
Emp/Ch - \$454.23

The BC/BS plan has a \$5,000 single deductible and a \$10,000 family deductible, and we operate our own self-insurance plan to cover 80% of the medical costs between the annual employee deductibles and the \$5,000/\$10,000 plan deductibles. The City of Wayne pays 97.5% of the employee monthly premium and 90% of the family monthly premium.

**Recommendation:** The recommendation of Betty McGuire, City Clerk, and Lowell Johnson, City Administrator, is to approve the BC/BS proposal and the deductibles proposed for 2013.

**15. Action on Annual Renewal Maintenance Agreement with the Nebraska Department of Roads**

**Background:** The NDOR signs standard annual maintenance agreements with all Nebraska towns that have paved highways. The agreement calls for Wayne to pay NDOR \$3,150 per year for them to maintain the 2 miles of highway driving lanes that are within the city limits. The City maintains the rest of the highway right-of-way within the city, including mowing, weed control and silt removal in the ditches. This has been a good deal for the Nebraska towns.

**Recommendation:** The recommendation of Joel Hansen, Street Superintendent, is to renew the agreement.

**16. 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 changed slightly from the last two packets with those changes underlined. This modifies our local energy incentive program as follows.

**1. Add a new trial incentive to encourage new energy efficient home construction that is Energy Star rated, plus a geo-thermal heat pump. This would be the construction equivalent of the Five Star Energy Certification, but without the lower mortgage interest rate and without the cost of the state review of building plans and the cost of state Five Star certification after construction.**

This proposal would allocate \$45,000 per year for two years of the \$75,000 per year of our budgeted incentive program funds to a trial incentive for the Energy Star plus geothermal heat pump program as follows:

- a) \$3,000 one-time incentive (NPPD reimburses us \$500 for each geothermal heat pump) to a first-time homebuyer of a new construction single-family residence within the City of Wayne that qualifies for the Energy Star plus geothermal heat pump program;
- b) Applicants would be approved on a first come, first serve basis;
- c) Third Party Certification that Energy 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.

**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 used for air conditioning is projected to climb.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, and Superintendent of Electric Production, Gene Hansen, is to approve the two year, Energy Star plus geothermal heat pump trial incentive, for new construction residences only.

17. [Ordinance 2012-59: Directing the Sale of Lots 12, 13, and 14, Bencoter Addition Planned Unit Development Replat 1 to Bencoter, Inc. \(Second Reading\)](#)
18. [Ordinance 2012-61: Amending Wayne Municipal Code, Section 78-143 Restricted Parking from 7:00 a.m. to 9:00 a.m., Monday through Friday](#)

**Background:** Before this school year began, we approved one way streets and parking restrictions around the Wayne Elementary School. After observing traffic flows before school, we see continued congestion on 3<sup>rd</sup> Street between Douglas and Sherman in the period before school starts.

**Recommendation:** The recommendation of Joel Hansen, Street Superintendent, Lowell Johnson, City Administrator, and Police Chief, Marlen Chinn, is to prohibit parking on the north side of 3<sup>rd</sup> from Douglas to Sherman between the hours of 7:00 a.m. and 9:00 a.m. Monday – Friday. We have asked for input from the School and they are ok with this.

19. [Action on Application for Payment No. 1 to DRT Biosolids, Inc., in the amount of \\$157,500.00 for the “2012 Lagoon Sludge Removal and Application Project”](#)

**Recommendation:** This payment is for work completed according to contract and approved after inspection by the project engineer. The sludge removal project is complete, and this amount withholds 10% from the total \$175,000 due. The 10% will be paid after final close out of documentation required by EPA.

20. [Action to Allow Staff to Approve Energy Incentive Loan Applications if they meet Criteria and Funding is Available](#)

**Recommendation:** The Council has approved the terms and conditions of these incentive loans, and Nancy and I believe that we can act on behalf to speed up approval and payout of these incentives if they meet the requirements the Council has established.

21. [Action establishing Sidewalk Cost-Share Amount at \\$2.25 s.f.](#)

**Recommendation:** Wayne has a long-term policy to pay one-half the cost of replacement of old commercial and residential sidewalks. The Councils have budgeted \$1,000 each year to reimburse sidewalk owners. Since most owners don't bid these projects out, we haven't had a good indicator of appropriate cost. Joel

Hansen recommends a cost-share rate of \$2.25/sq. ft. of sidewalk after surveying other city projects and other contract bids and averaging them together.

22. [Action on Request for Council to Allocate \\$5,000 for a Rate Consultant to Evaluate NPPD Rates](#)

**Background:** NPPD is currently reviewing how it allocates costs of night-time, off-peak peak costs and transmission line costs to different wholesale customer rate classes. NPPD is also preparing new long-term wholesale power agreements with cities and rural power districts so NPPD can demonstrate the future revenues needed to go to the bond market for substantial new funds to pay for compliance with new EPA generation plant air quality standards. Several other City Administrators and I serve on a state-wide NPPD Rate Review Committee, and we are preparing to analyze the fairness of NPPD cost allocations through rates and to analyze the terms of new NPPD long-term wholesale power contracts. We are not professional utility rate analysts, so we have organized the Municipal Electric Interests Group to retain the services of a professional utility rate designer. I believe Wayne's share of this rate analyst cost will be less than \$5,000, but if there is a significant dispute over rates, the cost could be more.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to allocate up to \$5,000, as needed, to participate in the Municipal Electric Interests Group analysis of NPPD rates and contracts. The details are complex and the stakes are high.

23. [Update on ATV Ordinance that was passed in January, 2012, and now expires December 31, 2012.](#)

**Recommendation:** Marlen Chinn, Chief of Police, will review the first year experience with this ATV ordinance. Our recommendation will be to renew the same as is.

24. [Action on a Request for 400' of an 8' High Visual Barrier Fence \(White Vinyl\) on the Northwest Boundary of the City of Wayne Railroad Right-of-Way on the Southeast Edge of Wriedt Trailer Court beginning 200' Southeast of Dearborn Avenue](#)

**Background:** We have discussed installing this in the past for the trail, and the developer of Bencoter Subdivision has offered to install the fence at his own cost. The cost of materials will not exceed \$8,500. The Developer has two home sales pending, with the condition that a visual barrier fence be installed at this location.

**Recommendation:** The recommendation of the City Administrator is to pay for the materials and have the developer install the fence. 400' will not be adequate as housing develops to the east. There is probably another 300' left.

25. [Appointment of Jason Karsky to Civil Service Commission \(fill the unexpired term of Galen Wisner\)](#)

26. [Action to Set Date for Mayor and Council Retreat](#)

27. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

November 20, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, November 20, 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, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Doug Sturm and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on November 8, 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 Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of November 6, 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:** AMERITAS, SE, 2507.43; APPEARA, SE, 93.31; BAKER & TAYLOR BOOKS, SU, 766.41; BANK FIRST, FE, 120.00; BARONE SECURITY SYSTEMS, SE, 81.96; CITY EMPLOYEE, RE, 1595.03; BIG T ENTERPRISES, SU, 192.85; BLAZE PUBLICATION, SE, 32.00; BLUETARP FINANCIAL, SU, 411.39; BROWN SUPPLY, SU, 680.24; CENTER POINT PUBLISHING, SU, 78.62; CHEMQUEST, SU, 1567.50; CITY OF WAYNE, RE, 1300.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 63104.78; CLAUSSEN & SONS IRRIG., SE, 185.00; COMMUNITY HEALTH, RE, 3.00; CONSOLIDATED MANAGEMENT, SE, 97.25; COPY WRITE PUBLISHING, SU, 502.54; CITY EMPLOYEE, RE, 124.43; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DAVE'S DRY CLEANING, SE, 114.00;

DEARBORN NATIONAL LIFE, SE, 1585.34; DGR & ASSOCIATES, SE, 151.50; DUTTON-LAINSON, SU, 501.24; EAKES OFFICE PLUS, SU, 599.80; ED. M FELD EQUIPMENT, SU, 177.45; EISENBRAUN & ASSOC., SE, 3201.00; ELLIS PLUMBING & HEATING, SE, 309.00; FLOOR MAINTENANCE, SU, 102.95; FREDRICKSON OIL, SE, 630.13; GALE GROUP, SU, 70.82; GREEN SOURCE, SU, 19.95; GROSSENBURG IMPLEMENT, SU, 4.34; CITY EMPLOYEE, RE, 155.92; HAMPTON INN KEARNEY, SE, 539.70; HAWKINS, INC, SU, 541.39; CITY EMPLOYEE, RE, 47.66; HOA SOLUTIONS, SU, 2009.00; HOLIDAY INN OF KEARNEY, SE, 157.90; HOLIDAY INN-DOWNTOWN, SE, 801.90; HTM SALES, SU, 399.38; ICMA, SE, 5608.77; INGRAM BOOK COMPANY, SU, 510.61; IRS, TX, 21469.38; JACK'S UNIFORM, SU, 249.65; JEO CONSULTING GROUP, SE, 3141.50; JOHN'S WELDING AND TOOL, SU, 30.00; CITY EMPLOYEE, RE, 5458.12; JORGENSEN CONCRETE, SE, 3700.00; KLEIN ELECTRIC, SE, 11518.50; KTCH, SE, 525.00; LOVE SIGNS, SU, 125.00; MERCY MEDICAL CLINIC, SE, 150.00; MIDWEST LABORATORIES, SE, 756.90; MIDWEST OFFICE AUTOMATION, SE, 203.80; MIDWEST TURF & IRRIGATION, SU, 11173.00; MSC INDUSTRIAL, SU, 160.55; MURPHY TRACTOR & EQUIPMENT, SU, 1534.97; NE DEPT OF REVENUE, TX, 3461.51; NE DEPT OF ROADS, SU, 6731.00; NE NEB INS AGENCY, SE, 60.00; NE SAFETY COUNCIL, SE, 11.41; NPPD, SE, 252947.40; NMC, INC., SE, 481.50; NORFOLK DAILY NEWS, SU, 276.00; N.E. NE AMERICAN RED CROSS, RE, 88.86; NNPPD, SE, 12418.90; NORTHWEST ELECTRIC, SU, 132.32; O'KEEFE ELEVATOR CO, SE, 1052.00; OLSSON ASSOCIATES, SE, 1291.00; PAC N SAVE, SU, 48.09; PITNEY BOWES, SU, 648.00; PRESTO X, SE, 144.39; CITY EMPLOYEE, RE, 147.58; RAINBOW WORLD, RE, 100000.00; RANDOM HOUSE, SU, 123.71; RON'S RADIO, SU, 1363.77; ROSE EQUIPMENT, SU, 7280.99; CITY EMPLOYEE, RE, 406.41; TOM'S BODY & PAINT SHOP, SE, 38.71; UNITED WAY, RE, 15.00; W.T. COX SUBSCRIPTIONS, SU, 1994.23; WAYNE BASEBALL ASSOCIATION, SU, 50.00; WAYNE HERALD, SE, 902.38; WAYNE SENIOR CENTER, SE, 358.97; WESCO, SU, 1882.28; CITY EMPLOYEE, RE, 101.74; ZACH OIL COMPANY, SU, 5473.24; ZIMCO, SU, 1806.00; AMAZON.COM, SU, 98.87; APPEARA, SE, 131.91; CITY EMPLOYEE, RE, 83.26; CAPSTONE PRESS, SU, 283.35; CARHART LUMBER CO, SU, 230.60; CONSOLIDATED MANAGEMENT, RE, 74.00; COVENTRY, SE, 21417.02; CREDIT BUREAU SERVICES, RE, 2.79; DANKO EMERGENCY EQUIP, SE, 1239.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; DISPLAY SALES CO, SU, 310.00; DUTTON-LAINSON, SU, 392.67; E.J. OBERMEYER, SU, 18.00; ECHO GROUP, SU, 184.47; ED. M FELD EQUIPMENT, SE, 30.60; ELECTRIC FIXTURE, SU, 41.07; FLOOR MAINTENANCE, SU, 207.08; FRANCES POEHLMAN, RE, 335.61; GALE GROUP, SU, 545.46; GAYLORD BROS, SU, 116.44; GOVERNMENTAL ACCOUNTING, SU, 225.00; HD SUPPLY WATERWORKS, SU, 2756.40; JOHN'S WELDING AND TOOL, SE, 187.64; JOHN NAVRKAL, SE, 250.00; CITY EMPLOYEE, RE, 636.30; KEPCO, SU, 21.30; KNIFE RIVER MIDWEST, SU, 979.66; KRIZ-DAVIS, SU, 415.35; KTCH, SE, 80.00; CITY EMPLOYEE, RE, 202.97; METRO AREA PLANNING AGENCY, SE, 6692.00; NE DEPT OF ENVIRONMENTAL, SE, 191650.28; NE PUBLIC HEALTH, SE, 284.00; PITNEY BOWES, SU, 203.98; GARRY POUTRE, RE, 143.29; PRONUNCIATOR, SU, 450.00; QUILL, SU, 742.52; RON'S

RADIO, SE, 1559.06; SPARKLING KLEAN, SE, 1218.00; STADIUM SPORTING GOODS, SU, 54.00; STATE NATIONAL BANK, RE, 97.75; THE JOURNAL OF LIGHT, SU, 29.95; UNITED RENTALS, SU, 698.56; VOSS LIGHTING, SU, 52.60; WAYNE AUTO PARTS, SU, 728.98; WAYNE HERALD, SE, 441.50; WESCO, SU, 131.63

Councilmember Haase made a motion and Councilmember Brodersen 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.

Councilmembers Sturm and Ley arrived at 5:32 p.m.

Discussion took place again on Resolution 2012-89 which would amend the Energy Star Program for FY2012-13 and FY2013-14. However, because Lou Benscoter and Kelby Herman were not at the meeting, Administrator Johnson suggested Council might want to table the matter, again, since both gentlemen had some thoughts on the matter.

Councilmember Sturm stated if the matter is tabled until the next meeting, there will be new Councilmembers on board who will not have any idea what has been talked about. The Resolution will probably have to be tabled again to bring them up to speed.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, to table action on Resolution 2012-89 until the next meeting. Mayor

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

Administrator Johnson stated the following Resolution and Ordinance will formalize the action taken at the last meeting accepting Lou Bencoter's offer to purchase Lots 12, 13, and 14, Bencoter Addition Planned Unit Development Replat 1 for \$2,000 each. One lot has already been sold to Mr. Bencoter for \$10,000, which was the initial lot price agreed upon in the "first right of refusal" clause in the Subdivision Agreement. Mr. Bencoter said at the last meeting that he had the lots appraised, and they were appraised at \$3,400 each.

It was noted that the following Resolution and Ordinance have a provision therein which states that the previous resolution and ordinance regarding the sale of Lot 10 for \$10,000 are rescinded.

Councilmember Brodersen introduced Resolution No. 2012-91 and moved for its approval; Councilmember Berry seconded.

#### RESOLUTION NO. 2012-91

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

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

Councilmember Ley introduced Ordinance 2012-59, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-59

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

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

Discussion took place regarding the Planning Commission's decision not to act on the City Planner's proposal to amend city code to require one stall per bedroom for new multi-unit housing. The Council will hear this matter by way of a public hearing on December 4<sup>th</sup>. The code currently requires 1.5 parking stalls per apartment unit. The reasons behind the Planning Commission's decision will be explained at the public hearing when City Planner Joel Hansen is present.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander 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.

Councilmember Sturm made a motion, which was seconded by Councilmember Alexander 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 Amy Miller; 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 November 6, 2012, meeting.

Member Van Delden made a motion and Member Chamberlain seconded approving the minutes of the November 6, 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 approve the following claims: Pieper Miller Trust – Kelby Herman Incentive Loans for \$40,000, and City of Wayne — title services for \$16.66.

Member Chamberlain made a motion and Member Sturm seconded approving the claims. 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 the “Right of First Refusal Agreement” for Kelby Herman on Lots 26, 28, 32, 34, and 39, Western Ridge II Subdivision.

Attorney Miller advised the Council that Mr. Herman isn’t actually purchasing the lots. If someone else wants to purchase any of those particular lots in question, this would give him the right to purchase the lot or lots first.

Mayor Chamberlain stated the same stipulations would be placed on this set of lots as was placed on the first set of lots that were sold to Mr. Herman or else he does not receive the 25% discount.

Member Chamberlain made a motion, which was seconded by Member Frevert approving the Right of First Refusal Agreement for Kelby Herman on Lots 26, 28, 32, 34, and 39, Western Ridge II Subdivision, with the same expiring in 36 months. Chair Haase stated the motion, and the result of roll call being all yeas, 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.

Discussion took place on setting a date for the first Council meeting in January since the same falls on New Year's Day. Per City Code, the meeting date must be either the preceding Monday or the subsequent Wednesday or Thursday.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen to change the date of the first Council meeting in January from Tuesday, January 1, 2013, to Wednesday, January 2, 2013.

Councilmember Sturm asked that the motion be withdrawn until the December 4<sup>th</sup> meeting when the new Council is sworn in so they can have some input into the decision. Councilmember Alexander would not withdraw his motion.

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

Councilmember Haase 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 6:10 p.m.

## CLAIMS LISTING DECEMBER 4, 2012

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,183.77
APPEARA	LINEN & MAT SERVICE	136.93
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	204.00
BLACK HILLS ENERGY	GAS BILLS	610.75
BOMGAARS	FD-BATTERIES	7.99
CARMIE MAROTZ	ENERGY INCENTIVE	500.00
CENTURYLINK	TELEPHONE CHARGES	310.91
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	27.50
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	150.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	350.00
CITY OF WAYNE	PAYROLL	68,596.31
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CONSOLIDATED MANAGEMENT	OFFICER TRAINING CENTER MEALS	37.00
DE LAGE LANDEN FINANCIAL	SR COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	96.32
EAKES OFFICE PLUS	COPY CHARGES	23.55
ECHO GROUP INC JESCO	SOCKET REDUCER	3.11
FLOOR MAINTENANCE	FOAM LIDS	38.99
GINA HUGHES	COOLING INCENTIVE	30.00
GODFATHER'S	PIZZA-MEETING	107.50
GROSSENBURG IMPLEMENT INC	FILTER ELEMENT/CAP SCREW	63.91
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	68.47
HOLIDAY LITES & TRIM	CHRISTMAS DECORATION LIGHTS	204.64
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,623.52
INTERSTATE ALL BATTERY	BATTERIES	47.62
IRS	FEDERAL WITHHOLDING	22,659.06
JACK'S UNIFORMS	BADGE	99.00
JEO CONSULTING GROUP	SLUDGE REMOVAL	3,605.75
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,151.65
KELLY MEYER	GRASS	1,027.25
KORY LESEBERG	STREET/CURB CUT	3,049.00
LIQUID ENGINEERING CORP	CLEAN & INSPECT WEST WATER TOWER	4,762.80
MATT PARROTT AND SONS COM	W-2/1099 FORMS	197.40
CITY EMPLOYEE	HEALTH REIMBURSEMENT	203.35
MIKE TOWNE	NPPD COST RECOVERY	1,600.00
NATL ARBOR DAY FOUNDATION	MEMBERSHIP DUES- J HANSEN	50.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,407.26
NE HARVESTORE	UTILITY FRAMES	400.00
NORTHEAST NE PUBLIC POWER	ELECTRICITY	4,473.00
PIEPER & MILLER	ATTORNEY FEES	5,527.00
QUILL CORPORATION	OFFICE SUPPLIES	713.08
SIOUXLAND DISTRICT	BACTERIOLOGICAL	26.00
VERIZON WIRELESS SERVICES	CELL PHONES	216.84
VIAERO	CELL PHONES	82.82



**City of Wayne  
Interoffice Memorandum**

**Date:** November 6, 2012

**To:** Mayor Chamberlain  
Wayne City Council

**From:** Joel Hansen, Staff Liaison to Planning Commission

**Re:** Recommendation from November 5, 2012 Meeting

At their meeting held on November 5, 2012, the Wayne Planning Commission held one public hearing; the results of that hearing are as follows:

**Public Hearing: Amending Section 90-710 Parking Regulations, Schedule of Minimum Off-Street Parking and Loading Requirements**

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sorensen and seconded by Commissioner Hill to forward a recommendation to the City Council, by amending Section 90-710 Parking Regulations, Schedule of Minimum Off-Street Parking and Loading Requirements, by changing the minimum off-street parking regulations for multi-family residential structures to two-thirds space per sleeping room and for single family and two-family residential structures to two spaces per dwelling unit, with the findings of fact being staff's recommendation. Roll call vote was taken with the following: Commissioner Brogie – nay; Commissioner Sorensen – aye; Commissioner Carstens – nay; Commissioner Piper – nay; Commissioner Hill – aye; Commissioner Braun – aye; Commissioner Sweetland – nay; Chair Melena – nay. Chair Melena declared the motion was nay to change the regulations by a vote of three ayes to five nays.

Motion was made by Commissioner Melena and seconded by Commissioner Sweetland to forward a recommendation to the City Council, by amending Section 90-710 Parking Regulations, Schedule of Minimum Off-Street Parking and Loading Requirements, by changing the minimum off-street parking regulations for multi-family residential structures to one space per sleeping room and for single family and two-family residential structures to two spaces per dwelling unit, with the findings of facts begin staff's recommendation. Roll call vote was taken with the following: Commissioner Brogie – nay; Commissioner Sorensen – aye; Commissioner Carstens – nay; Commissioner Piper – nay; Commissioner Hill – nay; Commissioner Braun – nay; Commissioner Sweetland aye; and Chair Melena – aye. Chair Melena declared the motion was nay to change the regulations by a vote of three ayes to five nays.

JJH:cb

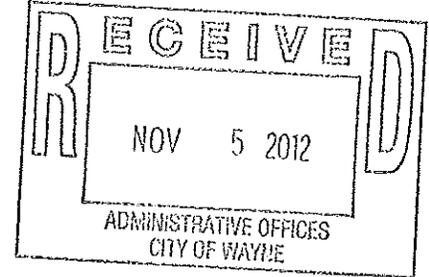


PROPERTY EXCHANGE PARTNERS  
112 W. 2nd Street  
Wayne, NE 68787  
(402) 375-2134 office  
(402) 375-1345 fax  
info@propertyexchangepartners.com

Your choice for real estate!

November 1, 2012

Wayne Planning Commission  
City of Wayne  
306 Pearl Street  
Wayne, NE 68787



RE: Public Hearing on the Parking Regulations

To Whom It May Concern:

This letter is to applaud Joel Hansen for making parking a priority for the multi-family dwelling structures. I currently manage the new construction apartments for Lou Benscoter and parking is a huge issue. Although we are able to accommodate all the bedrooms in the apartments by double parking the cars in the back of the building, it is a constant struggle to monitor and police the situation.

This letter shall serve that I am in favor of the Planning Commission to recommend the amendment of the Parking Regulations to require multi-family structures to have 1 parking space per bedroom.

If anyone would like to visit with me further in regards to this or to any other real estate questions or concerns, please let me know. We not only assist buyers and sellers, the office manages 67 rental structures, of all types, and encounters many different situations.

Respectfully,

Amy S. Schweers  
Real Estate Broker/Property Manager

ORDINANCE NO. 2012-60

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, BY AMENDING SECTION 90-710(c) PARKING OR DRIVEWAY SURFACES, INTERIOR OF THE LOT BY; AND BY ADDING SUBPARAGRAPH (f) DESIGN STANDARDS FOR PARKING LOTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 90, Article VIII, Section 90-710(c) of the Wayne Municipal Code is amended as follows:

**Sec. 90-710. Parking regulations.**

(a) *Parking, storage or use of recreational equipment.* All recreational equipment shall be parked behind the building line except for a period not to exceed seventy-two (72) consecutive hours for purposes of loading and unloading. The building line of a residential dwelling on a corner lot fronts the street that the dwelling is addressed to. No recreational equipment shall be used for living, sleeping, or housekeeping purposes in excess of 30 days in a 60-day period when parked or stored on a residential lot or on any location not approved for such use.

Council may consider granting a waiver upon individual application for recreational equipment in parking spaces existing prior to the passage and approval of this ordinance and based upon the parking surface and the distance from the street in connection with traffic hazards.

(b) *Minimum off-street parking and loading requirements.* Off-street motor vehicle parking and loading space shall be provided on any lot on which any of the indicated structures and uses are hereafter established. Such space as defined in section 90-9 shall be provided with vehicular access to a street or an alley. A required loading space shall include a ten-foot by 50-foot space with a minimum of 14 feet of height clearance. The loading space shall be so located as to avoid undue interference with public use of streets, alleys and walkways. Minimum off-street parking and loading requirements, which shall be applicable in all zoning districts to the structures and uses indicated, shall be set forth in the following schedule of minimum off-street parking and loading requirements. If minimum off-street parking required in the schedule cannot be reasonably provided on the same lot on which the principal structure or use is conducted in the opinion of the board of adjustment, the board may permit such space to be provided on other off-street property, provided that such space lies within 400 feet of the entrance to such principal structure or use.

TABLE INSET:

Structures and Uses	Minimum Off-Street	Minimum Off-Street
	Parking Regulations	Loading Requirements
Bed and Breakfast Guest Home	1 space per 2 rental guests rooms	None
Bowling Alleys	4 spaces per alley	1 space per establishment

Child Care Centers	1 space per employee	1 space per 10 children
Churches, Synagogues and Temples	1 space per 4 seats in main unit of worship	None required
Domestic Shelters	1 space for every 4 residents plus 1 space per 2 employees	None required
Eating and Drinking Places	Parking spaces equal to 30% of capacity in persons	2 spaces per establishment
Education Uses	Parking spaces equal to 40% of capacity in students	2 spaces per structure
Education Uses, Nursery and Primary	Parking spaces equal to 20% of capacity in students	2 spaces per structure
Funeral Homes and Chapels	8 spaces per reposing room	2 spaces per establishment
Hospitals	1 space per 2 beds	3 spaces per structure
Hotels	1 space per 2 rental units	1 space per establishment
Industrial Uses	1 space per 2 employees on largest shift	2 spaces per establishment
Libraries	1 space per 500 square feet floor area	1 space per structure
Medical Clinics	5 spaces per staff, doctor or dentist	None required
Mobile Home Park	2 spaces per dwelling unit	None required
Motels	1 space per rental unit	None required
Private Clubs and Lodges	1 space per 500 square feet floor area	1 space per establishment
Residential Structures (multifamily)	<del>4-1/2</del> 1 space per <del>dwelling unit</del> sleeping room	None required
Residential Structures (single-family & two-family)	<del>4</del> 2 spaces per dwelling unit	None required
Retail Sales Establishment	1 space per 200 square feet gross floor area	1 space per establishment
Roadside Stands	4 spaces per establishment	None required
Sanitariums, Rest Home Service, Convalescent	1 space per 3 beds, plus 1 space per employee	1 space per establishment
Service Establishment	1 space per 200 square feet gross floor area	1 space per establishment
Theaters, Auditoriums, Places of Assembly	1 space per 5 people in design capacity	1 space per establishment
Veterinary Establishment	3 spaces per staff doctor	None required
Wholesale and Distribution Operations	1 space per 2 employees on largest shift	2 spaces per establishment

(c) *Parking or driveway surfaces.* This code section shall only apply within the corporate limits of the City of Wayne. Parking or driveway surfaces on the city terrace or front yard interior of the lot in all residential zoning districts and all residential uses in all other zoning districts except A-1 and A-2, shall be material other than dirt, grass or weeds. All residential type dwellings shall use no more than 50% of the front yard including terrace area for parking. All lots with more than one frontage i.e. corner lots, shall conform to the above 50% requirement to be determined by front yard area as identified by street address. Existing hard surfaced parking areas exceeding 50% of the front yard area on June 15, 2006 shall be exempt from the 50% area limitation provided they comply with Sec. 90-710, paragraph (c).

### *Terrace*

1. Parking or driveway surface shall only be on concrete or hot mix asphalt.
2. Parking or driveway surface shall be a minimum of five and a half (5½) inches thick and shall include the intersecting sidewalks to the same depth.
3. Parking or driveway surface shall have the curb ground or sawed out the entire parking or drive-way width.

Exception: When proposed parking is parallel to the curb and there are two approach or driveway curb inlet and outlet ramps.

4. Parking surfaces located in the terrace shall be large enough and shall be required to have a parking barrier to prevent vehicles from overhanging the curb or sidewalk. The minimum size of a parking stall surface shall be an 8' X 20' rectangle.
5. Terrace parking shall not interfere with the intersection site triangle of this code.
6. Driveway surfaces shall include all of the terrace right-of-way from the street back of curb to the property line.
7. Terrace parking and driveway surfaces shall be excavated a minimum of four (4) inches deeper than the surrounding terrain or unpaved surface.
8. Parking or driveway surfaces at the back of curb line shall be excavated to the same depth as the abutting street depth a minimum of twelve (12) inches wide the entire width of the parking surface or driveway.
9. Parking or driveway surfaces shall be placed on a minimum of two (2) inches of compacted sand or gravel material.
10. Proposed parking or driveway surface's property owner shall first obtain a curb grind permit and/or driveway apron construction permit.

### *Interior of the Lot*

1. Parking or drive surface's interior of the property shall be material other than dirt, grass or weeds, as identified below:
  - a. concrete
  - b. asphalt
  - c. bricks
  - d. concrete pavers
  - e. aggregate (but not pea gravel, road gravel, sand or other aggregates symmetrical or round in nature less than 1½" in diameter)
  - f. fractured concrete
  - g. cinders

- h. all of the above materials (except a and b above) shall be contained within a suitable barrier of sufficient height e.g. (landscape timber, railroad ties, landscaping blocks, lumber, but excluding tires) that retain the material, and shall conform to the abutting surface topography, sufficiently anchored to resist movement, and must retain the parking surface material from spreading into the street alleys, or abutting vegetative areas.
- i. no weeds, grass, or other vegetation shall be allowed within the defined area of parking or driveway surfaces.

Entire parking or driveway surface shall be evenly surfaced or covered so that at no time is the underlying dirt visible.

(d) Any new single family type residential dwellings built after June 15, 2006 shall have all driveway areas and parking areas constructed of asphalt or concrete.

(e) All driveway entries from the paved street shall have the curb ground or removed and a drive surface installed to the front property line.

(f) *Design Standards for Parking Lots*

For purposes of this section:

Permanent parking surfaces shall be defined as any of the four surfaces allowed in subparagraph Surfacing this section.

Non-permanent parking surfaces shall be defined as any surface other than bare dirt, grass, or weeds but is aggregate in nature, i.e., crushed limestone, red granite, crushed concrete, slag, or other material that cannot be displaced or easily moved by storm water run-off, and shall be conditionally approved for a specified time period by the Zoning Administrator.

### ***Drainage***

All permanent parking lots shall be designed to develop proper site drainage. Proper site drainage is required to dispose of all stormwater that is accumulated on the site.

If a new permanent parking lot containing 6,000 square feet or more is located within 150 feet or reasonably accessible to a storm sewer or other drainageway, including open channels and creeks, but excluding gutters, the following standards shall apply.

The permanent parking lot must be graded and surfaced such that stormwater runoff from the site is collected on the site by a parking lot drainage system and carried to an approved public storm sewer system, and not allowed to discharge through the driveway entrances and exits onto the public way. Proposed finish elevation of the parking lot must be indicated on appropriate plans.

All parking lots shall be graded as to eliminate standing water on site to reduce or eliminate the silt run off from the lot onto the street or into the public storm water conveyance system. Non-permanent parking surfaces shall only be allowed that do not cause silt or other

debris to travel onto the street or into the public storm water conveyance system, providing that no vegetation growth occurs interior of parking surface, i.e., weeds or other volunteer growth.

### ***Parking Barriers***

(a) *Required.* Approved parking barriers must be provided around parking lots to prevent the parking of vehicles overhanging the sidewalk space, public alley, or other public property and adjacent residential property. Approved barriers are also required as necessary to protect any required landscaping or landscape screen planting.

(b) *Approved barriers.* Approved barriers include the following type barriers. Other barriers may be approved, subject to the approval of the city.

- (1) Poured concrete curb – nominal six inches by six inches exposed.
- (2) Fence (minimum 30-inch height) – wire fabric, solid wood, post and rail.
- (3) Masonry or concrete wall (minimum 30-inch height).
- (4) Guard rail.
- (5) Post and cable.
- (6) Precast concrete barriers, firmly and permanently anchored.

(c) *Location.* Barriers must be located to contain the parking within the approved parking lot. When a concrete curb is used as a barrier for perpendicular or angle parking, it must be offset at least two feet from the edge of the parking lot to allow for the front overhang of the vehicle. Other type barriers may be located at the edge of the parking lot.

### ***Parking Layout and Markings***

The developer shall submit to the city for review and approval a detailed and accurately scaled parking lot layout, clearly showing the location of parking spaces and aisles, all conforming to city standards. Upon construction of the parking lot, the parking spaces must be marked on the parking lot surface according to city standards to the extent that those spaces are required in connection with a development. Spaces not required for a development need not be marked, or may be marked to lesser standards. Handicapped parking stalls required by state statutes shall be designed and signed per ADA Standards.

### ***Surfacing***

All permanent parking lots shall be surfaced with one of the following minimum cross sections:

- (1) Five inches of class A Portland cement concrete.
- (2) Six inches of asphaltic concrete.

- (3) Four inches of aggregate, i.e., crushed rock, crushed concrete, slag, or other material that cannot be displaced or easily moved by storm water run-off.
- (4) Paving bricks or blocks, subject to the approval of the city.

The non-permanent parking lot may be surfaced as approved by the city, and shall be maintained in a dust free condition. It should be noted that the above alternatives are designed only to serve as minimum standards. In situations where moderate to heavy truck loads are anticipated, the structural load capacity of the surfacing should be analyzed and designed accordingly. In such instances, a thicker or reinforced section may be desirable.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
City Attorney

[Back to Top](#)



**Economic Development  
Chamber ■ Main Street**

November 9, 2012

Lowell Johnson  
City Administrator  
306 Pearl Street  
PO Box 8  
Wayne, NE 68787

RE: Sales Tax Advisory Committee – recommendations for Mandy and Louis Benscoter [partnership] (\$50,000) and Wayne Area Economic Development: Community Marketing/Administration (\$5,000)

Dear Lowell,

The Sales Tax Advisory Committee met on Thursday, November 8, 2012, and reviewed two (2) applications to Wayne's Economic Development Program fund.

The committee recommended approving the request by Mandy and Louis Benscoter (partnership) for a \$50,000 loan, with terms to include 0% interest for up to 3 years or until "building #2" is leased or sold, whichever is sooner. This project includes 2 new buildings (40x124 and 40x80), one to be leased immediately and the second to be marketed as speculative space. These are being built in the lots directly south of the Wayne Fire Hall.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: Doesn't Meet scored 20; Doesn't Meet/Somewhat Meets scored 4; Somewhat Meets scored 11; Somewhat Meets/Meets scored 15; and Meets scored 17. This scoring is used for deliberation only. The committee does not use a raw number threshold to recommend projects to the City Council.

The committee also recommended approving the request by Wayne Area Economic Development for Community Marketing/Administration as a grant for \$5,000. Community marketing includes the Wayne Works campaign, people/workforce attraction, and the continual business and industry marketing.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: Doesn't Meet scored 22; Doesn't Meet/Somewhat Meets scored 8; Somewhat Meets scored 22; Somewhat Meets/Meets scored 8; and Meets scored 18. This scoring is used for deliberation only. The committee does not use a raw number threshold to recommend projects to the City Council.

Please convey these recommendations to the members of the City Council so necessary steps can be taken to complete the application process. Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Blecke".

Wes Blecke  
Executive Director

# APPLICATION FOR WAYNE'S ECONOMIC DEVELOPMENT PROGRAM (WEDP) FUND

Application Number:

Date Received  
November 2, 2012

2012

## PART I. GENERAL INFORMATION

*TYPE OR PRINT ALL INFORMATION*

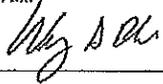
1. APPLICANT IDENTIFICATION		2. PERSON PREPARING APPLICATION	
Applicant Name	Wayne Area Economic Development	Name/Business	Irene Fletcher, Assistant Executive Director
Mailing Address	108 W 3 <sup>rd</sup> St	Address	108 W 3 <sup>rd</sup> St
Wayne	NE 68787	Wayne	NE 68787
(City)	(State)	(City)	(State)
Telephone Number	375-2240	Telephone Number	375-2240
Fax Number		Federal Tax ID # / SS#	20-3524694
Federal Tax ID Number	20-3524694		
Email Address	info@wayneworks.org	Email Address	ifletcher@wayneworks.org
3. BUSINESS TYPE		5. FUNDING SOURCES	
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other		WEDP Funds Requested    \$ 5,000 Matching Funds    \$ 18,560 Other Funds    \$ 15,000 Total Project Funds    \$ 38,560 <i>(Round amounts to the nearest hundred dollars.)</i>	
4. ASSISTANCE TYPE REQUESTED			
<input type="checkbox"/> Low interest loan <input type="checkbox"/> Interest buy down <input type="checkbox"/> Performance-based loan <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Other			

### 6. PROGRAM SUMMARY: Brief narrative description of the project for which WEDP funds are requested

WAED continues to market and promote the community through the Wayne Works and other campaigns. Marketing for 2013 will include continuing the aforementioned plus the Historic Downtown Commercial District, residential recruitment/workforce attraction, and building pride in calling Wayne home (to work, to live, to play). More people in Wayne helps business, schools, City and County; Wayne continues to need more people to fill open positions in the community. The matching funds come from WAED membership revenue; other funds come from County allocation (\$5000) and City's contribution (\$10,000) for community marketing. This request also helps defray some of the administrative expenses of being the City appointed administrator of the WEDP Fund.

### 7. CERTIFYING OFFICIAL: Chief Executive Officer or owner of applicant requesting WEDP funds

To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This applicant will comply with all Federal, state, and local requirements governing the use of WEDP funds.

	Irene Fletcher, Assistant Executive Director	11/02/12
Signature in ink	Typed Name and Title	Date Signed
	Wes Blecke, Executive Director	11/02/12
Attest	Typed Name and Title	Date Signed

**SUBMIT THE ORIGINAL AND ONE COPY (UNBOUND) OF THE ENTIRE APPLICATION TO:**  
 Wayne Economic Development Program Fund  
 108 W 3<sup>rd</sup> St  
 Wayne, NE 68787  
 (402) 375-2240 Fax (402) 375-2246

**PART II. FUNDING SUMMARY**

**(Round amounts to the nearest hundred dollars.)**

Eligible Activities	WEDP Funds	Matching Funds	Other Funds	Total Funds	Sources of Matching or Other Funds
The purchase of real estate, options for such purchases, the renewal or extension of such options, and public works improvements					
Payments for salaries and support of City staff to implement the Program or for contracting of an outside entity to implement any part of the Program.	11				
Expenses for business and industry recruitment activities to locate or relocate a qualifying business into the area and for equity investment in a qualifying business.					
The authority to issue bonds pursuant to the act subject to City Council approval.					
Grants or agreements for job training.					
Small business and microenterprise development including expansion of existing businesses.					
Interest buy down agreements.					
Expand and promote Wayne through marketing, workforce attraction, and tourism related activities.	5,000	18,560	5,000 (County) 10,000 (City)	38,560	Wayne County, City of Wayne (other), Wayne Area Economic Development (matching)
Development of housing related programs to foster population growth.					
Activities to revitalize and encourage growth in the downtown area.					
May contribute to or create a revolving loan fund from which low interest or performance based loans will be made to qualifying entities on a match basis.					
Other approved activity					
<b>TOTAL PROGRAM COSTS</b>	<b>5,000</b>	<b>18,560</b>	<b>15,000</b>	<b>38,560</b>	

**APPLICANT CERTIFICATIONS**

- a. There are no legal actions underway or being contemplated that would significantly impact the capacity of this company to effectively proceed with the project; and to fulfill all WEDP requirements.

If benefiting business/organization is a proprietorship or partnership, sign below:

By: \_\_\_\_\_ Date: \_\_\_\_\_

If benefiting business/organization is a Corporation, sign below:

By: Mon E. Fletcher Date: 11/2/2012

Wes Blecke  
Attest

Wes Blecke/Executive Director  
Typed Name/Title

11/02/12  
Date



# BluePride

**Option 31 - HSA Eligible  
Plan Design and Rates**  
**Prepared for: City of Wayne**  
 Broker: Preferred Marketing Associates  
 Valid for Effective Date: Jan 1, 2013  
 Run Date: November 26, 2012

<b>Benefit Description:</b>	<b><u>In Network</u></b>	<b><u>Out of Network</u></b>
Deductible - Single	\$5,000	\$10,000
Deductible - Family	\$10,000	\$20,000
Coinsurance	0%	20%
Coinsurance Limit - Single	\$0	\$8,000
Coinsurance Limit - Family	\$0	\$16,000
Deductible Type	Aggregate	
Prescription Drug Coverage		
Generic	Deductible Only	Deductible Only
Brand Formulary	Deductible Only	Deductible Only
Brand Non-Formulary	Deductible Only	Deductible Only
Specialty Network Drugs	Deductible Only	Deductible Only
Mail Order	90 Days Supply (Subject to Deductible)	
Physician Office Services	Deductible Only	Deductible & Coinsurance
Specialist Office Services	Deductible Only	Deductible & Coinsurance
Urgent Care Services	Deductible Only	Deductible & Coinsurance
Emergency Care	In-network Deductible Only	
Ambulance Services	Deductible Only	Deductible & Coinsurance

**Also Includes the Following:**  
 Preventive Care Paid at 100% (In-network).  
 45 Combined Physical, Speech and Occupational Therapy Visits per Calendar Year  
 20 Chiropractic Visits Per Calendar Year  
 60 Skilled Nursing Facility Days Per Calendar Year

<b><u>Rating Tier</u></b>	<b><u>Rates</u></b>
Employee Only:	\$294.24
Employee + Family:	\$823.88
Employee + Spouse:	\$617.91
Employee + Children:	\$514.93
<b>Total Monthly Premium:</b>	<b>\$23,936.64</b>

*Above 'Total Monthly Premium' assumes Medicare is secondary payor*

City of Wayne FQ2.xls



## AGREEMENT RENEWAL

Maintenance Agreement No. 72  
Maintenance Agreement between the Nebraska Department of Roads and the  
Municipality of Wayne  
Municipal Extensions in Wayne

We hereby agree that Maintenance Agreement No. 72 described above be renewed for the period January 1, 2013 to December 31, 2013.

All figures, terms and exhibits to remain in effect as per the original agreement dated January 1, 2012.

In witness whereof, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST: City of Wayne

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

\_\_\_\_\_  
*Mayor*

Executed by the State this \_\_\_\_\_ day of \_\_\_\_\_,

ATTEST: State of Nebraska

\_\_\_\_\_  
*District Engineer, Department of Roads*

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 \_\_\_\_\_ day of December, 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, BENSCHOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 1, OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BENSCHOTER, 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 Benschoter, Inc., a Nebraska Corporation, the property owned by the City and legally described as Lots 12, 13, and 14, Benschoter 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, Benschoter Addition Planned Unit Development Replat 1, to Benschoter, 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 \_\_\_\_\_ day of December, 2012.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

ORDINANCE NO. 2012-61

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 amended 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.

**(2) The north side of the centerline of Third Street from the west line of Sherman Street to the east line of Douglas 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 4<sup>th</sup> day of December, 2012.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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



November 28, 2012

Mayor Ken Chamberlain and Council  
City of Wayne, NE  
PO Box 8  
Wayne, NE 68787

RE: Wayne, NE  
2012 Lagoon Sludge Removal and Application  
JEO Project No. 120635

Dear Mr. Chamberlain and Council:

The Contractor for the lagoon sludge removal has completed the contracted work for the project. The Contractor removed sludge from the lagoon from October 30 to November 9, 2012. A log of the removal activities is included with the enclosed documents.

While the project is complete, we recommend withholding 10% of the funds until all final paper work is completed. Therefore JEO recommends approval in the amount of \$157,500. Enclosed is a copy of the pay application for your consideration.

If you have any questions or comments, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Roger S. Protzman".

Roger S. Protzman  
Senior Project Engineer

RSP:skw  
Enclosures

Pc: Garry Poutre, Utility Superintendent

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**APPLICATION FOR PAYMENT NO. 1**

To: City of Wayne, Nebraska  
 From: DRT Biosolids, Inc.  
 Contract For: 2012 Lagoon Sludge Removal and Application  
 ENGINEER's Project No. 120635  
 For Work accomplished through the date of November 13, 2012

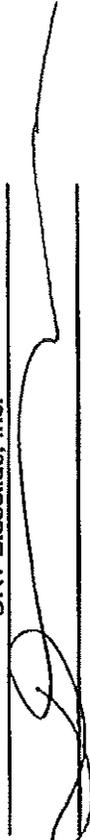
- |   |                      |
|---|----------------------|
| 1. Original Contract Price:                                       | \$ 175,000.00        |
| 2. Net change by Change Orders and Written Amendments (+ or -):   |                      |
| 3. Current Contract Price (1 plus 2):                             | \$ 175,000.00        |
| 4. Total completed and stored to date:                            | \$ 175,000.00        |
| 5. Percent of Project Completed                                   | <u>100%</u>          |
| 6. Retainage (per agreement):                                     |                      |
| <u>10%</u> of completed Work and Stored Materials:                | \$ 17,500.00         |
| (10% of the first 50% of work completed & stored)                 |                      |
| Total Retainage:  | \$ 17,500.00         |
| 7. Total completed and stored to date less retainage (4 minus 6): | \$ 157,500.00        |
| 8. Less previous Application for Payments:                        | \$ -                 |
| <b>9. DUE THIS APPLICATION (7 MINUS 8):</b>                       | <b>\$ 157,500.00</b> |

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated: 11-19-2012

By:  DRT Biosolids, Inc.

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated: 11/21/12 \_\_\_\_\_ JEO CONSULTING GROUP, INC.  
By: *Roger K. Polyzos* \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

ATTEST: City of Wayne, Nebraska

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date	Volume	Site	Field size	Application Rate (g/acre)	Calcd acres	Concentration mg/L	% Solids	Tons	Contractor's way	Location	TNS/ACRE
10/30/2012	395,017	5	10.54	85,119			4.32	71.16	71.10	Fuoss	16.94
10/31/2012	502,140	5	10.54	85,119			5.13	107.42	107.33		16.94
10/31/2012	142,566	2	21.28	30,909			5.13	30.50	30.47	NW corner	9.41
11/1/2012	292,754	2	21.28	30,909		7.30	6.96	84.97	84.90	NW corner	9.41
11/1/2012	126,098	4	73.10	19,410		7.30	6.96	36.60	36.57		6.02
11/2/2012	587,282	2	21.28	30,909		6.32	6.07	148.65	148.53	NW corner	9.41
11/2/2012	102,976	4	73.10	19,410		6.32	6.07	26.07	26.04		6.02
11/3/2012	82,890	2	21.28	30,909		8.25	7.66	26.48	26.46	NW corner	9.41
11/3/2012	200,409	1	82.94	27,063		8.25	7.66	64.02	63.96		9.51
11/3/2012	252,711	4	73.10	19,410		8.25	7.66	80.72	80.66		6.02
11/4/2012	590,814	1	82.94	27,063		8.81	8.3	204.49	204.32		9.51
11/5/2012	503,210	1	82.94	27,063		8.86	8.19	171.86	171.72		9.51
11/6/2012	693,886	1	82.94	27,063			8.7	251.73	251.53		9.51
11/7/2012	256,285	1	83	27,063			9.06	96.82	96.75		9.51
11/7/2012	229,672	3	40	30,909			9.06	86.77	86.70		9.41
11/7/2012	226,184	4	73	19,410			9.06	85.45	85.38		6.02
11/8/2012	567,314	3	40	30,909			8.53	201.79	201.63		9.41
11/8/2012	126,870	4	73	19,410			8.53	45.13	45.09		6.02
11/9/2012	584,008	4	73	19,410		9.46	8.66	210.90	210.73		6.02
Total	6,463,086					7.74	7.46	2031.52	2029.9		6.02

203.2 Avg Tons/Day  
-87.1 Balance Remaining  
-0.43 Estimated Days Remaining  
11/8/2012 Estimated Completion Date

Sites	Acres	Name	Gal/field	Gal/Acre	TNS/ACRE
1	82.94	Duane Lutt	2,244,604	27,063	9.51
2	21.28	Pearl Hansen	1,902,478	30,909	9.41
3	40.27	Rodney Lutt			
4	73.1	Russel Lutt	1,418,847	19,410	6.02
5	10.54	Dave Fuoss	897,157	85,119	16.94
	228.13	acres	5,463,086		10.47 tns/acre
					average of rates
					8.91 tns/acre
					average of project

ORDINANCE NO. 2011-32

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78 BY ADDING ARTICLE VII. TO ALLOW THE OPERATION OF ALL TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. A new Section 78, Article VII, is added to the Municipal Code of Wayne, Nebraska, as follows:

(1) For purposes of this section:

(a) All-terrain vehicle means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less, (c) travels on four or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control.

(Neb. Rev. Stat. 60-6,355)

(b) Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Neb. Rev. Stat. 60-624)

(c) (i) Utility-type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width, (B) is not more than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (D) travels on four or more low-pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side.

(ii) Utility-type vehicle does not include golf carts or low-speed vehicles.

(Neb. Rev. Stat. 60-6,355)

(2) An all-terrain vehicle and a utility-type vehicle may be operated on streets within the corporate limits of the city/village only if the operator and the vehicle comply with the provisions of this section.

(3) An all-terrain vehicle or a utility-type vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty miles per hour. When operating an all-terrain vehicle or an utility-type vehicle as authorized in subsection (2) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) Any person operating an all-terrain vehicle or a utility-type vehicle as authorized in subsection (2) of this section shall have:

- (a) A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and
- (b) Liability insurance coverage for the all-terrain vehicle or a utility-type vehicle while operating the all-terrain vehicle or a utility-type vehicle on a street or highway. The person operating the all-terrain vehicle or a utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

(5) All-terrain vehicles and utility-type vehicles may be operated without complying with subsections (3) and (4) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(6) An all-terrain vehicle or an utility-type vehicle shall not be operated on any Nebraska State Highway within the city limits of Wayne, except as provided in Paragraph (8).

(7) All ATVs and UTVs are to abide by the state statutes pertaining to the operation of vehicles on roadway's within the state.

(8) Subject to subsection (6) of this section, the crossing of a state highway shall be permitted by an all-terrain vehicle or an utility-type vehicle only if:

- (a) The crossing is made at an angle of approximately ninety degrees to the direction of state highway and at a place where no obstruction prevents a quick and safe crossing;
- (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the state highway;
- (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- (d) Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. 60-6,356)

(9) Additional Requirements:

- (a) The vehicle must be licensed with the City of Wayne and display a city approved, reflective license plate with numbers and/or letters 4 inches high, prominently and clearly displayed on the rear of the vehicle;
- (b) Any operator operating an ATV or Utility Vehicle must stop immediately when signaled to do so by a law enforcement officer;
- (c) The operator must sign a written acknowledgement of the terms of this Ordinance and complete a safety program approved by the City of Wayne;
- (d) The operator must wear a protective helmet that meets the motorcycle helmet standards of the State of Nebraska;
- (e) The operator must be at least 19 years of age; and
- (f) No operator shall permit any passengers to ride on ATVs which are not specifically designed by the manufacturer to carry passengers.

Section 2. Section 1-9 of the City Code of Wayne, Nebraska, is amended as follows "...such violation of any such provision of this Code or any ordinance shall be punishable by a fine not exceeding \$500 .... except for Section 78, Article VII, which, for a first offense, shall be punishable by a \$100 fine, which may be paid by waiver. If such person has one prior conviction within one year of the second offense, conviction of the second offense shall be punishable by a \$100 fine, and the operator's City of Wayne ATV/utility vehicle license shall be impounded for one year from the date of conviction. Penalties for subsequent convictions are not waivable. "Prior conviction within one year" shall be measured by the time that passes from the date of conviction of the prior offense to the date of offense for the subsequent offense.

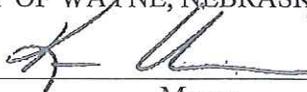
Section 3. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance, and in conflict with its provisions, is repealed.

Section 4. This ordinance shall take effect and be in full force on January 26, 2012, after its passage, approval, and publication as required by law and shall remain in effect until December 31, 2012.

PASSED AND APPROVED this 17<sup>th</sup> day of January, 2012.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_



Mayor

ATTEST:

City Clerk

