

(Amended: 2/18/13)

**AGENDA  
CITY COUNCIL MEETING  
February 19, 2013**

**1. Approval of Minutes – February 5, 2013**

**2. Approval of Claims**

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

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

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

**3. Public Hearing: Wellhead Protection Plan**

**Background:** In the 1990's, the EPA required Nebraska and all states to document all municipal wells and public water systems, and use the best geological information available to map out Wellhead Protection Areas around the wells that would estimate the 20-year travel time for a contaminant to reach a well if it entered the ground water aquifer upstream from the well. Maps of these Wellhead Protection Areas were provided at no cost to Nebraska cities and public water districts.

The Nebraska Department of Environmental Quality then developed a set of guidelines for communities to establish a Wellhead Protection Plan to check these drinking water source areas for potential trouble now or in the future. Some communities have been unaware of contamination problems developing in the aquifer supplying their wells and now have significant treatment costs.

Wayne has been very fortunate in the water quality and lack of future pollution sources at the locations of our five municipal wells, and we confirmed that when we began our Wellhead Protection Plan with an inventory of the Wellhead Protection Areas. We have completed our Plan for this hearing. The City of Wayne has no authority to control the use of the land in our Wellhead Protection Areas, except for the areas on the north edge of town where there are already zoning requirements. However, the Plan contains guidelines for public education about water use and management and guidelines for us to keep an eye on where our drinking water comes from.

**4. Resolution 2013-9: Adopting Wellhead Protection Plan**

**5. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending Section 90-710 Parking Regulations of the Wayne Municipal Code. The applicant, City of Wayne, wishes to amend the parking requirement for retail stores.**

**Background:** Our current zoning requirement for commercial retail parking spaces outside a business is 1 space for 200 square feet of gross building area. Joel and I have noticed that has seemed excessive compared to the actual use in past new retail space developments.

6. [Ordinance 2013-11: Amending Wayne Municipal Code, Section 90-710 Parking Regulations](#)

**Recommendation:** The Planning Commission, after review and public hearing, recommends amending the Zoning Code to require 1 parking space per 200 square feet of retail sales floor space.

7. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Rezoning Lots 2 & 4, Benscoter Addition PUD Replat 1 from B-1 Highway Business to R-4 Residential - Applicant being Windom Ridge

**Background:** In light of the results of the recent Wayne Housing Study, the developer of the subdivision is making this request to be able to develop Angel Village retirement villa homes on Lot 2 south of the Fire Hall on Tomar Drive, and for a potential similar development on Lot 4.

8. [Ordinance 2013-12: Rezoning Lots 2 & 4, Benscoter Addition PUD Replat 1 from B-1 Highway Business to R-4 Residential](#)

**Recommendation:** The recommendation of the Planning Commission, after their public hearing, was to approve the zoning change.

9. Public Hearing: To Consider the Planning Commission's Recommendation Regarding the Replat of Lot 5, Western Ridge Third Addition

**Background:** This parcel of land across Highway 35 from Pac N Save has a purchase agreement to be subdivided and developed into commercial lots by Tipton Holdings, Inc. This new replat of Lot 5 would also provide for a new street right-of-way extending north from the highway.

10. [Resolution 2013-10: Approving the Replat of Lot 5, Western Ridge Third Addition](#)

**Recommendation:** The recommendation of the Planning Commission is to approve the replat as proposed.

11. [Ordinance 2013-8: Amending Sections 74-291 Dedication and 74-295 Use of Proceeds \(Park Land\) \(Second Reading\)](#)

12. [Resolution 2013-11: Authorizing the Sale of the South 90.75' of Lot 2, Longe's Addition to the City of Wayne, Wayne County, Nebraska, to Benscoter, Inc., for the Sum of \\$10,000 \(total area ½ acre\)](#)

13. Ordinance 2013-13: Directing the Sale of the South 90.75' of Lot 2, Longe's Addition to the City of Wayne, Wayne County, Nebraska, to Benscoter, Inc. (total area ½ acre)
14. Action on Recommendation from the LB840 Economic Development Sales Tax Advisory Committee on the Application of Angel Village, Inc., (Lou Benscoter) for a \$240,000 Performance Based Loan over 20 Years to Develop and Construct Angel Village, a 20-Unit Senior Living Complex with Commons Building
15. Action on Recommendation from the LB840 Economic Development Sales Tax Advisory Committee on the Application of Wriedt Properties, Inc., (Bob Wriedt) for a \$33,000 Performance Based Loan to Help Relocate Six Existing Mobile Homes in the Wriedt Trailer Court and Transition its Current Trailer Court into Market Rate Apartments
16. Ordinance 2013-9: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Saturday, March 16<sup>th</sup>, for St. Patrick's Day (Second Reading)
17. Ordinance 2013-10: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Friday, March 29<sup>th</sup>, and Saturday, March, 30<sup>th</sup>, for the Wayne Alumni Weekend (Second Reading)
18. Ordinance 2013-14: Amending Wayne Municipal Code Section 6-18 Hours of Sale of Alcoholic Liquor

**Background:** This would meet the requirements of State law for a City Council to approve allowing liquor establishments to voluntarily remain open one hour later each night until 2:00 a.m. and sell alcoholic beverages.

**Recommendation:** City staff has no objections or concerns regarding this action, and we believe this is a preference decision of the elected officials.

19. Ordinance 2013-15: Amending Wayne Municipal Code Section 34-32 Specific Enumeration

**Background:** This action further clarifies what are nuisances outdoors on private properties in the city limits and what the City can require to be removed or cleaned up. The primary change is the addition of furniture or appliances designed and intended for interior use only. Such items may include, but are no limited to, stoves, refrigerators, microwaves, televisions, electronic equipment, computer equipment, sofas, recliners and upholstered chairs.

**Recommendation:** The recommendation of the Problem Resolution Team is to approve the proposed changes.

20. Ordinance 2013-16: Amending Wayne Municipal Code Section 34-39 Nuisance; Duty of Owner or Occupant

**Background:** This action would provide for the ability of the owner to request a hearing on the nuisance abatement, and the action also clarifies the fine for failure to comply to match the State Statute of \$100 per day.

**Recommendation:** The recommendation of Joel Hansen, Building Code Official, and Lowell Johnson, City Administrator, is to amend the code as proposed.

**21. Ordinance 2013-17: Amending Wayne Municipal Code Section 34-40 Abatement of Nuisance**

**Background:** Currently we are required to locate and personally serve a Notice to Abate a Nuisance to an absentee property owner if they refuse to accept a certified notice from the Postal Service. This is very time consuming and expensive. For owners living in Wayne, we can simply have the police deliver the notice. State Statutes allow cities to post a Nuisance Abatement Notice on the property if the absentee owners refuse to accept a Notice by certified mail. This change will bring our code in compliance with State Statutes and allow us the option of posting notice on the property containing the nuisance.

**Recommendation:** The recommendation of Joel Hansen, Building Code Official, and Lowell Johnson, City Administrator, is to amend the code as proposed.

**22. Action on Job Description for Police Sergeant**

23. Reappointment of Marci Thomas to the Civil Service Commission (3 year term)

24. Adjourn

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

February 5, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, February 5, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Nick Muir, and Jill Brodersen; City Attorney Eric Knutson; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese, Kaki Ley, and Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 24, 2013, 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 Brodersen, whereas, the Clerk has prepared copies of the Minutes of the meeting of January 15, 2013, 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, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMAZON.COM, SU, 419.36; AMAZON, SU, 45.22; AMERICAN BROADBAND, SE, 2206.01; AMERITAS, SE, 1975.39; APPEARA, SE, 159.77; ARNIE'S FORD-MERCURY, SE, 481.77; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 150.00; BENSCOTER PLUMBING, SE, 19680.20; BLACK HILLS ENERGY, SE, 1603.41; BLUE CROSS BLUE SHIELD, SE, 23614.26; BOMGAARS, SU, 3.50; BROWN SUPPLY, SU, 856.26; CENTER POINT PUBLISHING, SU, 391.11; CENTURYLINK, SE, 312.31; CITY EMPLOYEE, RE, 160.23; CITY OF NORFOLK, SE, 449.76; CITY OF WAYNE, RE, 200.00; CITY OF

WAYNE, RE, 3.00; CITY OF WAYNE, PY, 58557.32; CITY OF WAYNE, SE, 160.00 ; CITY OF WAYNE, RE, 1054.65; COMMUNITY HEALTH, RE, 4.00; COVENTRY HEALTH, SE, 543.96; DAKOTA BUSINESS SYSTEMS, SE, 103.50; JACK'S UNIFORMS, SU, 53.85; DE LAGE LANDEN FINANCIAL, SE, 471.00; DEARBORN NATIONAL LIFE, SE, 106.64; DGR & ASSOCIATES, SE, 1152.00; ECHO GROUP, SU, 132.85; CITY EMPLOYEE, RE, 100.00; ED. M FELD EQUIPMENT, SE, 734.67; EGAN SUPPLY, SU, 49.48; ELECTRIC FIXTURE & SUPPLY, SU, 51.00; EMBASSY SUITE, SE, 557.24; EMPLOYERS MUTUAL CASUALTY, RE, 3000.00; FIRST CONCORD GROUP, SE, 3701.94; CITY EMPLOYEE, RE, 3800.00; CITY OF WAYNE, RE, 1091.39; CITY EMPLOYEE, RE, 52.92; GODFATHERS, SU, 65.50; HOLIDAY INN OF KEARNEY, SE, 319.80; ICMA, RE, 5738.80; INLAND TRUCK PARTS, SU, 24.66; INTERSTATE ALL BATTERY, SU, 49.90; INTERSTATE ELECTRIC MOTOR, SE, 1375.36; IRS, TX, 20522.23; JEO CONSULTING GROUP, SE, 3905.75; JOHN'S WELDING AND TOOL, SU, 85.00; CITY EMPLOYEE, RE, 28.03; CITY EMPLOYEE, RE, 587.84; MAIN STREET AUTO CARE, SE, 90.00; CITY EMPLOYEE, RE, 120.02; MSC INDUSTRIAL, SU, 663.05; MULTIMEDIA SALES & MARKET, SE, 370.50; MUNICIPAL PIPE SERVICE, SU, 727.31; CITY EMPLOYEE, RE, 971.45; NE DEPT OF REVENUE, TX, 2782.37; NE DEPT OF ROADS, SE, 2000.00; NE PUBLIC HEALTH, SE, 1713.00; NE RURAL WATER, FE, 375.00; NMC EXCHANGE LLC, SE, 4193.00; N.E. NE AMERICAN RED CROSS, RE, 29.62; NNPPD, SE, 4106.00; NWOD, FE, 10.00; OFFICE SYSTEMS COMPANY, SU, 1272.68; OLSSON ASSOCIATES, SE, 942.92; OVERHEAD DOOR CO, SE, 1636.00; CITY EMPLOYEE, RE, 88.31; PITNEY BOWES, SU, 648.00; PRESTO X, SE, 85.00; PUSH-PEDAL-PULL, SU, 12210.94; QUILL, SU, 847.38; RON'S RADIO, SE, 51.25; SKARSHAUG TESTING LAB, SU, 76.83; STADIUM SPORTING GOODS, SU, 324.00; STATE NATIONAL BANK, FE, 40.00; STATE NATIONAL BANK, RE, 99.81; SUPERCIRCUITS, SU, 315.57; TACO'S AND MORE, SU, 24.00; THE COFFEE SHOPPE, SU, 62.82; CITY EMPLOYEE, RE, 56.47; UNITED COMMUNICATIONS, SU, 212.58; UNITED WAY, RE, 6.20; UNIVERSITY OF NE-LINCOLN, FE, 90.00; UTILITIES SECTION, FE, 935.00; VERIZON, SE, 325.41; VIAERO, SE, 212.54; VICTORIA KNIESCHE, RE, 363.30; VOSS LIGHTING, SU, 291.94; WAHOO HERITAGE INN, SE, 299.75; WAYNE COMMUNITY HOUSING, SE, 1150.00; WAYNE COUNTY TREASURER, FE, 903.00; ALL-AMERICAN PUBLISHING, SE, 289.00; APPEARA, SE, 128.82; AQUA-CHEM, FE, 150.00; CITY EMPLOYEE, RE, 454.59; BIG T ENTERPRISES, SU, 377.85; BOMGAARS, SU, 1045.15; CITY EMPLOYEE, RE, 7800.00; CAPSTONE PRESS, SU, 264.87; CARHART LUMBER COMPANY, SU, 683.24; CHARTWELLS, SE, 5205.55; CITY OF WAYNE, RE, 295.89; COPY WRITE PUBLISHING, SU, 56.44; DEMCO, SU, 700.13; CITY EMPLOYEE, RE, 717.14; DUTTON-LAINSON, SU, 40.45; EASYPERMIT POSTAGE, SU, 1702.68; ECHO GROUP, SU, 38.67; ELLIS PLUMBING & HEATING, SE, 175.00; FREDRICKSON OIL, SE, 12.00; GILL HAULING, SE, 155.00; GRAPHIC CONTROLS, SU, 456.77; CITY EMPLOYEE, RE, 27.96; HEIKES AUTOMOTIVE, SU, 878.34; INTERSTATE ALL BATTERY, SU, 49.90; GODFATHER'S PIZZA, SU, 93.50; KELLY SUPPLY, SU, 252.83; KTCH, SE, 605.00; CITY EMPLOYEE, RE, 209.15; MES-MIDAM, SU, 1265.39; MICHAEL TODD & CO, SU, 158.92; MOORE MEDICAL, SU, 126.18; CITY EMPLOYEE, RE, 60.00; NE

CODE OFFICIAL ASSOC., FE, 130.00; NE RURAL WATER, FE, 275.00; NMC EXCHANGE, SE, 3128.00; OFFICE SYSTEMS COMPANY, SU, 222.59; PAC N SAVE, SU, 116.53; PIEPER & MILLER, SE, 5287.00; QUILL, SU, 3.47; SHOPKO, SU, 83.28; STADIUM SPORTING GOODS, SU, 1760.00; STATE FARM INSURANCE, FE, 563.00; STATE NATIONAL BANK, SE, 59.60; TOM'S BODY & PAINT SHOP, SE, 209.18; UNITED COMMUNICATIONS CORP, SU, 79.04; US BANK, SU, 2475.65; WAED, SE, 12383.33; WAYNE COMMUNITY SCHOOLS, RE, 7205.75; WAYNE COUNTY CLERK, SE, 76.00; WAYNE HERALD, SE, 1085.44; WAYNE VETERINARY CLINIC, SE, 378.00; ZACH HEATING & COOLING, SU, 430.15; ZACH OIL, SU, 4433.40

Councilmember Van Delden made a motion, which was seconded by Councilmember Haase, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, 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.

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

Mayor Chamberlain stated the time was at hand for the public hearing regarding the Catering Application for a Retail Class C Liquor License for BaHa, Inc., d/b/a "Rain Tree Liquors."

Joey Baldwin, co-owner, was present to answer questions. The \$40 per day license fee is waived for the holder of a catering license, and the number of events allowed is unlimited. Otherwise, they are limited to six catering events per year.

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 Alexander introduced Resolution No. 2013-3 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2013-3

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS CK LIQUOR LICENSE — BAHA, INC., D/B/A “RAIN TREE LIQUORS.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing on the One and Six Year Street Improvement Program.

Joel Hansen, Building Inspector/Planner/Certified Street Superintendent, presented the One and Six Year Street Improvement Program. This is a yearly requirement to receive Highway Allocation Funds from the Nebraska Department of Roads. He noted that just because a project is in the One and Six Year Plan does not mean the project has to be done that year. However, if the City would want to do a project that is not in the One and Six Year Plan, another public hearing would have to be held to amend the plan.

Upcoming projects, which include some carry-over projects from previous year(s), include the following:

<u>Project Number</u>	<u>Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>
M – 617(92)	2013	Windom Street from 645' N of Fairground Ave to E. 7 <sup>th</sup> – 1,750' Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$590,000
M – 617(80)	2013	East 10 <sup>th</sup> Street from Main St. to Windom St. – 1,225' Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage	\$500,000
M – 617(105)	2013	Tomar Drive & E. 4 <sup>th</sup> St. to the Summer Sports Complex – 1,800' Construct Concrete Paving	\$400,000
M – 617(108)	2013	Milo Drive from W. 7 <sup>th</sup> to 420' N of W. 7 <sup>th</sup> – 420'	\$ 80,000
*****			
M – 617(91)	2014	Trail & Pedestrian Underpass on W. 7 <sup>th</sup> Street Located between CAC and Oak Drive	\$566,000
*****			
M – 617(89)	2015	Lage Subdivision – South of Fairgrounds Avenue – 900' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 175,000
*****			
M – 617(107)	2016	Clark Street & Pearl Street . – 745' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$180,000
M – 617(104)	2016	S. Lincoln Street from W. 1 <sup>st</sup> St. to 300' S. of W. 1 <sup>st</sup> St. Construct Concrete Paving, Curb & Gutter	\$ 80,000
*****			
M – 617(98)	2017	Sherman Street from W. 5 <sup>th</sup> St. to W. 6 <sup>th</sup> St. – 300' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 80,000
*****			
	2018	Maintenance Only	

Some of these projects involve a collector or arterial street, which allows the City to utilize its federal funding at 80/20 cost-share. The City then pays only 20% of the cost of the project(s). This cost-share option is not available on some streets that need repaired.

No written or oral comments had been received by the City Clerk's Office concerning the proposed program.

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

Councilmember Brodersen introduced Resolution 2013-4 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2013-4

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Penny Vollbracht, Senior Center Coordinator, stated the following Resolution is an annual requirement to obtain funding from the Department of Roads to help pay for the operating costs of the local public transportation system.

Councilmember Alexander introduced Resolution 2013-5, and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2013-5

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS FOR THE OPERATION OF THE WAYNE PUBLIC TRANSPORTATION SYSTEM.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Penny Vollbracht, Senior Center Coordinator, requested Council consideration to approving the Senior Center Budget that has to be submitted to the Northeast Nebraska Area Agency on Aging. The Senior Center must apply for state funding for the meal

program, and Council must approve the budget to be submitted to the Northeast Nebraska Area Agency on Aging.

Councilmember Alexander made a motion and seconded by Councilmember Haase approving and authorizing the submission of the Senior Center budget for 2014 to the Northeast Nebraska Area Agency on Aging. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Lowell Heggemeyer and Todd Hoeman, representatives from the Public Works Department, were present requesting Council consideration to approving the purchase of Rainbow Turf-Bonded surface to place underneath the new park equipment that has been purchased for Western Ridge. This surface will meet ADA requirements. They are applying for a DEQ grant which will pay for 25% of the cost. The intent was to purchase multi-colored material for the surface so that the heat would not be an issue.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander approving the purchase of the Rainbow Turf- Bonded surface to place underneath the new park equipment in Western Ridge. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Gene Hansen, Superintendent of Electric Production, stated a Certificate of Payment No. 1 (Final) in the amount of \$15,092.45 to Mid-States Energy Works, Inc., has been received on behalf of the Wayne RICE NESHAP Compliance Project. The project engineer has approved the same for payment.

Councilmember Alexander made a motion, which was seconded by Councilmember Van Delden, approving Certificate of Payment No. 1 (Final) in the amount of \$15,092.45 to Mid-States Energy Works, Inc., for the Wayne RICE NESHAP Compliance Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

The following Resolution will reaffirm Eisenbraun Associates as the project engineer, and approve the plans and specifications for the East 10<sup>th</sup> Street – Main Street to Windom Street Project and authorize staff to begin the bid process.

Discussion took place regarding liquidated damages. Staff recommendation was to increase the liquidated damages to \$1,500 per day if the project is not substantially completed by the project end date — August 9<sup>th</sup>. In addition, an incentive payment of \$1,500 per day, up to a maximum of ten days or \$15,000, would also be given if the project is substantially completed ahead of the August 9<sup>th</sup> date. The estimated cost of the project is \$550,000, plus engineering fees.

Administrator Johnson asked if there was a “smoothness standard” included in the specifications. If there is not, he would also like this included in the motion.

Councilmember Alexander introduced Resolution No. 2013-6 and moved for its approval, including the following stipulations:

- Liquidated damages of \$1,500 per day if the project is not substantially completed by the project end date — August 9<sup>th</sup>;
- Incentive payment of \$1,500 per day, up to a maximum of ten days or \$15,000, if the project is substantially completed ahead of the August 9<sup>th</sup> date; and
- A “Smoothness standard” included in the specifications.

Councilmember Brodersen seconded.

RESOLUTION NO. 2013-6

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA (10<sup>TH</sup> STREET, MAIN TO WINDOM IMPROVEMENTS).

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Garry Poutre, Superintendent of Public Works & Utilities, stated a proposal has been received from JEO Consulting Group to do the "Sludge Treatment and Disposal Evaluation" for a lump sum fee of \$12,000. His recommendation would be to approve the same.

Councilmember Muir introduced Resolution No. 2013-7 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2013-7

A RESOLUTION APPROVING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE CITY OF WAYNE AND JEO CONSULTING GROUP FOR A SLUDGE TREATMENT AND DISPOSAL EVALUATION.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

The following Resolution will amend the legal description that was identified on Exhibit "A" and attached to Resolution 2012-74 declaring the area known as "Angel Acres" blighted and substandard.

Councilmember Alexander introduced Resolution No. 2013-8 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2013-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, AMENDING EXHIBIT "A" TO RESOLUTION 2012-74 – ANGEL ACRES BLIGHT DETERMINATION.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Ordinance would amend Section 74-192 Dedication (Park Land) to read as follows:

#### **Sec. 74-291. Dedication**

Every subdivider who subdivides land shall dedicate a portion of such land, or pay a fee, as set forth in this article for the purpose of providing a park, recreational facilities, and open spaces to serve future residents of such subdivision. **Regardless of when said land was dedicated to the City under this article, the Council, only through a super majority vote of 6 ayes, may at any time:**

- 1. Trade park fee land acquired pursuant to this article for an equal area of land to be used for a public park within the same subdivision or within 1,000 feet of the subdivision; or**
- 2. Sell park fee land at current market value and use the sale funds within 24 months to purchase an equal amount of land within the same subdivision or within 1,000 feet of the subdivision or to purchase playground equipment or other public recreation enhancements in a public park within the same subdivision or within 1,000 feet of the same subdivision.**

#### **Sec. 74-295. Use of proceeds**

**With the exception provided in Section 74-291 of this article,** land and fees received under this article shall be used **only** for the purpose of providing parks, recreational facilities and open spaces to serve the approximate area of the subdivision for which received and location of the land and amount of fees shall bear a reasonable relationship to the use of the parks, recreational facilities and open spaces by the future inhabitants of the subdivision.

This will give the Council authority to trade or sell park fee land. At this time, there is a request to purchase some of the park land the City owns in the Longe's Subdivision; however, until this section of the code is amended, the Council does not have the authority or flexibility to do so.

Councilmember Van Delden introduced Ordinance 2013-8 and moved for approval thereof; Councilmember Muir seconded.

#### ORDINANCE NO. 2013-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74 SUBDIVISIONS, ARTICLE VIII - DEDICATION OF LAND FOR PARK, RECREATIONAL FACILITIES OR OPEN SPACES, SECTIONS 74-291 DEDICATION AND 72-295 USE OF PROCEEDS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Ken Jorgensen, owner of "The Max", was present requesting Council consideration to passing the following Ordinances which would allow liquor licensed establishments to stay open until 2:00 a.m. on the following dates:

1. Saturday, March 16<sup>th</sup> (St. Patrick's Day)
2. Friday, March 29<sup>th</sup>, and Saturday, March 30<sup>th</sup> (Wayne High Alumni Weekend)

Councilmember Brodersen introduced Ordinance 2013-9 and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-9

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR ST. PATRICK'S DAY ACTIVITIES.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Muir introduced Ordinance 2013-10 and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-10

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE HIGH SCHOOL ALUMNI ACTIVITIES.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Mayor Chamberlain requested Council consideration to approving the appointment of Ellen Imdieke to the Library Board.

Councilmember Brodersen made a motion, which was seconded by Councilmember Alexander, approving the appointment of Ellen Imdieke to the Library Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried.

Councilmember Brodersen 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, with the exception of Councilmembers Giese, Ley and Sievers who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:33 p.m.

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CLAIMS LISTING FEBRUARY 19, 2013

AMERICAN PUBLIC POWER	1ST HALF APPD DUES	1,075.43
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,053.27
APPEARA	LINEN & MAT SERVICE	159.77
BAKER & TAYLOR BOOKS	BOOKS	512.43
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	54.81
CITY EMPLOYEE	HEALTH REIMBURSEMENT	427.97
CAPSTONE PRESS, INC	BOOK	24.99
CITY OF WAYNE	PAYROLL	58,708.98
CITY OF WAYNE	UTILITY REFUNDS	350.00
CITY OF WAYNE	WAED HEALTH REIMBURSEMENT	3,800.00
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
COPY WRITE PUBLISHING	SHIPPING CHARGES	85.34
DAVE'S UNIFORM CLEANING	POLICE UNIFORM CLEANING	81.00
DEARBORN NATIONAL LIFE	DISABILITY/LIFE INSURANCE	1,714.27
DOESCHER APPLIANCE	MICROWAVE	89.00
ECHO GROUP INC JESCO	BALLAST REPAIR	21.81
ED. M FELD EQUIPMENT CO	HOOKS/HANDLELOK/AIRPACK STRAPS	408.34
ELECTRIC FIXTURE & SUPPLY	AIRPORT LIGHT BULBS	50.24
EMERITUS	LIGHTING EFFICIENCY	240.00
FIRST CONCORD GROUP LLC	ANNUAL COMPLIANCE	400.00
FLOOR MAINTENANCE	NAPKINS/CLEANERS/TOWELS	191.50
G-NEIL	POSTER GUARD	599.90
GEMPLER'S INC	HOSE/NOZZLE	50.25
GODFATHERS	LUNCH-BASKETBALL HOOPS	28.00
GROSSENBURG IMPLEMENT INC	WATER PUMP	388.33
CITY EMPLOYEE	HEALTH REIMBURSEMENT	34.34
HARDING & SHULTZ P.C.	ATTORNEY FEES	208.71
HHS REGULATION & LICENSUR	WATER OP LICENSE-A JUNCK	115.00
HOLIDAY INN	LODGING-G POUTRE	154.00
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,741.46
INGRAM BOOK COMPANY	BOOKS	930.35
IRS	FEDERAL WITHHOLDING	20,951.47
JOHNSON HARDWARE	DOOR STOPS	72.62
KEPCO ENGRAVING	NAMEPLATES	4.35
MATT NELSON	ENERGY INCENTIVE	318.40
MAXIMUM SOLUTIONS, INC.	CAC MEMBER MANAGEMENT SOFTWARE	4,900.00
MID-STATES ENERGY WORKS	RICE COMPLIANCE	15,092.45
MIDWEST LABORATORIES, INC	BOD TESTING	724.50
MSC INDUSTRIAL	SNIP SETS	170.79
N.E. NEB ECONOMIC DEV DIS	RLF ADMIN EXPENSE	787.90
CITY EMPLOYEE	HEALTH REIMBURSEMENT	2,383.21
NE CODE OFFICIAL ASSOC	CONFERENCE-J HANSEN	150.00
NE DEPT OF REVENUE	STATE WITHHOLDING	2,878.29
NE LAW ENFORCEMENT	DEFENSIVE TACTICS COURSE	168.00

NE LIBRARY COMMISSION	ANCESTRY SUBSCRIPTION	950.00
NE PUBLIC HEALTH	POLICE SERVICES	98.00
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	13,024.70
ONE CALL CONCEPTS, INC	DIGGER HOTLINE	8.90
CITY EMPLOYEE	HEALTH/VISION REIMBURSEMENTS	48.01
PEPSI-COLA	CAC POP	265.00
PRESTO X COMPANY	PEST CONTROL	144.64
PUSH-PEDAL-PULL	ANNUAL PREVENTATIVE MAINTENANCE	1,900.00
QUALITY 1 GRAPHICS	ELECTRICAL BOX DECALS	100.00
RANDOM HOUSE	AUDIO BOOKS	132.75
SGP SERVICES, INC.	QUARTERLY MONITORING	79.88
SPARKLING KLEAN	JANITORIAL SERVICES	1,289.43
STADIUM SPORTING GOODS	ADULT BASKETBALL T SHIRTS	65.25
ULINE	TAGS	95.22
UNITED COMMUNICATIONS CORP	PAGER BATTERIES	124.79
UTILITY EQUIPMENT CO	PIPE/FLANGE	365.16
WAYNE AREA ECONOMIC DEVEL	AMBASSADOR DUES-BRADEN/JOHNSON	70.00
WAYNE AUTO PARTS	FILTERS/TERMINALS/BEARINGS/SCREWS	563.50
WAYNE HERALD	CAC ADVERTISING	395.00
WESTERN AREA POWER ADMIN	ELECTRICITY	32,567.22

**RESOLUTION NO. 2013-9**

**A RESOLUTION ADOPTING WELLHEAD PROTECTION PLAN.**

**WHEREAS**, in January of 2011, the City of Wayne moved forward with the establishment of the Wayne Source Water Protection Project with grant funding from the Nebraska Department of Environmental Quality Source Water Protection Program; and

**WHEREAS**, the overall intent of the Wayne Source Water Protection Project was to update the Wellhead Protection Plan, which will lay out a roadmap for pollution prevention action over the next 5-10 years, including encouragement of source water friendly land uses; and

**WHEREAS**, the Wellhead Protection Plan is complete and ready for public inspection; and

**WHEREAS**, NDEQ regulations require documentation that the plan has been formally adopted by the governing body of the City of Wayne in the form of a Resolution and further requires approval of the Plan at the Federal Level.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Wayne, Nebraska, that the governing body of the City of Wayne does herewith adopt the Wellhead Protection Plan in its entirety and does herewith request approval of the plan at the Federal Level.

PASSED AND APPROVED this 19<sup>th</sup> day of February, 2013.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**CITY OF WAYNE  
INTEROFFICE MEMORANDUM**

**DATE:** February 6, 2013

**TO:** Mayor Chamberlain  
Wayne City Council

**FROM:** Wayne Planning Commission  
Joel Hansen, Staff Liaison

At their meeting held on February 4, 2013, the Wayne Planning Commission held three public hearings; the results of those hearing are as follows:

**Public Hearing: Amending Section 90-710 Parking Regulations, specifically Retail Sales Establishments**

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 Sweetland and seconded by Commissioner Carstens to approve and forward a recommendation of approval to the City Council to amend Section 90-710 Parking Regulations, specifically Retail Sales Establishment to one space per 200 square feet of sales floor area, with the findings of fact being, consistency with the comprehensive plan, the current and future land use map, and staff's recommendation. Chair Melena stated the motion and second. Roll call vote: Commissioner Carstens – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Braun-Langemeier – aye; Commissioner Sweetland; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

**Public Hearing: Rezoning Request for Lots 2 and 4 Benscoter Addition PUD Replat 1 from B-1 Highway Business to R-4 Residential**

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 Carstens and seconded by Commissioner Braun-Langemeier to approve and forward a recommendation of approval to the City Council for the rezoning request for Lots 2 and 4, Benscoter Addition PUD Replat 1 from B-1 Highway Business to R-4 Residential, with the findings of fact being consistency with the comprehensive plan, the current and future land use map, and staff's recommendation. Chair Melena stated the motion and second. Roll call vote: Commissioner Carstens – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Braun-Langemeier – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

Memo Mayor & City Council  
February 6, 2013  
Page Two

**Public Hearing: Replat of Lot 5, Western Ridge Third Addition**

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 Sweetland and seconded by Commissioner Hill to approve and forward a recommendation of approval to the City Council for the Replat of Lot 5, Western Ridge Third Addition, with the correction of ownership, and with the findings of fact being consistency with the comprehensive plan, the current and future land use maps, and staff's recommendation. Chair Melena stated the motion and second. Roll call vote: Commissioner Carstens – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Braun-Langemeier – aye; Commissioner Sweetland – aye; and Chair Melena – aye. Chair Melena declared the motion carried unanimously.

JJH:cb

ORDINANCE NO. 2013-11

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, BY AMENDING SECTION 90-710 PARKING REGULATIONS BY AMENDING THE SPACE REQUIREMENT FOR RETAIL SALES ESTABLISHMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on February 4, 2013, and recommended amending Section 90-710 Parking Regulations of the Wayne Municipal Code, with the "Findings of Fact" being:

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 2. That Chapter 90, Article VIII, Section 90-710 of the Wayne Municipal Code is amended as follows:

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

TABLE INSET:

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street 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 (multiple family & townhouse)	1 space per sleeping room	None required
Residential Structures (single-family & two-family)	2 spaces per dwelling unit	None required
Retail Sales Establishment	1 space per 200 square feet <del>gross</del> sales 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

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2013-12**

**AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOTS 2 AND 4, BENSCOTER ADDITION PUD REPLAT 1 FROM B-1 HIGHWAY BUSINESS TO R-4 RESIDENTIAL.**

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

Section 1. That the real estate area shown on the attached map be changed and rezoned from B-1 (Highway Business) to R-4 (Residential). The area being rezoned is described as Lots 2 and 4, Benscoter Addition PUD Replat 1.

Section 2. That the Planning Commission held a public hearing on February 4, 2013, regarding this rezoning request, and have recommended approval thereof subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 3. The official zoning map shall be forthwith changed by the zoning officials to properly show the real estate hereinabove described as now in a R-4 (Residential District) zone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**RESOLUTION NO. 2013-10**

**A RESOLUTION APPROVING THE REPLAT OF LOT 5, WESTERN RIDGE THIRD ADDITION.**

WHEREAS, the Planning Commission, upon review of the Replat of Lot 5, Western Ridge Third Addition, Wayne County, Nebraska, on February 4, 2013, recommended approval thereof, based upon the following "Findings of Fact":

1. Staff recommendation; and
2. The request is consistent with the Comprehensive Plan and the current and future land use map;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Replat of Lot 5, Western Ridge Third Addition, Wayne County, Nebraska, be approved subject to the recommendations of the Planning Commission and the foregoing "Findings of Fact."

PASSED AND APPROVED this 19<sup>th</sup> day of February, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

ORDINANCE NO. 2013-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74 SUBDIVISIONS, ARTICLE VIII - DEDICATION OF LAND FOR PARK, RECREATIONAL FACILITIES OR OPEN SPACES, SECTIONS 74-291 DEDICATION AND 72-295 USE OF PROCEEDS; 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 74, Article VIII, Sections 74-291 and 74-295 of the Wayne Municipal Code are hereby amended to read as follows:

**Sec. 74-291. Dedication**

Every subdivider who subdivides land shall dedicate a portion of such land, or pay a fee, as set forth in this article for the purpose of providing a park, recreational facilities, and open spaces to serve future residents of such subdivision. **Regardless of when said land was dedicated to the City under this article, the Council, only through a super majority vote of 6 ayes, may at any time:**

- 1. Trade park fee land acquired pursuant to this article for an equal area of land to be used for a public park within the same subdivision or within 1,000 feet of the subdivision; or**
- 2. Sell park fee land at current market value and use the sale funds within 24 months to purchase an equal amount of land within the same subdivision or within 1,000 feet of the subdivision or to purchase playground equipment or other public recreation enhancements in a public park within the same subdivision or within 1,000 feet of the same subdivision.**

**Sec. 74-295. Use of proceeds**

**With the exception provided in Section 74-291 of this article,** land and fees received under this article shall be used **only** for the purpose of providing parks, recreational facilities and open spaces to serve the approximate area of the subdivision for which received and location of the land and amount of fees shall bear a reasonable relationship to the use of the parks, recreational facilities and open spaces by the future inhabitants of the subdivision.

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 19<sup>th</sup> day of February, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**RESOLUTION NO. 2013-11**

**A RESOLUTION AUTHORIZING THE SALE OF THE SOUTH 90.75' OF LOT 2, LONGE'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BENSCOTER, INC.**

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

The South 90.75' of Lot 2, Longe's Addition to the City of Wayne, Wayne County, Nebraska; and

**WHEREAS**, Benscoter, Inc., is interested in purchasing said property from the City of Wayne; and

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

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

The South 90.75' of Lot 2, Longe's Addition to the City of Wayne, Wayne County, Nebraska,

to Benscoter, Inc., for the sum of \$10,000.00 and other valuable consideration.

PASSED AND APPROVED this 19<sup>th</sup> day of February, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2013-13**

**AN ORDINANCE DIRECTING THE SALE OF THE SOUTH 90.75' OF LOT 2, LONGE'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BENSCOTER, INC.**

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 Bencoter, Inc., the property owned by the City and legally described as:

The South 90.75' of Lot 2, Longe's Addition to the City of Wayne, Wayne County, Nebraska,

for the sum of Ten Thousand Dollars (\$10,000.00) and other valuable consideration.

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

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

PASSED AND APPROVED this 19<sup>th</sup> day of February, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

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**Economic Development  
Chamber ■ Main Street**

February 15, 2013

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

RE: Sales Tax Advisory Committee – recommendations for: Angel Village Inc (\$240,000); and, Wreidt Properties Inc (\$33,000).

Dear Lowell,

The Sales Tax Advisory Committee met on Thursday, February 14, 2013, and reviewed two (2) applications to Wayne's Economic Development Program fund.

The committee recommended approving a request by Angel Village Inc (Lou Benscoter) for \$240,000 in funds to develop and construct Angel Village, a 20 unit senior living complex with commons building. The terms include a \$240,000 performance based loan over 20 years paid back at 25% of loan if 6-11 units are sold and at 50% of loan if 12 or more units are sold. The committee recommended a funds disbursement plan as build out occurs to be determined by the City. The vote on this action was unanimous with 4 members present.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: *Doesn't Meet* scored 12; *Doesn't Meet/Somewhat Meets* scored 3; *Somewhat Meets* scored 2; *Somewhat Meets/Meets* scored 12; and *Meets* scored 13. This review scoring is used for deliberation. The committee does not use a raw number threshold to recommend projects to the Council.

The committee recommended approving a request by Wreidt Properties Inc (Bob Wreidt) for \$33,000 in funds to develop its current trailer court into market rate apartments. The terms include a \$33,000 performance based loan, with 1/6 of the funds being reimbursed to the developer as each trailer is moved from the development site. The vote on this action was unanimous with 4 members present.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: *Doesn't Meet* scored 13; *Doesn't Meet/Somewhat Meets* scored 4; *Somewhat Meets* scored 8; *Somewhat Meets/Meets* scored 7; and *Meets* scored 13. This review scoring is used for deliberation. The committee does not use a raw number threshold to recommend projects to the Council.

Please convey this recommendation 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". The signature is written in a cursive, slightly slanted style.

Wes Blecke  
Executive Director

**ORDINANCE NO. 2013-9**

**AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR ST. PATRICK'S DAY ACTIVITIES.**

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., only on the business day of Saturday, March 16, 2013, in conjunction with St. Patrick's Day activities.

PASSED AND APPROVED this 19<sup>th</sup> day of February, 2013.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**ORDINANCE NO. 2013-10**

**AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE HIGH SCHOOL ALUMNI ACTIVITIES.**

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., only on the business days of Friday, March 29, 2013, and Saturday, March 30, 2013, in conjunction with the Wayne High School Alumni activities.

PASSED AND APPROVED this 19<sup>th</sup> day of February, 2013.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

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## 2 a.m. Ordinances

This is a list of the 2 a.m. ordinances that have been filed by local governments (City or County) to extend the on premise closing times to 2 a.m. in their jurisdictions. Click on the link to read the ordinance as filed with our office. A copy of the bill can be found at [AM2163](#).

Location (City or County)	Effective Date	Location (City or County)	Effective Date
<a href="#">Alma (SDLs ONLY)</a>	7/20/2010	<a href="#">Lyons</a>	11/2/2010
<a href="#">Ashland</a>	7/15/2010	<a href="#">Louisville</a>	7/15/2010
<a href="#">Axtell</a>	11/08/2010	<a href="#">Madison</a>	5/12/2011
<a href="#">Bancroft</a>	7/14/2010	<a href="#">Manley</a>	10/06/2010
<a href="#">Beatrice</a>	9/4/2012	<a href="#">Marquette</a>	10/14/2010
<a href="#">Beaver City</a>	7/19/2010	<a href="#">Milligan</a>	10/11/10
<a href="#">Beemer</a>	05/17/2011	<a href="#">North Bend</a>	7/15/2010
<a href="#">Bellevue</a>	7/15/2010	<a href="#">Oak</a>	5/10/2011
<a href="#">Bellwood</a>	1/3/2011	<a href="#">Oakdale</a>	7/12/2010
<a href="#">Belvidere</a>	7/23/2010	<a href="#">Odell</a>	11/10/2010
<a href="#">Bennington</a>	8/09/2010	<a href="#">Omaha</a>	7/15/2010
<a href="#">Bloomfield</a>	7/15/2010	<a href="#">Oxford</a>	6/6/2011
<a href="#">Brady (Hitch-In Post - 12/31/11 ONLY)</a>	8/10/2011	<a href="#">Papillion</a>	6/6/2011
<a href="#">Brainard</a>	12/20/2010	<a href="#">Pender</a>	7/21/2010
<a href="#">Bridgeport</a>	1/6/2011	<a href="#">Peru (Conditionally)</a>	4/9/2012
<a href="#">Bruning</a>	8/04/2010	<a href="#">Pleasant Dale</a>	5/9/2011
<a href="#">Clarks</a>	11/10/2010	<a href="#">Pickrell</a>	9/23/2010
<a href="#">Clatonia</a>	9/21/2010	<a href="#">Plainview</a>	7/19/2010
<a href="#">Cody</a>	9/14/2010	<a href="#">Platte Center</a>	3/8/2011
<a href="#">Cook</a>	10/04/2010	<a href="#">Polk</a>	5/3/2011
<a href="#">Craig</a>	4/2/2011	<a href="#">Randolph</a>	7/06/2010
		<a href="#">Ralston</a>	08/2010
<a href="#">David City</a>	7/13/2011	<a href="#">Sarpy County</a>	3/7/2011
<a href="#">Daykin</a>	1/10/2011	<a href="#">Sargent</a>	7/20/2010
<a href="#">Denton</a>	12/06/2010	<a href="#">Schuyler</a>	12/13/2010
<a href="#">Deshler</a>	7/14/2010	<a href="#">Shelby</a>	8/17/2010
<a href="#">DeWitt</a>	7/15/2010	<a href="#">Shubert</a>	8/6/2012
<a href="#">Diller</a>	9/09/2010	<a href="#">Silver Creek</a>	7/15/2010
<a href="#">Dodge</a>	8/15/2010	<a href="#">Spalding</a>	7/19/2010
<a href="#">Douglas County</a>	7/15/2010	<a href="#">Spencer</a>	7/15/2010
<a href="#">DuBois</a>	5/31/2011	<a href="#">Springfield</a>	9/07/2010
<a href="#">Duncan</a>	4/8/2011	<a href="#">Steinauer</a>	7/15/2010
<a href="#">Dwight</a>	9/7/2010	<a href="#">Stuart</a>	11/15/2010
<a href="#">Eagle</a>	9/22/2010	<a href="#">St Edward</a>	5/31/2011
<a href="#">Elba</a>	1/4/2011	<a href="#">Steele City</a>	4/10/2011
<a href="#">Endicott</a>	8/03/2010	<a href="#">Surprise</a>	10/05/2010
<a href="#">Ericson</a>	9/07/2010	<a href="#">Table Rock</a>	7/15/2010

Exeter	2/2/2011	Thayer	12/13/2010
Fairmont	10/12/2010	Theedford	10/12/2010
Franklin	7/15/2010	Tobias	7/12/2011
Garrison	7/26/2010	Uehling	7/5/2011
Greenwood	10/12/2010	Unadilla	7/15/2010
Gretna	6/15/2010	Union	8/01/2010
Guide Rock	7/15/2010	Valentine (Fri & Sat ONLY)	7/15/2010
Harbine (SideTrek Bar Only)	9/13/2010	Valley	7/15/2010
Harrison (8/5/11; 8/6/11; 10/29/11; 12/31/11 ONLY)	7/25/2011	Waco	8/12/2010
Hildreth	7/15/2010	Wakefield (SDLs ONLY)	7/12/2010
Hooper	1/11/2011	Walthill (Sat & Sun ONLY)	3/24/2011
Humboldt	10/5/2010	Waterbury	10/11/2010
Jansen	8/13/2010	Waverly	8/10/2010
Johnson	3/7/2011	Wausa	2/22/2011
La Vista	7/15/2010	West Point	7/14/2010
Lincoln	9/17/2010	Wolbach	11/2/2010
Litchfield	8/18/2010	Wymore	7/15/2010
Lorton (Lorton Lounge Only)	3/29/2011	Yutan	7/15/2010

301 Centennial Mall South  
 PO Box 95046  
 Lincoln, NE 68509-5046  
 P: 402-471-2571  
 F: 402-471-2814

We the undersigned do not oppose 2 A.M. bar closing in Wayne, NE

Signature	Print Name	Address
	Bradley K Wieland	1222 Pearl, Wayne, NE
	Kevin W Peterson	907 Lloyd Ct Wayne NE
	Melissa Urbance	1009 2nd Ave, Wayne NE
	Mike Kaup	1025 Emerald Dr. Wayne NE
	Pat Carvini	911 Lloyd Ct. Wayne NE
	Michael Carnes	109 W 4th, Wayne NE
	Dennis Morrog	306 Oak Dr, Wayne NE
	Mike Gross	210 W. 2nd St. Wayne, NE
	Brandon Foote	106 1/2 Sherman Street Wayne, NE
	Jason Clavner	519 W. 1st St. Wayne, NE
	Matt Witt	219 Parkway Circle Wayne NE
	Joel Ankeny	416 N Logan St Wayne, NE 68787
	Russell Urbance	1009 W 2nd Ave Wayne NE
	John W Rehonsdorf	85629 57th Ave WAYNE, NE
	Mick Kemp	516 W 5th Wayne NE 68787
	Jaime Manz	620 W 3rd St Wayne NE 68787
	Mike Voss	320 W 6th Wayne Ne 68787
	Casey Schroeder	1022 Sunnyview Wayne, NE 68787
	Jeff Bellong	420 Sherman Wayne, NE 68787
	Jeff Bambas	709 Pearl St Wayne NE 68787
	Brian Bowers	812 Pleasant Run Wayne NE 68787
	Wayne Denkman	1022 Pearl Wayne NE
	Reggie Yates	306 Main St. Wayne, NE 68787
	Tim G Schaefer	2308 Hickview Dr Wayne NE 68787
	Doug Carroll	801 Logan Street Wayne Ne 68787
	Alex Koch	913 Walnut Wayne, NE 68787
	Lewi Trautman	206 Blaine St Wayne, NE 68787

We the undersigned do not oppose 2 A.M. bar closing in Wayne, NE

Signature	Print Name	Address
<i>Ted Baack</i>	Ted Baack	418 Oak Wayne NE
<i>Red Curt Wheeler</i>	Red Curt Wheeler	1027 Sunnyside Dr Wayne NE
<i>Paul Dean</i>	Paul Dean	1009 Brooke Dr Wayne NE
<i>Lori Dean</i>	Lori Dean	1009 Brooke Dr Wayne NE
<i>Ken Knapinski</i>	Ken Knapinski	1030 Grainland Rd Wayne NE
<i>Chad Frideres</i>	Chad Frideres	4888 Lincoln St, Wayne, NE
<i>Laura Beza</i>	<i>LM</i>	2172 Hickman Dr, Wayne, NE
<i>Dave Zoch</i>	Dave Zoch	310 S. Main St. Wayne NE
<i>JAMES MILLIKEN</i>	JAMES MILLIKEN	106 S. MAIN ST
<i>Bradley J. Woehler</i>	Bradley J. Woehler	123 Fairgrounds Ave. Wayne, NE 68787
<i>Robert E. Woehler</i>	Robert E. Woehler	1910 Centennial Rd Wayne NE 68787
<i>Chris Woehler</i>	Chris Woehler	221 East 3rd St Wayne NE 68787
<i>CORBY SCHWEERS</i>	CORBY SCHWEERS	1011 Brooke Wayne NE 68787
<i>DANIEL DOESCHER</i>	DANIEL DOESCHER	306 MAIN WAYNE 68787
<i>Randall H. Pedersen</i>	Randall H. Pedersen	221 Main St Wayne NE 68787
<i>Jaren H. Schick</i>	Jaren H. Schick	115 W 1st St Wayne NE 68787
<i>Brent Pick</i>	Brent Pick	807 Grainland Wayne NE 68787
<i>Ja Piet</i>	Ja Piet	859 rd Carroll NE
<i>MARK DANIELS</i>	MARK DANIELS	57706 855 Rd WAYNE
<i>Wes Sievers</i>	Wes Sievers	57362 857 Rd Wayne
<i>Jeff Carlson</i>	Jeff Carlson	85990 574th Ave Wayne
<i>Kevin Kay</i>	Kevin Kay	57655 851 Rd.
<i>Kelly Meyer</i>	Kelly Meyer	58042 851 Rd Wayne

**ORDINANCE NO. 2013-14**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; 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 6, Sections 6-18 of the Wayne Municipal Code is hereby amended to read as follows:

Sec. 6-18. Hours of sale

(a) It shall be unlawful for any licensed person or his agents to sell any alcoholic beverages within the city, except during the following hours:

**HOURS OF SALE**

Alcoholic Liquors (except beer and wine):

Secular Days:

Off Sale.....	6:00 a.m. to <b>2:00</b> <del>1:00</del> a.m.
On Sale.....	6:00 a.m. to <b>2:00</b> <del>1:00</del> a.m.

Sundays:

Off Sale.....	12:00 Noon to <b>2:00</b> <del>1:00</del> a.m.
On Sale.....	12:00 Noon to <b>2:00</b> <del>1:00</del> a.m.

Beer and Wine:

Secular Days:

Off Sale.....	6:00 a.m. to <b>2:00</b> <del>1:00</del> a.m.
On Sale.....	6:00 a.m. to <b>2:00</b> <del>1:00</del> a.m.

Sundays:

Off Sale.....	6:00 a.m. to <b>2:00</b> <del>1:00</del> a.m.
On Sale.....	6:00 a.m. to <b>2:00</b> <del>1:00</del> a.m.

(b) No person shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed in this section for stopping the sale of alcoholic beverages on the premises. For the purposes of this section, the term "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment. The term "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

(c) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

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 \_\_\_\_\_, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

ORDINANCE NO. 2013-15

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-32 SPECIFIC ENUMERATION; 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 34, Article II, Section 34-32 of the Wayne Municipal Code is hereby amended to read as follows:

**Sec. 34-32. Specific enumeration**

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions, and things are nuisances:

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl. **This shall include yard waste, unless such items are contained in a managed compost pile.**
2. Privies, vaults, cesspools, dumps, pits, **cisterns**, or like places which are not securely protected from flies or rats, which are foul ~~or~~, malodorous, **or dangerous.**
3. Filthy, littered or trash-covered cellars, house yards, barnyards, stable yards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the city.
5. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided nothing contained in this subsection shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the city, nor the dumping of non-putrifying waste in a place and manner approved by the health officer.
6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless they are kept in covered bins or galvanized iron receptacles.
7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, **sticks and branches, excluding neatly stacked firewood**, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, **building materials, such as lumber, shingles, siding, drywall, or insulation that are not for use in an on-going construction project, unless storage of those items is a permitted use in the zoning district**, old automobiles or parts, **tires**, or any other waste materials when any of such articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger, or which are so unsightly as to depreciate property values in the vicinity.
8. Any unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished,

which buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity.

9. All places used or maintained as junkyards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of their parts, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity.
10. ~~Stagnant water permitted or maintained on any lot or piece of ground.~~ **Any furniture or appliances designed and intended for interior use only. Such items may include, but are not limited to, stoves, refrigerators, microwaves, televisions, electronic equipment, computer equipment, sofas, recliners, and upholstered chairs.**
11. Stockyards, granaries, mills, pigpens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowl of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when such places in which such animals are confined or such premises on which such vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate from the premises, to the annoyance of inhabitants of the city, or are maintained and kept in such a manner as to be injurious to the public health.
12. All other things specifically designated as nuisances elsewhere in this ~~Code~~ **Chapter**.

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 \_\_\_\_\_, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-39 NUISANCE; DUTY OF OWNER OR OCCUPANT; 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 34, Article II, Section 34-39 of the Wayne Municipal Code is hereby amended to read as follows:

**Sec. 34-39. Nuisance; duty of owner or occupant**

(a) The owner or occupant of any lot or piece of ground within the municipality shall:  
~~1. Drain or fill such lot or piece of ground so as to prevent stagnant water or any other nuisance from accumulating thereon.~~

1. Keep the lot or piece of ground and the adjoining streets and alleys to the center thereof free of any growth of 12 inches or more in height of weeds, grasses or worthless vegetation, **except for site designated by the City as habitat areas or stormwater management areas.**
- ~~2. Prevent the throwing, depositing or accumulation of litter on any lot or piece of ground within the municipality; provided that grass, leaves and worthless vegetation may be used as a ground mulch or in a compost pile.~~
3. Refrain from maintaining a disorderly house as defined by this Code.

(b) Any owner or occupant who fails to abate a nuisance **or request a hearing with the City Problem Resolution Team within five (5) days of notice** shall, upon conviction, be guilty of a misdemeanor and be fined no less than \$100.00 ~~and no more than \$500.00~~. Each day a violation continues shall constitute a separate offense.

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 \_\_\_\_\_, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

ORDINANCE NO. 2013-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-40 ABATEMENT OF NUISANCE; 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 34, Article II, Section 34-40 of the Wayne Municipal Code is hereby amended to read as follows:

**Sec. 34-40. Abatement of nuisance**

Before the municipality may act to abate and remove such nuisance, notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. **If notice by personal service or certified mail is unsuccessful, notice shall be given by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed.** Within five days of receipt of such notice, if the owner or occupant of the property does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the City **Problem Resolution Team** may have such work done and may levy and assess the costs and expenses of the work upon the property so benefited in the same manner as other special taxes for improvements are levied and assessed

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 \_\_\_\_\_, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

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## **Police Sergeant**

**Job Title:** Police Sergeant

**Department:** Police

**Reports To:** Chief of Police

**FLSA Status:** Hourly

**Summary:** Under direction of Chief of Police, is a certified, sworn and armed officer. Directly supervises the police officers and dispatchers on the shift. Supervises criminal investigations, communications and record keeping of the department. Coordinates activities of police officers on an assigned shift or unit within the police department by performing the following duties.

**Essential Duties and Responsibilities** include the following. Other duties may be assigned.

Recommends and assists in implementation of unit's goals and objectives. Directs and performs criminal investigations when assigned. Reviews and prepares various reports on operations and activities. Assumes active command in emergency situations. Conducts daily briefing sessions for members of unit and inspects uniforms and equipment. Detains and questions witnesses, victims, and suspects and makes arrests as necessary. Conducts preliminary investigations of incidents as necessary; collects and preserves physical evidence, protects crime scene, and reports and records all facts of incident. Maintains liaison with other law enforcement agencies, courts, community groups, and others as assigned. Notifies superior of major crimes or disturbances within area and takes necessary action until arrival of superior. Answers calls regarding service, illness, accidents, disturbances, crime, or distress and provides necessary assistance or takes appropriate action as needed. Provides general assistance and information to staff or public.

Supervises work of officers and communication personnel, briefs and hands out assignments, ensures conformance of rules and regulations. Transmits policies of department and trains subordinate personnel. Supervises and participates in investigation activities, assists officers with complex cases, evaluates subordinates, assists officers on calls, performs patrol duties, keeps records of and views officer's reports, handles complaints by citizens, assists in development programs, prepares and submits detailed reports of criminal and drug investigations along with other required reports, appears in court to testify, make arrests with and without warrants, assists in employee evaluations, performs other duties as required.

### **Supervisory Responsibilities**

Directly supervises 5-12 employees in the Police Department. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include training employees; planning, assigning, scheduling and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

## **Competencies**

To perform the job successfully, an individual should demonstrate the following competencies:

**Customer Service** - Manages difficult or emotional customer situations; Responds promptly to customer needs; Solicits customer feedback to improve service ; Responds to requests for service and assistance; Meets commitments.

**Interpersonal Skills** - Focuses on solving conflict, not blaming; Maintains confidentiality; Listens to others without interrupting; Keeps emotions under control; Remains open to others' ideas and tries new things.

**Oral Communication** - Speaks clearly and persuasively in positive or negative situations; Listens and gets clarification; Responds well to questions; Demonstrates group presentation skills; Participates in meetings.

**Written Communication** - Writes clearly and informatively; Edits work for spelling and grammar; Varies writing style to meet needs; Presents numerical data effectively; Able to read and interpret written information.

**Teamwork** - Balances team and individual responsibilities; Exhibits objectivity and openness to others' views; Gives and welcomes feedback; Contributes to building a positive team spirit; Puts success of team above own interests; Able to build morale and group commitments to goals and objectives; Supports everyone's efforts to succeed.

**Visionary Leadership** - Inspires respect and trust; Mobilizes others to fulfill the vision; Provides vision and inspiration to peers and subordinates.

**Change Management** - Develops workable implementation plans; Communicates changes effectively; Builds commitment and overcomes resistance; Prepares and supports those affected by change; Monitors transition and evaluates results.

**Delegation** - Delegates work assignments; Matches the responsibility to the person; Gives authority to work independently; Sets expectations and monitors delegated activities; Provides recognition for results.

**Leadership** - Exhibits confidence in self and others; Inspires and motivates others to perform well; Effectively influences actions and opinions of others; Accepts feedback from others; Gives appropriate recognition to others.

**Managing People** - Includes staff in planning, decision-making, facilitating and process improvement; Takes responsibility for subordinates' activities; Makes self available to staff; Provides regular performance feedback; Develops subordinates' skills and encourages growth; Solicits and applies customer feedback (internal and external); Fosters quality focus in others; Improves processes, products and services.; Continually works to improve supervisory skills.

Judgement - Displays willingness to make decisions; Exhibits sound and accurate judgment; Supports and explains reasoning for decisions; Includes appropriate people in decision-making process; Makes timely decisions.

Motivation - Sets and achieves challenging goals; Demonstrates persistence and overcomes obstacles; Measures self against standard of excellence; Takes calculated risks to accomplish goals.

Planning/Organizing - Prioritizes and plans work activities; Uses time efficiently; Plans for additional resources; Sets goals and objectives; Organizes or schedules other people and their tasks; Develops realistic action plans.

Professionalism - Approaches others in a tactful manner; Reacts well under pressure; Treats others with respect and consideration regardless of their status or position; Accepts responsibility for own actions; Follows through on commitments.

Quality - Demonstrates accuracy and thoroughness; Looks for ways to improve and promote quality; Applies feedback to improve performance; Monitors own work to ensure quality.

Quantity - Meets productivity standards; Completes work in timely manner; Strives to increase productivity; Works quickly.

Safety and Security - Observes safety and security procedures; Determines appropriate action beyond guidelines; Reports potentially unsafe conditions ; Uses equipment and materials properly.

Adaptability - Adapts to changes in the work environment; Manages competing demands; Changes approach or method to best fit the situation; Able to deal with frequent change, delays, or unexpected events.

Attendance/Punctuality - Is consistently at work and on time; Ensures work responsibilities are covered when absent; Arrives at meetings and appointments on time.

Dependability - Follows instructions, responds to management direction; Takes responsibility for own actions; Keeps commitments; Commits to long hours of work when necessary to reach goals.; Completes tasks on time or notifies appropriate person with an alternate plan.

Initiative - Volunteers readily; Undertakes self-development activities; Seeks increased responsibilities; Takes independent actions and calculated risks; Looks for and takes advantage of opportunities; Asks for and offers help when needed.

Innovation - Displays original thinking and creativity; Meets challenges with resourcefulness; Generates suggestions for improving work; Develops innovative approaches and ideas; Presents ideas and information in a manner that gets others' attention.

## **Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

## **Education and/or Experience**

Associate's degree (A. A.) or equivalent from two-year college or technical school; or Certified Officer with a minimum of four years related experience and/or training.

## **Language Skills**

Ability to read and comprehend simple instructions, short correspondence, and memos. Ability to write simple correspondence. Ability to effectively present information in one-on-one and small group situations to customers, clients, and other employees of the organization.

## **Mathematical Skills**

Ability to add and subtract two digit numbers and to multiply and divide with 10's and 100's. Ability to perform these operations using units of American money and weight measurement, volume, and distance.

## **Reasoning Ability**

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

## **Computer Skills**

Ability to use and operate computer software systems to complete necessary data entry and reports as required.

## **Certificates, Licenses, Registrations**

State of Nebraska Officer Certification through the Nebraska Law Enforcement Training Center, or the ability to transfer another state's certification. Possess or obtain required Supervision level training through the training center within one year of promotion.

### **Other Skills and Abilities**

Must be able to operate a police cruiser and necessary equipment associated within department; must be physically able to obtain and maintain certification in CPR and Department or personal issued firearms; must have fluent use of the English language for both oral and written communication; must be able to hear normal conversations; must be able to differentiate between the eight basic colors; must have 20/20 vision in both eyes or correctable to 20/20 in both eyes; must be able to lift to recover property and assist accident victims; must be physically able to pursue and effect the arrest of suspects in various areas of the City; ability to work in adverse weather conditions for extended periods of time if necessary.

### **Other Qualifications**

Must be 21 years of age; must be a United States Citizen; must be a high school graduate or GED equivalent; must be able to pass a high school equivalency (TABE) test; must maintain a valid Nebraska motor vehicle operator's license; must be able to complete and maintain state firearms qualification.

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; stoop, kneel, crouch, or crawl and talk or hear. The employee must occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision and distance vision.

### **Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is frequently exposed to outside weather conditions; extreme cold and extreme heat. The noise level in the work environment is usually moderate.