

**AGENDA
CITY COUNCIL MEETING
April 16, 2013**

1. Approval of Minutes – April 2, 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.

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. Proclamations – Arbor Day
Municipal Clerk’s Week**

**4. Presentation of Dividend Check from Employers Mutual Company — Cap Peterson,
Northeast Nebraska Insurance Agency**

**5. Public Hearing: To Consider the Planning Commission’s
Recommendation regarding the Benscoter Addition
PUD Replat 2 – Applicant Windom Ridge, Inc.**

Background: This subdivision was recently approved for replat after a public hearing. However, one signator that is required to sign off on the replat temporarily won’t sign the replat. This revised replat is the same replat as the first, except that the hotel property is platted out of this replat, which eliminates the problem.

Recommendation: The recommendation of the Planning Commission is to approve this replat.

6. Resolution 2013-34: Approving the Benscoter Addition PUD Replat 2

**7. Ordinance 2013-22: Amending Wayne Municipal Code Section 78-11 Stop
Sign Locations; East of Main Street, North of 7th Street
(Intersection of Hillcrest Road and Walnut Street on the
east edge of Wayne State College) (Second Reading)**

**8. Ordinance 2013-26: Amending Wayne Municipal Code Article VII. Moving
Buildings, Section 18-301 Permit Required**

Background: The current City Code allows used mobile homes to be moved into the city limits after being inspected and approved for a list of 8 safety issues. However, the Code requires a longer list of building code requirements for a mobile home already in Wayne, but being moved along or across a street. The proposed Ordinance, at this writing, is still being finalized by the City Attorney’s office, and will be distributed to you via e-mail on Monday.

Approval of the ordinance would harmonize the Code to make the requirements the same for used mobile homes moving into or within the city limits.

Recommendation: The recommendation of Lowell Johnson, City Administrator, Joel Hansen, Building Inspector, and Amy Miller, Assistant City Attorney, is to change the Code to make both requirements the same.

9. [Resolution 2013-32: Amending Housing Construction Loan Incentives for Builders](#)

Background: This clarifies the housing incentive program to allow two \$20,000 or \$30,000 construction incentive loans on single-family homes, and two apartment building construction loans at \$5,000 per rental unit in each building per developer at any one time. The RDG Housing Study for Wayne determined a large unmet need for market rate apartment units, and there are several developers building multiple projects using the temporary construction incentives. The proposed Resolution, at this writing, is still being finalized by staff, and will be distributed to you via e-mail on Monday.

Recommendation: The recommendation of Lowell Johnson, City Administrator, and Nancy Braden, Finance Director, is to approve the Resolution to allow the developers to build to the market demand.

10. [Resolution 2013-35: Approving Long-Term Proposal of Liquid Engineering Corporation for Potable Water Reservoir Maintenance Contract \(Water Tower Inspections\)](#)

Background: We are required to internally inspect both of our water towers every 5 years and do any maintenance work needed. This inspection is done by certified scuba divers, and we plan to do this every four years.

Recommendation: The recommendation of Garry Poutre, Superintendent of Public Works and Utilities, is to approve this 15-year agreement with a company we have used for a long time at a lower cost per inspection than we are currently paying.

11. [Resolution 2013-36: Establishing Sanitary Sewer Hook-Up Fees for Sewer Extension Line from Kardell Industrial Park Lift Station to the South End in Pick Industrial Park](#)

Background: The City of Wayne has worked with Wayne County, the Community Development Agency and the Wayne Business and Industry Committee of WAED to extend sanitary sewer lines east of the city limits to expedite commercial development in that area. Because no sewer extension district could be created to pay for the cost, the sewer utility paid for the work and will carry the cost and recover it through future sewer hook-up fees as businesses transition from septic systems. This Resolution approves the cost allocation based on benefit provided by Olsson Associates, the project engineer, and sets hook-up fees for future connections to the system.

Recommendation: The recommendation of Lowell Johnson, City Administrator, Garry Poutre, Superintendent of Public Works and Utilities, and the project engineer is to approve the Resolution.

12. Recess

- a. Convene as Community Development Agency
- b. Approve Minutes – April 2, 2013
- c. Approve CDA Claims
- d. Amending Original Agreement with Kelby Herman to Add Lots 12, 13 and 40, Western Ridge

Kelby Herman has asked to have lots 12 and 13 added to the first phase of his agreement to purchase lots in the Western Ridge II Subdivision. He has also asked to have a "Right of First Refusal" on lot 40 added to the second phase of his agreement. This will make a total of 13 lots that he wishes to develop.

- e. Action on proposal to amend TIF Bidding Requirements

Background: Current Council policy is that all work to be funded by TIF funds must be submitted for bids through a public bid process, with the exception of acquisition of property, which was clarified at the last Council Meeting with Kelby. At the suggestion of Mayor Chamberlain, the Wayne City Attorney's office reviewed Nebraska Statutes, and so long as the cost is not being assessed to the property, and over \$30k, it does not have to be bid out. Paving work, sewer, and other utilities that would be assessed back to the property would have to be bid.

We asked for clarification from Mike Bacon, our special counsel for Tax Increment Financing, and his thoughts are as follows: Contractors may want to use TIF funds for tree removal, site prep, and other general work, the cost of which will not be assessed to the lots. Current Wayne policy would require contractors to go through the bidding process (i.e. 3 weeks of publication, engineering costs, approving bids, etc.) prior to commencing any of this site work, and as we know, time is of the essence for these contractors.

Recommendation: The recommendation of Lowell Johnson, City Administrator, Amy Miller, Assistant City Attorney, and Mike Bacon, Special Counsel for TIF, is to require bidding for only TIF funded work done that will be assessed back to the property.

The action needed would be a motion to amend the TIF agreements with Progressive Property Inspections, LLC, Angel Village, Inc., and Windom Ridge, Inc., as follows:

“Move to approve the following 1) To amend Section 6.02, Paragraph 4 of the Redevelopment Contract with Progressive Property Inspections, LLC, dated April 2, 2013; the Redevelopment Contract with Angel Village, Inc., dated March 5, 2013; and the Redevelopment Contract with Windom Ridge, Inc., for Angel Acres dated March 5, 2013, as follows: ‘In the event that any utility extension project or paving, including storm drain system work to be assessed to properties in this redevelopment area is intended to be paid for with Tax Increment Financing Funds, then said projects only, shall be required to go through the public bidding process.’ and, 2) That this same amended bidding requirement be included in all future TIF Redevelopment Contracts.’

- f. [Action on Memorandum of Understanding to Complete a Tax Increment Financing Agreement — Bob Wriedt](#)

Background: This is the same fast start Resolution we have used on previous TIF projects while negotiations on the Redevelopment Contract are being finalized. Attorney Bacon is in the process of finalize this document. It will also be distributed to you via e-mail on Monday.

Recommendation: Approve the Resolution to provide optimum flexibility for the project developer.

- g. Adjourn CDA and Reconvene as Council

13. [Action on Proposal to Amend TIF Bidding Requirements](#)

Recommendation: The Council action here should be the same as the CDA action on item e in the CDA agenda.

14. [Resolution 2013-37: Approving Memorandum of Understanding to Complete a Tax Increment Financing Agreement – Bob Wriedt](#)

Background: This is the same fast start Resolution we have used on previous TIF projects while negotiations on the Redevelopment Contract are being finalized. Attorney Bacon is in the process of finalize this document. It will also be distributed to you via e-mail on Monday.

Recommendation: Approve the Resolution to provide optimum flexibility for the project developer.

15. [Accepting Resignation of Councilmember Jim Van Delden – Ward 1](#)

16. [Action on Declaring Notice of Vacancy in Ward One and Authorizing City Clerk to Publish Notice](#)

17. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

[Wayne Municipal Airport Authority Meeting Minutes – March 11, 2013](#)

April 2, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, April 2, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jim Van Delden, Jon Haase, Dale Alexander, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 21, 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 Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of March 19, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERICAN BROADBAND, SE, 990.00; APPEARA, SE, 215.61; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 104.82; BLACK HILLS ENERGY, SE, 1479.93; BLUE CROSS BLUE SHIELD, SE, 24234.52; BLUE DEVIL BOOSTER CLUB, SE, 75.00; CITY EMPLOYEE, RE, 160.21; CITY EMPLOYEE, RE, 141.96; CENTURYLINK, SE, 311.98; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 87.14; CITY EMPLOYEE, RE, 81.72; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 1850.15; DGR & ASSOCIATES, SU, 765.00; CITY EMPLOYEE, RE, 70.38; EAKES OFFICE PLUS, SU, 749.75; ECHO GROUP, SU, 200.59; EMERITUS, RE, 240.00; FIREMEN FIRE SCHOOL, RE, 688.00; FIRST CONCORD GROUP, SE, 3701.94; FREDRICKSON OIL, SE, 175.00; GRAHAM TIRE, SU, 946.32; GROSSENBURG IMPLEMENT, SU, 747.30; CITY EMPLOYEE, RE, 12.75; HUBER TECHNOLOGY,

SU, 244.00; JEO CONSULTING GROUP, SE, 760.00; CITY EMPLOYEE, RE, 5161.53; KELLY MEYER, SU, 959.20; KNOEPFLER CHEVROLET, SU, 281.72; KRIZ-DAVIS, SU, 74.71; L.G. EVERIST, SE, 639.03; MALTZ SALES CO, SE, 1261.38; MICHAEL TODD & CO, SU, 202.51; MIRIAN AGUIRRE, SE, 100.00; NATIONAL LEAGUE OF CITIES, FE, 1117.00; NE NEB INS AGENCY, SE, 63158.00; NE SAFETY COUNCIL, SE, 130.34; NORFOLK IMPLEMENT, SU, 82.44; NORTHEAST COMM COLLEGE, FE, 98.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 3932.00; NORTHWEST ELECTRIC, SE, 582.58; OLSSON ASSOCIATES, SE, 11641.28; ORIENTAL TRADING CO, SU, 100.40; OVERHEAD DOOR COMPANY, SE, 191.00; CITY EMPLOYEE, RE, 288.31; QUILL, SU, 85.65; REGIONAL CARE, FE, 50.00; RON'S RADIO, SU, 895.25; STADIUM SPORTING GOODS, SU, 601.36; STATE NATIONAL BANK, RE, 100.79; TOM'S BODY & PAINT SHOP, SU, 64.00; UNITED WAY, RE, 12.40; VERIZON, SE, 227.97; VIAERO, SE, 207.55; WAYNE COUNTY COURT, RE, 400.00; AMERICAN BROADBAND, SE, 1434.18; CITY EMPLOYEE, RE, 202.38; BLACK HILLS ENERGY, SE, 184.95; BOMGAARS, SU, 1193.00; CARHART LUMBER, SU, 545.84; CHARTWELLS, SE, 5153.65; COPY WRITE, SE, 18.32; DOUG STURM, RE, 6195.40; EASYPERMIT POSTAGE, SU, 912.48; ED. M FELD EQUIPMENT, SE, 229.25; EISENBRAUN & ASSOC., SE, 682.50; ENGINEERED CONTROLS, SE, 740.00; FREDRICKSON OIL, SE, 79.95; GAYLORD BROS, SU, 78.97; GEMPLER'S, SU, 132.30; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 498.04; CITY EMPLOYEE, RE, 238.19; HD SUPPLY WATERWORKS, SU, 5281.84; HOLIDAY INN ""MIDTOWN"", SE, 380.00; INDUSTRIAL CHEM LABS, SU, 924.21; IRS, TX, 4446.01; JOHNNY P LEMPKE, SE, 146.00; KELLY SUPPLY, SU, 285.71; KRIZ-DAVIS, SU, 3855.30; L.G. EVERIST, SU, 617.10; LAMAR ADVERTISING, RE, 7500.00; LAUREL ADVOCATE, SU, 27.50; MAEDC, FE, 125.00; MARRIOTT HOTELS, SE, 2856.00; MAXIMUM SOLUTIONS, SU, 449.95; MERIT MECHANICAL, SU, 395.00; MICHAEL TODD & CO, SU, 647.05; NE DEPT OF REVENUE, TX, 690.37; NE FOREST SERVICE, FE, 10.00; ONE CALL CONCEPTS, SE, 20.85; PIEPER & MILLER, SE, 3532.00; SKARSHAUG TESTING, SE, 138.47; STATE NATIONAL BANK, SE, 60.32; STEFFEN, SU, 46.46; UNITED COMMUNICATIONS, SU, 192.00; VERIZON, SE, 101.93; VOSS LIGHTING, SU, 459.00; WAYNE COMMUNITY HOUSING, RE, 531.30; WAYNE COUNTY CLERK, SE, 138.00; WAYNE HERALD, SU, 46.00; WESCO, SU, 886.08; WESTERN ENVIRONMENTAL, SU, 208.25; ZACH OIL, SU, 5496.12

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, 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.

Discussion took place regarding a request to amend the Wayne Municipal Code to allow poultry within the corporate limits of Wayne.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen to amend the Wayne Municipal Code to allow poultry within the corporate limits of Wayne.

Councilmember Alexander pointed out that this matter was brought before Council a couple of years ago and was denied. He was not in favor of allowing farm animals living inside city limits. There is difference between domestic animals and farm animals.

Councilmember Ley stated she did not have a problem with this, because this is the City of the Chicken Show.

Councilmember Sievers and Haase also were not in favor of this proposed amendment to the code. Councilmember Sievers asked if there was going to be a limitation on the number of chickens a person could keep, whether they needed to be put in a pen, and if they would need to be registered, like cats and dogs.

Councilmember Ley suggested the City do as they did recently with allowing four-wheel all-terrain vehicles to be driven inside city limits, and if a problem arises, the City Code can be changed back. Councilmember Van Delden agreed.

Kevin Jurotich was present and spoke in favor of amending the code.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander, Sievers and Haase who voted Nay, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, 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 Cale Giese, Jim Van Delden, Dale Alexander, Ken Chamberlain, Nick Muir, Kaki Ley, Jennifer Sievers, 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.

Member Van Delden made a motion, which was seconded by Member Chamberlain, to approve the minutes of the March 19, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the next item on the agenda was to approve the following CDA claims:

Advanced Consulting Engineering Services – Western Ridge Re-plat - \$1,306.00
Wayne Rentals – Incentive Loan - \$35,000.00

Member Chamberlain made a motion, which was seconded by Member Sievers, to approve the CDA 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 the consideration and adoption of CDA Res. 2013-5 recommending approval of a Redevelopment Contract (Progressive Property Inspections, LLC) for

509 Nebraska: Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska; and
520 Nebraska: Lot 12, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska.

Mike Bebee was present wanting to know the specifics of this project. His concerns with this project were parking, traffic flow, maintenance of the alley, and installation of stop signs. He thought those issues needed to be addressed before this project went any farther.

Joel Hansen, Zoning Administrator, advised the Council that multi-family dwellings are a permitted use in this zoning district (R-3). The requirements are one parking space per bedroom.

Kelby Herman was present to answer questions. He did not have a site plan of this project. He advised the Council that the alley behind 520 Nebraska Street is paved. There will be some terrace parking and in the back of the lot. All of the parking will be paved. Setbacks will be similar to the other houses in the block. There will be rock with landscaped edging. The structure will look similar to the one he has just built on First Street. Mr. Herman stated he would be open to installing visual barrier fences from the back of the building to the property line. There will be 3 two bedroom and 2 three bedroom apartments in each building.

Administrator Johnson wanted to clarify bidding out any work being done using TIF funds (water, sewer, street). Some of the other things the CDA did not talk about,

and he didn't think the intent was, to include site prep, concrete work, etc., as part of the bidding process. This will make these projects more complicated if that was the intent.

Member Chamberlain recommended bringing forward a list of the items that TIF can be used for and the Council can go through them individually and try and decide what is best to have bid out.

Member Brodersen stated before they approve TIF financing on any project, she would like to have something visual to review, so they can determine what impact the building or structure will have on the surrounding neighborhood or area.

Member Chamberlain introduced CDA Resolution 2013-5 and moved for its approval, with the requirement that there be a 6' privacy fence installed to cover the parking portion; Member Alexander seconded.

CDA RESOLUTION NO. 2013-5

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN FOR PROGRESSIVE PROPERTY INSPECTIONS, LLC, DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

Member Sievers requested Mr. Herman to e-mail the CDA a document showing what the project will look like.

Louis Bencoter was present and stated if the bidding requirement was a stipulation placed upon him, it should also be a stipulation placed upon Progressive Property Inspections, LLC.

Attorney Miller advised the CDA that as of now and based upon what the Council's decision was at the last meeting, anything that is going to be paid for using TIF funds has to be bid out.

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Brodersen who voted Nay, the Chair declared the motion carried.

The next item on the agenda was CDS Res. 2013-6. This Resolution is needed to issue the tax increment financing bond for Angel Acres, which is the next step in the process.

Member Chamberlain introduced CDA Resolution 2013-6 and moved for its approval; Member Brodersen seconded.

CDA RESOLUTION NO. 2013-6

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS — BENSCOTER, INC., ANGEL ACRES PROJECT.

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

Member Van Delden made a motion, which was seconded by Member Giese, 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.

The Mayor stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a Resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) — Progressive Property Inspections, LLC:

509 Nebraska: Lot 4 and the 8 feet of vacated alley adjacent thereto, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska; and

520 Nebraska: Lot 12, Block 6, North Addition to the City of Wayne, Wayne County, Nebraska.

The Clerk reported that notice of the public hearing had been published in the Wayne Herald on March 14, and 21, 2013, and that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: Mike Bebee and Kelby Herman.

All persons desiring to be heard and having been heard, the Mayor closed the public hearing.

Councilmember Alexander then introduced Resolution No. 2013-29 and moved for its passage and approval, with the requirement that a fence be installed, and that any work being done using TIF funds be bid out.

RESOLUTION NO. 2013-29

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS.

Councilmember Van Delden seconded the motion.

Councilmember Brodersen stated if she going to approve a “Redevelopment Plan”, she would like to see a plan. She wants more information. Councilmember Giese agreed. He wanted to see this Resolution tabled.

On roll call vote, the following Councilmembers voted in favor of the motion: Van Delden, Haase, Alexander, Muir, and Sievers. The following Councilmembers voted against said motion: Giese, Brodersen and Ley.

The passage of Resolution No. 2013-29 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2013-29 passed and, in the presence of the Council, signed and approved Resolution No. 2013-29. The Clerk attested to the passage of Resolution No. 2013-29 by signing the same and affixing the seal of the City to Resolution No. 2013-29.

Mayor Chamberlain declared the time was at hand for the public hearing on the Application for the Nebraska Affordable Housing Program Grant for Angel Village.

Nancy Braden, Finance Director, stated this grant will be for \$579,000, of which \$60,000 will be used for acquisition, \$440,000 for housing rental/new construction, \$44,000 for housing management, and \$35,000 for general administration. The total project will be \$2.9233 million. This application is one of three in the northeast area, and the District is very confident that we should get the award on this. The City is the applicant on behalf of Lou Benscoter. Mr. Benscoter is the sub-recipient.

Lou Benscoter was present to answer questions.

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

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

Councilmember Van Delden introduced Resolution No. 2013-30 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-30

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS.

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

Rich Robinson of Kirkham Michael was present regarding a Letter Agreement for additional professional design engineering services for the Wayne Windom Street Project. The fee for the same would be \$6,900. This project has been going on for a while. It started about 2 ½ years ago. The project is on Windom Street, from 7th Street south to Third Street. It involves the removal and replacement of paving, water main, storm sewer and sidewalks. This letter agreement is to implement and complete the environmental documentation (hazardous materials memo) for this project, which is a new requirement since the project started.

This does not include construction engineering costs, which could range in the neighborhood of \$70-80,000.

The hope is that this project will get done in the summer of 2014.

Councilmember Van Delden introduced Resolution No. 2013-31 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2013-31

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL DESIGN ENGINEERING SERVICES BETWEEN THE CITY OF WAYNE AND KIRKHAM MICHAEL FOR THE "WAYNE - WINDOM STREET IMPROVEMENT PROJECT."

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

Discussion took place on amending the housing construction loan incentives for builders. Mayor Chamberlain stated he was of the understanding that there were two incentives: (1) The \$20,000 construction loan incentives for builders or a \$30,000

housing loan being built by an owner, and (2) The \$5,000 loans per market rate apartment unit or single-family homes. He was under the impression that a builder could utilize two of each (total of 4 incentives). Nancy Braden, Finance Director, was under the impression that a builder could only use 2 incentives. He would like to amend the criteria to be that as soon as there is a certificate of occupancy, the builder can apply for another incentive.

A suggestion was also to change the time frame for paying back the construction loan from 4 years to 18 months.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to table action on Resolution No. 2013-32 amending the Housing Construction Loan Incentives for Builders. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, advised the Council that the limit has been reached on construction loan incentives - \$160,000. At this time, she is holding applications for another \$150,000. She recommended increasing the incentive pool to \$300,000. These funds come from the electric reserves.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to increase the amount allocated for construction loan incentives from \$160,000 to \$300,000. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who abstained, the Mayor declared the motion carried.

Administrator Johnson stated that the following Resolution would approve a Mutual Aid Agreement between the City of Wayne Fire Department and the Elkhorn Valley Mutual Aid Association.

Councilmember Ley introduced Resolution No. 2013-33, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2013-33

A RESOLUTION APPROVING MUTUAL AID AGREEMENT BETWEEN THE CITY OF WAYNE AND ELKHORN VALLEY MUTUAL AID ASSOCIATION.

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

Joel Hansen, Zoning Administrator stated the following Ordinances are those that were tabled several months ago, pending the sale of property to Robert Woehler & Sons Construction to relocate their concrete crushing business. In regard to Ord. 2013-1, Mr. Hansen recommended deleting the following wording from "General Industry": *or from raw materials*, for the reason that if you are considered "General Industry", you are not doing something with raw materials.

The purpose for these recommendations is to broaden the list of permitted uses in the Wayne Zoning Districts by adding these definitions to the list of specific permitted uses. Adding these four definitions would allow the Zoning Administrator additional discretion to approve permitted uses instead of simply checking the list of permitted uses in a zoning district.

This ordinance also specifically includes "concrete mixing and concrete manufacturing/crushing" in the definition of "Heavy Industry". This use is not currently defined in the Wayne Code. If this ordinance and the next six ordinances are approved, the use "Concrete

mixing and concrete manufacturing/crushing” would become a non-conforming use in all but I-1, I-2, and A-1 zoning districts and would require a Use by Exception Permit in the I-1 and A-1 zoning districts. A “Non-conforming Use” can continue to exist, but cannot expand beyond its current size at the time of final passage of the ordinance.

Councilmember Sievers introduced Ordinance No. 2013-1 and moved for approval thereof, and striking the words “or from raw materials” in General Industry; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-1

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

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

Councilmember Sievers made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2013-1. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Brodersen who voted Nay, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2013-2 and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-2

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE III. AGRICULTURAL DISTRICTS BY AMENDING SECTION 90-114 EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

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

Councilmember Muir made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-2. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2013-3 and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-3

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-482 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Giese made a motion and Councilmember Muir seconded to suspend the statutory rules requiring ordinances to be read by title on three different days.

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

Councilmember Giese made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2013-3. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, stated the following Ordinance would add Heavy Industrial to the I-1 Light Industrial and Manufacturing Zone. In addition, he requested that an additional Exception – 6) Agricultural Industry be added to Sec. 90-484 or Ordinance No. 2013-4.

Councilmember Giese introduced Ordinance No. 2013-4 and moved for approval thereof, and adding an additional exception — 6) Agricultural Industry thereto; Councilmember Muir seconded.

ORDINANCE NO. 2013-4

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-484 EXCEPTIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

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

Councilmember Giese made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2013-4. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Hansen stated the following Ordinance would add Agricultural Industry, Light Industry, General Industry, and Heavy Industry to the I-2 Heavy Industrial Zone.

Councilmember Brodersen introduced Ordinance 2013-5 and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-5

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VI. INDUSTRIAL AND MANUFACTURING DISTRICTS BY AMENDING SECTION 90-512 PERMITTED PRINCIPAL USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

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

Councilmember Brodersen made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2013-5. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Hansen asked Council to not act on Ordinance 2013-6. This was the ordinance that would have made Woehler's concrete crushing business a non-conforming use where they are currently located. After some research, staff determined that if this

ordinance would pass, it would mean everyone would have to comply with the zoning within the date that is set. This would mean if your house did not comply with the zoning setbacks, you would need to correct that. Ordinance No. 2013-6 died for lack of a motion.

In regard to the following Ordinance, Mr. Hansen stated the current code states all operations shall be carried on within an enclosed building. This obviously is not feasible for a concrete crushing operation, so staff is recommending adding the language "All operations, other than concrete crushing, shall be carried on within an enclosed building.

Councilmember Muir introduced Ordinance No. 2013-7 and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-7

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, BY AMENDING SECTION 90-714 PERFORMANCE STANDARDS FOR INDUSTRIAL USES, (b) LIMITED INDUSTRIAL PERFORMANCE STANDARDS, (1) PHYSICAL APPEARANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

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

Councilmember Muir made a motion and Councilmember Sievers seconded to move for final approval of Ordinance No. 2013-7. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Ordinance would place a stop sign at the intersection of Hillcrest Road and Walnut Street on the east edge of Wayne State College.

Councilmember Sievers introduced Ordinance No. 2013-22 and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2013-22

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-11 STOP SIGN LOCATIONS; EAST OF MAIN STREET, NORTH OF SEVENTH STREET; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Sievers made a motion to suspend the statutory rules requiring ordinances to be read by title on three different days. The same died for lack of a second. The second reading will take place at the next Council meeting.

Discussion took place on annexing property on the eastern side of Wayne, which would include the property being purchased by Robert Woehler & Sons Construction, Williams Farm, and the Airport. Councilmember Giese noted he would like to have a public hearing at some point and time about annexing all of the Industrial Park, Chief's Way, etc. Administrator Johnson stated if that is the desire of the Council, the next step would be to send the matter to the Planning Commission for consideration. No action was taken on the matter.

Councilmember Giese 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 7:37 p.m.

CLAIMS LISTING APRIL 16, 2013

AMERICAN BACKFLOW	DUES-J BRADY	70.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,500.29
APPEARA	LINEN & MAT SERVICE	161.72
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	161.27
BIG RED PRINTING, INC.	ENVELOPES	206.73
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	67.13
CITY EMPLOYEE	HEALTH REIMBURSEMENT	121.15
CITY OF NORFOLK	INSPECTIONS	307.56
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	200.00
CITY OF WAYNE	PAYROLL	77,566.88
CITY OF WAYNE	UTILITY REFUNDS	382.96
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
COPY WRITE PUBLISHING	OFFICE SUPPLIES	252.59
CRANE RENTAL & RIGGING	CRANE FOR VERTICLE SCREEN	1,265.00
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	87.00
DE LAGE LANDEN FINANCIAL	COPIER EQUIPMENT LEASE	394.00
ECHO GROUP INC JESCO	LIGHT BULBS	66.81
ELLIS PLUMBING & HEATING	REPAIR LEAKS AT CAC/CH	351.00
EMPLOYERS MUTUAL CASUALTY	WORK COMP	91.22
ENGINEERED FLUID, INC.	MECHANICAL SEALS	1,640.83
ERNEST E PING	LABOR-FIX LIGHTS BALLFIELD	65.00
ESRI	GIS SOFTWARE MAINTENANCE	2,350.00
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	542.65
GRAINGER, INC.	TEMP PROBE	57.05
GROSSENBURG IMPLEMENT INC	GARD/BALL JOINT/Drag LINK	96.58
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	13.90
HD SUPPLY WATERWORKS, LTD	WATER METERS	2,698.91
HEWLETT-PACKARD	COMPUTER	998.77
HIRERIGHT SOLUTIONS INC	COLLECTION FEE	20.00
HOLIDAY INN-DOWNTOWN	LODGING-J HANSEN	84.00
HUBER TECHNOLOGY INC	BRUSH/CABLE	1,311.00
ICMA RETIREMENT TRUST	ICMA RETIREMENT	8,145.92
IIMC	MEMBERSHIP FEE-B MCGUIRE	145.00
IRS	FEDERAL WITHHOLDING	31,180.77
J.P. COOKE COMPANY	CAT/DOG TAGS	137.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	82.61
KELLY MEYER	WEED PREVENTATIVE	959.20
KRIZ-DAVIS COMPANY	ELECTRIC METERS	2,262.06
KTCH AM/FM RADIO	RADIO ADS	1,427.32
LEAGUE OF NEBRASKA	REGISTRATION-L JOHNSON	95.00
MAIN STREET AUTO CARE	TOWING	90.00
MARRIOTT HOTELS	LODGING-G POUTRE	238.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	74.47
MIDLAND EQUIPMENT INC	BLADE KIT	129.89

MIDWEST LABORATORIES, INC	BOD TESTING	288.90
MURPHY TRACTOR & EQUIPMENT	BULB	44.60
NAPA OF WAYNE	AIRCHUCK	10.81
NE DEPT OF REVENUE	STATE WITHHOLDING	4,676.34
NEBRASKA ENVIRONMENTAL	TOW BAR	519.67
NEBRASKA U.C. FUND	UNEMPLOYMENT COMP	3,837.20
NMPP ENERGY	MEMBERSHIP DUES/REGISTRATION	2,147.50
NORFOLK DAILY NEWS	POLICE SERGEANT AD	156.54
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	13,024.70
OVERHEAD DOOR COMPANY	DOOR REMOTES	194.00
PAC N SAVE	AFTERSCHOOL SNACKS	48.42
PARTS ENGINEERING CO	VALVE/PLATE	104.54
PLUNKETT'S PEST CONTROL	PEST CONTROL	43.26
PRESTO X COMPANY	PEST CONTROL	105.18
CITY EMPLOYEE	VISION REIMBURSEMENT	137.99
QUILL CORPORATION	OFFICE SUPPLIES	91.76
ROTO ROOTER	PINE HIGHTS SEWER CAM	675.00
SAND CREEK POST & BEAM	TEMPERED GLASS	72.00
SHOPKO	CELEBRATION SUPPLIES/KLEENEX/COFFEE	79.45
SPARKLING KLEAN	JANITORIAL SERVICES/SUPPLIES	1,811.21
STADIUM SPORTING GOODS	JACKETS/APRONS/SHIRT	530.61
STATE NATIONAL BANK	SERIES 2010 BAN'S INTEREST	5,162.50
STEFFEN INC.	CABLE	52.52
US BANK	LODGING/REGISTRATIONS/FAX/BACK UPS	5,835.84
WAYNE COMMUNITY SCHOOLS	YEARBOOKS	67.00
WAYNE HERALD	ADS AND NOTICES	1,650.54
WAYNE VETERINARY CLINIC	CAT & DOG IMPOUNDS	126.00
WESCO DISTRIBUTION INC	ARRESTER	943.16
WESTERN AREA POWER ADMIN	ELECTRICITY	32,282.44

DELETE FROM CLAIMS LIST 4/2/13

STADIUM SPORTS - PATCHES/JACKET/APRON/SHIRT \$601.36

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Wayne has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, Ken Chamberlain, Mayor of the City of Wayne, Nebraska, do hereby proclaim

April 26, 2013, as ARBOR DAY

in the City of Wayne, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and to support our City's urban forestry program.

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 16th day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Ken Chamberlain, Mayor

ATTEST:

City Clerk

**CITY OF WAYNE
OFFICE OF THE MAYOR**

Proclamation

WHEREAS, the Office of the Municipal Clerk, a time-honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

WHEREAS, the Municipal Clerk has pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, the Municipal Clerk continually strives to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county, and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the office of Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED that Lois Shelton, Mayor of the City of Wayne, Nebraska, does hereby proclaim May 5 - May 11, 2013, as

"Municipal Clerk's Week"

and further extends appreciation to our Municipal Clerk, Betty McGuire, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Given under my hand and the Seal of the City of Wayne this 16th day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Ken Chamberlain, Mayor

ATTEST:

City Clerk

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

DATE: April 9, 2013

TO: Mayor Chamberlain
Wayne City Council

FROM: Wayne Planning Commission
Joel Hansen, Staff Liaison



At their special meeting held on April 8, 2013, the Wayne Planning Commission made a recommendation on a public hearing; the result of that recommendation is as follows:

Public Hearing: Benscoter Addition PUD Replat 2

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 Sweetland to approve and forward a recommendation of approval to the City Council for the Benscoter Addition PUD Replat 2, with the findings of fact being, consistency with the comprehensive plan, the current and future land use map, and staff's recommendation. Vice-Chair Brogie stated the motion and second. Roll call vote: Commissioner Carstens – aye; Commissioner Giese – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Braun – aye; Commissioner Sweetland - aye; and Vice-Chair Brogie – aye. Vice-Chair Brogie declared the motion carried unanimously.

JJH:cb

RESOLUTION NO. 2013-34

**A RESOLUTION APPROVING THE BENSCOTER ADDITION
PLANNED UNIT DEVELOPMENT REPLAT 2.**

WHEREAS, the Planning Commission, upon review of the Bencoter Addition Planned Unit Development Replat 2, on April 8, 2013, recommended approval thereof subject to the following "Findings of Fact":

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Bencoter Addition Planned Unit Development Replat 2, be approved subject to the recommendations of the Planning Commission.

PASSED AND APPROVED this 16th day of April, 2013.

CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2013-22

AN ORDINANCE AMENDING CHAPTER 78, ARTICLE I, SECTION 78-11 STOP SIGN LOCATIONS; EAST OF MAIN STREET, NORTH OF SEVENTH STREET; 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 78, Article I, Section 78-11 of the Wayne Municipal Code is amended to read as follows:

Sec. 78-11. Stop sign locations; east of Main Street, north of Seventh Street.

- a) Stop signs are established at the following locations in the city:
1. Main Street at the east approach of East 10th Street.
 2. Main Street at the east approach of East 9th Street.
 3. Main Street at the east approach of East 8th Street.
 4. East 21st Street at the south approach of Claycomb Road.
 5. Lindahl Drive at the south approach of Walnut Street.
 6. East 10th Street at the south approach of Logan Street.
 7. East 10th Street at the south approach of Nebraska Street.
 8. East 10th Street at the north and south approaches of Walnut Street.
 9. East 10th Street at the north approach of Lilac Lane.
 10. East 10th Street at the south approach of Pine Heights Road.
 11. East 10th Street at the north approach of Hillcrest Road.
 12. East 9th Street at the north approach of Walnut Street.
 13. East 7th Street at the north approach of Logan Street.
 14. East 7th Street at the north approach of Nebraska Street.
 15. East 7th Street at the north approach of Windom Street.
 16. East 7th Street at the north approach of Walnut Drive.
 17. East 7th Street at the north approach of Pine Heights Road.
 18. East 7th Street at the north approach of Providence Road.
 19. East 7th Street at the north approach of Hillside Drive.
 20. East 7th Street at the north approach of Centennial Road.
 21. Logan Street at the east and west approaches of East 9th Street.
 22. Logan Street at the east and west approaches of East 8th Street.
 23. Nebraska Street at the east and west approaches of East 9th Street.

24. Windom Street at the east and west approaches of East 10th Street.
25. Windom Street at the east and west approaches of East 9th Street.
26. Windom Street at the east and west approaches of East 8th Street.
27. Pine Heights Road at the west approach of East 9th Street.
28. Providence Road at the east and west approaches of East 10th Street.
29. Providence Road at the east and west approaches of Sunnyview Drive.
30. Providence Road at the west approach of Poplar Street.
31. Centennial Road at the west approach of East 14th Street.
32. Walnut Street at the east approach of Hillcrest Road.

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 the passage, approval, and publication or posting as provided by law.

PASSED AND APPROVED this 16th day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-35

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING CONTRACT WITH LIQUID ENGINEERING CORPORATION FOR POTABLE WATER RESERVOIR MAINTENANCE SERVICES.

WHEREAS, a long-term proposal (15 years) or maintenance contract has been received from Liquid Engineering Corporation for potable water reservoir services; and

WHEREAS, said proposal has been reviewed by city staff; and

WHEREAS, city staff is recommending that said long-term maintenance contract proposal of Liquid Engineering Corporation for \$23,575.00 be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the proposal or maintenance contract of Liquid Engineering Corporation, as submitted and filed with the City Clerk, be and the same is hereby approved, and that the Mayor is hereby instructed and authorized to sign said agreement or maintenance contract on behalf of the City of Wayne, Nebraska.

PASSED AND APPROVED this 16th day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



Fax – (406) 651-0120

Proposal Number
44682

Please reference the
Proposal Number above on
all Purchase Orders issued.

Scope of Work – Potable Water Reservoir Maintenance Contract

This Potable Water System Proposal is made this date, by and between City of Wayne of the state of Nebraska, (hereinafter "Client") and Liquid Engineering Corporation, of Billings, MT, (hereinafter "LEC"). LEC will provide all labor, specialty equipment and insurance to professionally evaluate your facilities.

In-Service Inspection

Interior and exterior inspections will review structural, sanitary, safety, security and any installed coating conditions. Reporting will be provided based on water tank inspection criteria, referencing applicable OSHA, EPA, AWWA, TCEQ and NFPA requirements. Minimum items examined will include ladders, shell, roof, vent, manways, welds, seams, foundation, anchors, safety systems, hatches, external overflow and plumbing.

Underwater interior video documentation will be completed with real-time closed circuit high-resolution color underwater video equipment. All pertinent findings will be recorded on DVD format (including dive maintenance technician's findings and narrative summary).

Services will include detailed interior video documentation of the potable water tank(s) / clearwell(s) as described on page two (2).

Underwater Operations – All Dive Maintenance Technicians and associated in-tank equipment are fully disinfected in accordance with AWWA Standard C652-02. All system entries will be conducted in accordance with applicable OSHA regulations pertaining to Diving and Confined Space; including 1910.401 thru 1910.441. Specialty equipment may include but is not limited to; appropriate OSHA climbing and personal fall protection, AWWA and ADC approved commercial diving equipment dedicated to in-service potable water operations.

In-Service Cleaning

In-service removal of accumulated bottom sediment is accomplished using LEC's proprietary HydroDyne™ cleaning equipment. Normal cleaning prices provided include removal of sediment accumulations up to the first two inches (2") in depth or cubic yards given on reservoir information breakout.¹ Material that cannot be vacuumed with LEC's HydroDyne™ (e.g., concrete, gravel, misc. materials or compact sediment requiring the use of a hand nozzle), is considered debris. Cleaning includes up to one hour of debris removal per tank at no additional charge.²

For normal cleaning operations client shall make available an approved discharge location (sewer, cofferdam, etc.) within 300' of the reservoir access hatch. (Site-specific discharge recommendations can be provided by LEC upon request).

Deliverable – Prioritization Schedule

The deliverable provided on site will consist of LEC's checklists, summary recommendations and Immediate Needs Assessment™, which documents discrepancies that require urgent action, and is supplemented by the interior DVD documentation.



Proposal Number
44682

Please reference the
Proposal Number above on
all Purchase Orders issued.

Assumptions - Based upon information obtained via the systems interview conducted for your facility, the following assumptions were made. Should conditions vary from those stated, additional charges could apply.

- Prior to arrival, and during underwater operations, water level in tanks/clearwells to remain full.³
- Client's Point-of-Contact will be available for access, as well as authorization of any additional requested work.
- Facilities are accessible with LEC's standard truck/trailer combo (overall length – Crew Cab = 23' / Trailer = 22').⁴
- Access into tanks/clearwells are sufficient for man entry (i.e. 24" dia), with no obstructions in the hatchway.
- Exterior inspections will be performed from the ground, installed ladders, and exterior roof while utilizing installed ANSI & OSHA-certified personal fall protection equipment, without additional scaffolding or rigging.
- There are no special discharge requirements (i.e. long distances / permits).

Miscellaneous

All services provided by LEC will be completed in a professional workmanlike manner according to the Terms and Conditions of this Proposal. Any alteration or deviation from the Terms and Conditions of this Proposal, or additional services, involving additional costs, will be completed only upon written authorization by Client or Client's Authorized Representative.

This Proposal is contingent upon weather, delays or other matters beyond LEC's control. Client will carry fire, tornado, and other necessary insurance. LEC will provide all other required insurance coverage, including, but not limited to, General Liability, Employer Liability and Workmen's Compensation Insurance during all operations (certificate of insurance available upon request).

Term of Contract

LEC agrees to provide the scheduled potable water tank or clearwell maintenance services described above on a revolving basis as stated below, starting in 2013 until the expiration of this Contract, in 2028.

This Contract will provide for seven (7) scheduled maintenance dispatches to be completed in calendar years 2013, 2017, 2018, 2022, 2023, 2027 and 2028. [Scheduling will be coordinated each maintenance year to provide a mutually acceptable timeframe.]

Tank Group 1 Information

<u>Tank</u>	<u>Capacity</u>	<u>Dimensions</u>	<u>Type</u>	<u>Cubic Yards Included</u>
Tower	500,000	100' to the top	Steel welded - elevated	22 (2 inches)

Tank Group 2 Information

<u>Tank</u>	<u>Capacity</u>	<u>Dimensions</u>	<u>Type</u>	<u>Cubic Yards Included</u>
Standpipe	750,000	90' high x 38' dia	Steel welded -- o/g	6 (2 inches)



Proposal Number
44682

Please reference the
Proposal Number above on
all Purchase Orders issued.

Maintenance Dispatch Year	Tank / Group	Unit Cost – Clean & Inspect
2013 / 2018 / 2023 / 2028	1 (Tower)	\$ 2,950.00 / Dispatch
2017 / 2022 / 2027	2 (Standpipe)	\$ 3,925.00 / Dispatch
Total Cost – Maintenance Contract		\$ 23,575.00

Pricing above does not include Local, State or Franchise Taxes - if any.

(Prior written approval will be obtained from Client's Authorized Representative for any additional charges outside the Scope described herein).

- Bottom sediment in excess of two inches or cubic yards stated above will be removed at \$42.00 per cubic yard.
- Debris removal in excess of one hour per tank will be charged at a rate of \$425.00 per hour
- Unscheduled delays, which are a direct result of the utility's obligations (i.e. access and water level), may incur standby charges.
- Access requiring portable set-up (i.e. truck only), will incur an additional setup/tear-down charge.

This Proposal, when executed by both parties, shall constitute a binding agreement between the parties. The persons signing on behalf of Client and LEC hereby represent and certify that they are fully empowered to bind the respective parties to this Contract. Client acknowledges that payment is due and payable **Net 30 upon completion of on site work**. Progress billing will be applied on any contract whose duration is longer than ten (10) days. A finance charge on past-due accounts is computed at a periodic rate of 1.5% per month, which is an annual percentage rate of 18%.

In the event Liquid Engineering Corporation is required to bring suit to enforce its rights under this Agreement, to collect any and all payments due and owing under this Agreement, or to otherwise determine, protect or enforce its rights and remedies under the Agreement or at law or equity, Liquid Engineering Corporation will be entitled to recover from the client its reasonable attorney's fees, expert fees, costs and expenses incurred in connection therewith.

City of Wayne
P. O. Box 8
Wayne, NE 68787

LIQUID ENGINEERING CORPORATION
P.O. Box 80230
Billings, MT 59108
(800) 438-2187 Voice / (406) 651-0120 Fax

Accepted & Agreed per Costing Breakdown
Attached hereto and by Reference Included herein

By: _____

By:  - Fred Muller

Title: _____

Title: Vice President - Operations

Date: _____

Date: January 21, 2013

Note: This proposal may be withdrawn if not accepted within 90 days from the above LEC signature date.

LIQUID ENGINEERING CORPORATION

REFERENCES

City of Bloomfield Bloomfield, NE	Mr. David Stark	402-373-4396
City of Deshler Deshler, NE	Mr. Ron Apfelbeck	402-365-4260
City of O'Neill O'Neill, NE	Mr Curt Kizzire	402-336-3350
City of Randolph Randolph, NE	Mr. John Huff	402-337-0567
City of Sidney Sidney, NE	Mr Bill Taylor	308-254-5464
City of Stanton Stanton, NE	Mr. Ron Klinetobe	402-439-2115
City of Superior Superior, NE	Mr. Brad Erickson	402-879-3415
City of Wayne Wayne, NE	Mr Jeff Brady	402-375-5250
Farmland Foods Crete, NE	Mr Tim Richtig	402-826-8813
Lancaster Rural Water #1 Bennet, NE	Mr Ken Halvorsen	402-782-3495

Additional References Available Upon Request

RESOLUTION NO. 2013-36

A RESOLUTION OF THE CITY OF WAYNE ESTABLISHING SEWER HOOK-UP FEES FOR THE “KARDELL SANITARY SEWER EXTENSION” WHICH IS THAT SECTION OF THE CITY OF WAYNE SANITARY SEWER LINE EXTENDING FROM MANHOLE 9, SECTION 40 OF THE CITY SANITARY SEWER SYSTEM AND EXTENDING EAST AND SOUTH THROUGH KARDELL INDUSTRIAL PARK, TO AND ACROSS NEBRASKA HIGHWAY 35, AND ALL PRESENT AND FUTURE KARDELL SANITARY SEWER LINE EXTENSIONS AND INDIVIDUAL SEWER HOOK-UPS TO AREAS EAST OF THE CORPORATE LIMITS OF THE CITY AND ON BOTH THE NORTH AND SOUTH SIDES OF NEBRASKA HIGHWAY 35.

WHEREAS, Section 18-2123 R.R.S provides that a Development Agency may acquire undeveloped land when the same is essential to the proper clearance or redevelopment of an area; and

WHEREAS, the governing body of the City of Wayne has determined that the areas to be served by the existing and future city sanitary sewer extension described herein is necessary for the proper economic development of an area within the two-mile zoning jurisdiction of the City of Wayne; and

WHEREAS, the governing body has determined that it is in the best interests of the City and the Agency to extend sanitary sewer service to the areas described; and

WHEREAS, this sanitary sewer extension will also front other properties that will benefit from this utility extension; and

WHEREAS, a utility extension district is not created to finance these extensions; and

WHEREAS, this sanitary sewer extension will be owned and maintained in perpetuity by the City of Wayne; and

WHEREAS, the City desires to reimburse the City of Wayne Sewer Utility System fairly and completely for the sanitary sewer extensions herein described and constructed with City Sewer Utility funds; and

WHEREAS, the City desires to establish sewer hook-up fees for the Kardell Sanitary Sewer Extension based on a fair and equitable allocation of the costs of the “Kardell Sanitary Sewer Extension” herein described.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. The governing body of the City of Wayne adopts the LF (linear feet of property frontage) method in Attachment A, KARDELL SANITARY SEWER EXTENSION HOOK-UP FEES and HOOK-UP FEE CALCULATION FORMULA as calculated by Olsson Associates, to be used to determine the sanitary sewer hook-up fees for all properties to be served by the Kardell Sanitary Service Extension.

Section 2. The City Clerk will attach a copy of this signed Resolution with the title of each real estate property located east of Centennial Road North and Centennial Road South, west of South Logan Creek Dredge and south of 14th Street and its extension east of county road right of way.

PASSED AND APPROVED this 16th day of April, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Force Main (Total)	\$32,910.00
Lift Station (Total)	\$88,610.00
Gravity Main and Manholes (Constructed)	\$44,885.00
Gravity Remaining (Estimated)	\$189,200.00
total	\$348,105.00

Force Main per LF	\$2,223
Lift Station per LF	\$8,629
Gravity Constructed per LF	\$432
Gravity Remaining per LF	\$17,791

Force Main per AC	\$383.91
Lift Station per AC	\$978.04
Gravity Constructed per AC	\$489.90
Gravity Remaining per AC	\$2,110.38

Project Name	Based on LF Force Main	Based on LF Lift Station	Based on AC Lift Station	Based on LF Gravity Constructed	Based on AC Gravity Constructed	Based on LF Gravity Remaining	Based on AC Gravity Remaining	Based on LF Total	Based on AC Total
Capital Investment Group Inc. (Constructed)	\$972.96	\$3,235.19	\$4,850.18	1,620.51	\$2,490.50	6,980.79	\$10,551.88	\$12,709.45	\$19,211.07
Capital Investment Group Inc. (Constructed)	\$222.07	\$822.97	\$1,013.91	412.23	\$1,538.69	1,775.78	\$6,442.16	\$2,233.05	\$11,910.89
Robert Suptel (Not Constructed)	\$1,500.08	\$5,783.85	\$10,562.78	2,897.15	\$5,290.93	12,480.22	\$22,792.05	\$8,700.96	\$41,595.96
Rectifal (Not Constructed)	\$563.29	\$2,087.55	\$3,612.89	1,495.66	\$4,037.19	4,596.46	\$17,395.08	\$6,207.47	\$31,598.21
Mills Manor (Lot 3, 2nd Phase of Tompkins Industrial) Tract #1 Subdivision	\$578.55	\$2,144.09	\$2,798.50	1,073.98	\$1,371.72	4,695.45	\$5,999.05	\$4,202.75	\$17,694.44
Mills Manor (Lot 4, 2nd Phase of Tompkins Industrial) Tract #1 Subdivision	\$437.34	\$1,620.76	\$1,956.07	811.84	\$972.80	3,497.23	\$4,202.75	\$3,165.56	\$6,978.15
Lot 1, 2nd Phase of Tompkins Industrial) Tract #1 Subdivision	\$475.34	\$1,762.31	\$1,407.05	882.75	\$734.85	3,862.67	\$4,488.45	\$3,478.15	\$13,379.37
Lot 2, Kendall Industrial Park Subdivision	\$1,611.81	\$6,774.35	\$8,891.32	3,563.34	\$4,409.11	14,488.45	\$18,993.38	\$18,344.15	\$36,034.54
Future Gravity Sweet Phases	\$2,254.52	\$9,462.82	\$16,424.82	23,240.72	\$17,452.48	100,154.27	\$74,707.28	\$70,863.84	\$149,186.40
Future extension south of Chief's Way	\$4,863.25	\$18,033.09	\$31,518.85	9,027.82	\$6,270.73	38,885.69	\$57,032.80	\$191,205.00	\$388,705.00
Total	\$10,707.07	\$33,910.00	\$88,610.00	\$44,385.00	\$44,385.00	\$191,205.00	\$191,205.00	\$398,105.00	\$398,105.00

Force Main (Total)	\$32,910.00
Lift Station (Total)	\$88,610.00
Gravity Main and Manholes (Constructed)	\$44,885.00
Gravity Remaining (Estimated)	\$189,200.00
total	\$348,105.00

Force Main per LF	\$2,223
Lift Station per LF	\$8,629
Gravity Constructed per LF	\$432
Gravity Remaining per LF	\$17,791

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Lift Station per AC	\$978.04
Gravity Constructed per AC	\$489.90
Gravity Remaining per AC	\$2,110.38

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City of Wayne
CDA Claims List
April 16, 2013

4/2/13	Windom Ridge – incentive loan	13,495.39
4/2/13	Windom Ridge – incentive loan	20,000.00
4/2/13	Pieper Miller Trust – incentive loan	6,504.61
4/2/13	Homestead Homes – incentive loan	20,000.00

WAYNE MUNICIPAL AIRPORT AUTHORITY

March 11, 2013

7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Wayne Municipal Airport Pilots Lounge on the above date and time by Chairman Mitchell Nissen. The following members were present: Mitchell Nissen, Jerome Conradt, Todd Luedeke and David Ley. Also, attending the meeting were Nancy Braden Treasurer, Dawn Navrkal, Tom Becker FBO & Airport Manager, Karma Schulte, Kyle Dahl Airport Authority Attorney, Clay Bode, Norman Slama, Dave Zach, Jessie Kaufman, Dana Tompkins and a representative of Harmore (Allen Soll)

Luedeke moved and Conradt 2nd to accept the Minutes. Roll was called with the following results: Yeas: Nissen, Conradt, Luedeke and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Conradt 2nd to accept the Claims as presented March 11, 2013. Roll was called with the following results: Yeas: Nissen, Conradt, Luedeke and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Luedeke 2nd that we accept the Audit of the Wayne Municipal Airport by Almquist Maltzahn Galloway and Luth CPA Firm dated September 30, 2012. Roll was called with the following result: Yeas: Nissen, Luedeke, Conradt and Ley. Nays: None. The Chairman declared the motion carried.

Luedeke moved and Conradt 2nd to table the jet fuel program proposal until the Authority has more requests and commitments for jet fuel. Roll was called with the following results: Yeas: Nissen, Luedeke, Conradt and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Luedeke 2nd that we enter into a land lease with Har-Mor after all stipulations are agreed on and the Authority have reviewed it at their regular meeting. Yeas: Nissen, Luedeke, Conradt and Ley. Nays: None. The Chairman declared the motion carried.

It was decided to wait till after construction of new hanger to consider improvement to the hanger approaches.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal actions on these matters were needed.

There being no further business Conradt moved and Luedeke 2nd that the meeting be adjourned. All voting in the affirmative the meeting was adjourned.

David R. Ley
Secretary