

(Amended: 10/14/13)

**AGENDA
CITY COUNCIL MEETING
October 15, 2013**

1. Approval of Minutes – October 1, 6 and 10, 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. Action on Recommendation from the LB840 Economic Development Advisory Committee Regarding the Request of the City of Wayne for \$500,000 in LB840 Funds to be used for Emergency Business Loans in the Tornado Disaster Recovery

Background: At an emergency joint meeting of the City Council and the Wayne Business and Industries Committee on Thursday, we discussed establishing an emergency loan for companies damaged by the tornado. After this joint meeting, the LB840 Citizens Sales Tax Advisory Committee met to consider a request by the Mayor to set aside \$500,000 in future local option sales tax receipts to establish an emergency assistance loan fund for companies damaged by the tornado on October 4th.

Recommendation: The recommendation of the Committee is to approve \$500,000 to be loaned on a first-come first-serve basis during a set application period to businesses damaged in the tornado zone. The size of the loans would be made on a pro-rated basis of the companies' annual payroll, with a maximum of \$250,000 per company. The loans would be at 0% interest. An additional recommendation proposed but not adopted by the Committee is for a loan term of 15 years.

4. Action to Waive the Building Permit Fees and Inspection Deposits for those affected in the Tornado Area and Related to Storm Damage Only

Background: There will be a lot of rebuilding underway soon in the tornado zone. It was suggested that building permit and inspection deposits be waived in this area. The amount of dollars in play is not large but it would be a small assistance to cash flow and a gesture of appreciation. Only the Council can waive these fees, and the Mayor asked to have this placed on the agenda for Council consideration.

Recommendation: There is no staff recommendation for this agenda item.

5. Ordinance 2013-48: Releasing and Abandoning an Easement Located on North Pearl Street, being 80-feet wide and 180-feet long abutting on Block 5 and Block 6, College Hill Addition to the City of Wayne, Wayne County, Nebraska (Third and Final Reading)

6. Action on Pay Application No. 4 (Final) in the amount of \$_____ to Steve Harris Construction, Inc., for the 10th Street, Main to Windom Improvement Project

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

Background: When Nebraska established state highways in the 1920's and '30's, Wayne County and the City of Wayne ceded ownership of the entire right-of-way from building front to building front for Main Street. In 1954, the NDOR relocated Highway 35 from north of Fredrickson Oil to 7th Street in Wayne, and the City of Wayne ceded all ownership of the street right-of-way to the State. This annual Maintenance Agreement establishes that NDOR will do all of the maintenance and repair of the highway, but the City is responsible for the costs of the urban extra lane in the middle. In this renewal, Wayne agrees to pay NDOR \$3,150 per year for the State to take care of the center lane, and the City also agrees to maintain the city terraces along the streets and highway ditches that are in the city limits.

Recommendation: This is the standard agreement used by all Cities of the First Class in Nebraska. The recommendation of Joel Hansen, Street Superintendent, is to renew the agreement.

8. Resolution 2013-108: Approving Agreement with Northeast Nebraska Economic Development District to Conduct a Blight Study

Background: There is a 3-week period between this Council meeting and the November 5th regular City Council meeting. This action establishes the cost - \$775.52 and authorization of a possible future blight determination study. It is on the agenda in anticipation of a possible future TIF agreement. Time is of the essence for all companies damaged by the tornado.

At an emergency joint meeting of the City Council and the Wayne Business and Industries Committee on Thursday, we discussed a possible TIF incentive to a company in the tornado zone that was destroyed to help them rebuild here. The steps to do this are many, and this agreement is one of those steps if the company wants to move forward. All of the many steps required to offer Tax Increment Financing to this company will require Council approval.

Recommendation: The recommendation of Lowell Johnson, City Administrator, and Wes Blecke, Executive Director of WAED, is to approve the agreement to be activated as needed by the Mayor.

9. Resolution 2013-109: Accepting a Plan to Extend City Services and Setting a Public Hearing on the Proposed Annexation Area (Pacific Coast, Williams Form & Robert Woehler & Sons Construction Properties) November 5, 2013, at or about 5:30 p.m.

Background: There is a 3-week period between this Council meeting and the November 5th regular City Council meeting. Time is of the essence for business recovery decisions. This is one of the many steps mentioned above that would be required to offer a TIF incentive. An aerial photo with the proposed area to be

annexed, which is outlined in black, is attached to the packet. The properties proposed to be annexed on this map include Williams Form, Robert Woehler and Sons Construction, City of Wayne railroad abandoned right-of-way, and a small parcel in front of Pacific Coast Feather with abandoned tanks on it. The owners named have been contacted and have not objected to being annexed.

No area can be annexed unless it is contiguous to the existing city limits and the Planning Commission has reviewed the plan and made a recommendation to the City Council. The area outlined in red on the map is the existing city limits. The proposed annexation area also includes the municipal airport which is not fully shown in the attachment. The code requirement for a plan to extend city services is already met because all city services and streets are already in place.

Recommendation: The recommendation of the Mayor and Lowell Johnson, City Administrator, is to approve the Resolution to have it in place to activate at the direction of the Mayor. If this annexation process goes forward with the property owners, the next action would be review and recommendation by the Planning Commission and a public hearing at the November 5th regular City Council meeting. If the annexation proposal doesn't move forward, no public hearing is held and no further action is taken.

10. [Authorizing the Zoning Administrator to Suspend Zoning in his Discretion for a Period of Twelve Months during the Tornado Recovery Period for Businesses Damaged by the Tornado](#)

Background: This action was suggested to give temporary discretion to the Zoning Administrator to assist local companies damaged or destroyed by the tornado to find a temporary location to conduct business for a limited period of time until they have restored their company operation on the original site.

Recommendation: No staff recommendation. This decision would be a choice of the elected officials and is being reviewed by legal counsel in preparation for your discussion on Tuesday night.

11. [Resolution 2013-110: Amending Sewer Service and Rate Schedule](#)

Background: In the past, because there aren't any meters on the sewer system to measure individual customer usage and calculate utility bills from, our policy has been to average the water meter readings from December 15th, January 15th and February 15th and use that as the average monthly water usage for the next 12 months. Since no one is watering lawns or gardens during this time, this gives us a pretty accurate level of normal "in-house" water and sewer usage. In 2012, many people were watering lawns and trees at the advice of landscapers and the Nebraska Forestry Department that our December 15th water readings were affected. To adjust for that, we just averaged the January and February water readings to establish the sewer billing rates for 2012. This action would change our policy back to using all three winter readings again.

Recommendation: The recommendation of Betty McGuire, City Clerk, is to change back the averaging to three months, as most other cities do.

12. Action on Change Order No. 1 (Final) for \$8,563.00 (Additional Sanitary Sewer Services) on the Milo Drive 2013 Paving Improvement Project
13. Resolution 2013-111: Accepting Work on the Milo Drive 2013 Paving Improvement Project and Authorizing Final Payment to Rutjens Construction, Inc.
14. Reappointment of Matt Wachter to the Board of Appeals
15. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

October 1, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, October 1, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, Matt Eischeid, 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 September 19, 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 Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 17, 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: AMERITAS, SE, 2241.15; APPEARA, SE, 86.79; AWWA, FE, 165.00; BACON & VINTON, SE, 29500.00; BANK FIRST, FE, 135.00; CITY EMPLOYEE, RE, 256.60; BIG RED PRINTING, SU, 489.69; BLUE CROSS BLUE SHIELD, SE, 24751.40; BOMGAARS, SU, 67.64; CITY EMPLOYEE, RE, 1885.55; CITY OF WAYNE, PY, 62379.23; CENTURYLINK, SE, 313.33; COMMUNITY HEALTH, RE, 4.00; CONTINENTAL FIRE SPRINKLE, SE, 602.25; COUNTRY NURSERY, SE, 2038.40; DAKOTA BUSINESS SYSTEMS, SE, 104.50; DANKO EMERGENCY EQUIPMENT, SU, 881.53; DE LAGE LANDEN FINANCIAL, SE, 77.00; DOUGLAS CO COURT, RE, 149.00; ECHO GROUP, SU, 18.97; ED. M FELD EQUIPMENT, SU, 1499.75; ENDURA, SU, 2250.88; FIRST CONCORD GROUP, FE, 3701.94; FLOOR MAINTENANCE, SU, 439.45; GERHOLD CONCRETE, SU, 255.50; CITY EMPLOYEE, RE, 327.97; ICMA, SE, 6289.51; IRS, TX, 23279.19; JOHNNY P

LEMPKE, SE, 73.00; CITY EMPLOYEE, RE, 142.78; JULIE CULL, RE, 5377.20; KCP&L GREATER MISSOURI, SE, 85.55; KELLY SUPPLY, SU, 197.40; LANGEMEIER, WAYNE, RE, 500.00; LOVE SIGNS, RE, 100.00; LUMBERMEN'S BRICK & SUPPLY, SU, 680.00; CITY EMPLOYEE, RE, 22.23; MIKE TOWNE, SE, 1200.00; MILO MEYER CONSTRUCTION, SE, 270.00; MISC, RE, 900.00; NE DEPT OF REVENUE, TX, 3333.02; NE PUBLIC HEALTH ENVIRONM, SE, 699.00; NORFOLK GM AUTO CENTER, SE, 1945.70; NORFOLK IMPLEMENT, SE, 979.56; OLSSON ASSOCIATES, SE, 2683.93; QUALITY 1 GRAPHICS, SU, 90.00; QUILL, SU, 595.25; REPCO MARKETING, SU, 52.25; CITY EMPLOYEE, SU, 150.00; SEVERN TRENT, SU, 310.60; STATE NATIONAL BANK & TRUST, RE, 109.41; STEVE LAMOUREX, SE, 100.00; TAYLOR RACELY, SE, 975.00; THE PENWORTHY COMPANY, SU, 406.07; TOM'S BODY & PAINT SHOP, SU, 86.66; CITY EMPLOYEE, RE, 113.09; VERIZON, SE, 231.86; WESCO, SU, 1751.93; WILLIAM KUGLER, RE, 500.00; APPEARA, SE 67.31; ARLS, FE, 235.00; ARNIE'S FORD-MERCURY, SE, 677.38; AS CENTRAL SERVICES, SE, 448.00; BACON & VINTON, SE, 10000.00; BLACK HILLS ENERGY, SE, 129.11; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BROWN TRAFFIC PRODUCTS, SU, 444.25; CADET BOOSTERS, FE, 320.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 100.00; CITY EMPLOYEE, RE, 41.17; CLEAN TO A T, SE, 1454.00; COPY WRITE, SU, 325.74; EASYPERMIT POSTAGE, SU, 713.98; ECHO GROUP, SU, 105.22; CITY EMPLOYEE, RE, 1034.39; ELECTRIC FIXTURE, SU, 683.78; ENVIRONMENTAL SERVICES, SE, 7674.20; EXHAUST PROS, SE, 16.00; GERHOLD CONCRETE, SU, 1479.00; CITY EMPLOYEE, RE, 47.58; HEWLETT-PACKARD, SU, 1118.20; JACK'S UNIFORMS, SU, 4032.20; JACOB'S ROOM, SU, 254.80; JEO CONSULTING GROUP, SE, 612.50; KAY PARK REC CORP, SU, 790.00; KRIZ-DAVIS, SU, 553.80; LOGAN VALLEY FOOTBALL, FE, 100.00; MADISON COUNTY COURT, RE, 500.00; MIKE TOWNE, SE, 600.00; MIRIAN AGUIRRE, SE, 50.00; MULTIMEDIA SALES & MARKET, SE, 390.00; NACO PLANNING, FE, 100.00; CITY EMPLOYEE, RE, 21.34; NE HARVESTORE, SU, 99.21; NNPPD, SE, 3857.00; ONE CALL CONCEPTS, SE, 113.30; PIEPER & MILLER, SE, 3228.75; CITY EMPLOYEE, RE, 125.12; RON'S RADIO, SU, 46.95; SKARSHAUG TESTING LAB, SE, 220.07; STADIUM SPORTING GOODS, SU, 669.00; STATE NATIONAL BANK, RE, 41.80; TM BOOKS, SU, 515.00; VERIZON, SE, 101.86; VIAERO, SE, 245.58; WAYNE VOLUNTEER FIRE DEPT, RE, 500.00

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection. In addition, he advised the public that the Council may go into closed session

to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Mayor Chamberlain pulled Agenda Item No. 3 – Action to formally name the Wayne Municipal Airport, Stan Morris Field, and Nancy Braden Terminal because he was advised from an Airport Board member that this was not a formal action taken by the Airport Board. Until such time as that happens, this will not be on the agenda.

Administrator Johnson stated that one bid was received for the preparation of the hot meals at the Senior Center. The bid came from Chartwells. Congregate meals will increase to \$4.98 per meal and home-delivered will increase to \$5.24 per meal. This bid is in effect from July 1, 2013, through June 30, 2014.

Penny Vollbracht, Senior Center Coordinator was present to answer questions.

Councilmember Ley made a motion, which was seconded by Councilmember Giese, approving the bid received from Chartwells to prepare the hot meals as part of the nutrition program for the elderly at the Wayne Senior Center. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ken Jorgensen has made several presentations regarding a sports bar/restaurant on the property located just east of McDonalds on Highway 35. He has presented the City with an offer to purchase the abutting railroad right-of-way and triangular parcel east of the intersection of 6th Street and Tomar Drive for the sum of \$5,000.00. The offer to purchase also provides for a permanent utility easement, a temporary easement for the

walking trail, and a requirement that Mr. Jorgensen must build the project within two years or the property reverts back to the City.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the purchase agreement with Kenneth Jorgensen. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution and Ordinance pertain to the sale of said property to Kenneth Jorgensen.

Councilmember Eischeid introduced Resolution No. 2013-98 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-98

A RESOLUTION AUTHORIZING THE SALE OF (1) THE RAILROAD RIGHT-OF-WAY, AND (2) A TRACT OF LAND LOCATED IN THE REPLAT OF MCCRIGHT'S FIRST SUBDIVISION TO THE CITY OF WAYNE, WAYNE, COUNTY, NEBRASKA.

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

Councilmember Brodersen introduced Ordinance 2013-46, and moved for its approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2013-46

AN ORDINANCE DIRECTING THE SALE OF (1) THE RAILROAD RIGHT-OF-WAY AND (2) A TRACT OF LAND LOCATED IN THE REPLAT OF MCCRIGHT'S FIRST SUBDIVISION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

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 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 Sievers made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2013-46. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Jacobsen gave a presentation on a proposed multi-unit housing project he would like to build on property he is purchasing from the Carharts on West 13th Street and wanted a sense from the Council not only about the project, but also about being approved for tax increment financing. He wants to build 3 eight-plex units and one twelve-plex unit. There will be 90 parking stalls and 76 bedrooms.

Mayor Chamberlain noted that the blight study needs to be completed first. Then the area in question needs to be determined blighted and substandard before a hearing can take place on the redevelopment plan.

Council consensus was that this was a good location for apartment complexes.

Council discussion continued on Ordinance 2013-39 which would amend Sec. 90-147 Minimum Area Requirements in an A-2 Agricultural Residential District. This was tabled from the last meeting.

Mayor Chamberlain advised the Council that no public comments would be taken on this matter.

Councilmember Muir introduced Ordinance 2013-39, and moved for its approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2013-39

AN ORDINANCE AMENDING CHAPTER 90, ARTICLE III, SECTION 90-146 MINIMUM AREA REQUIREMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Giese advised the Council that he had reviewed and studied the Comprehensive Plan and thought the proposed changes to A-2 zoning not only did not meet the plan, but would directly violate all of its core principles that relate to residential growth. Those core components were:

- Use of smart growth techniques;
- Residential growth centers;
- Commercial and industrial opportunities (doesn't apply);
- A cohesive growth pattern;
- Pre-planned major streets (doesn't apply);
- A linked greenway/trail system (doesn't apply);
- Framework for decision-making (doesn't apply); and
- An annexation policy (doesn't apply)

The proposed changes would also directly violate use of smart growth of techniques, residential growth centers, and a cohesive growth pattern.

He noted the plan specifically states to gain the approval of all stakeholders before deciding to develop an area — achieve stakeholder collaboration in development decisions and provide smart growth tools. Development must accommodate the community as well as the developers. It also goes on to state – build cohesiveness among residents and maintain a community identity that creates a sense of membership. In addition, it states that any growth concept for Wayne has to promote development that reflects the character of the community and maintains a sense of structure and connectedness.

He stated that none of the neighbors have voiced their approval for the changes to this ordinance, and almost all have expressed their disapproval for the passing thereof.

Councilmember Giese went onto further quote sections of the Comprehensive Plan that did not support the amendment to this section of the code.

He stated in conclusion, the approval of this ordinance is inarguably against all of the core components of the comprehensive plan that deal with residential development. It does not fall in line with the proposed guidelines for the proposed growth center by jumping over the proposed boundary of 21st Street. The growth is not contiguous with the growth of the city. The integrity of the neighborhood is not kept intact by destroying a large amount of open space that is encouraged by the plan to which the neighbors have repeatedly stressed their disapproval and finally, what he thinks is the biggest takeaway from this, the proposed development will prevent or discourage uncontrolled development that can siphon energy and investment away from already established areas (those contiguous areas) without adding to the City's net economy.

He also added that the suggestion to change this section of the code was not part of the comprehensive plan and was never ratified by the Planning Commission or the City Council. While the Planning Commission did approve the change, he was guessing and judging by everything that the comprehensive plan says that the majority of the Planning Commission has never seen the comprehensive plan or read through it thoroughly, especially those parts pertaining to the sections on residential growth.

Councilmember Eischeid also spoke against the proposed changes to the code. He was concerned that those people most affected in that area do not have a say in this matter, and thought the Council still had to respect what people that reside outside the

city limits, but within the two-mile zoning radius, thought because they are just as much a part of the community of Wayne as those that reside within city limits are. He noted that one of the letters in the packet stated that this would benefit the City. In his opinion, it would not benefit the City until the property was annexed. Revenue received from double water and sewer fees would be minimal. When taking everything into consideration for developing the property in that subdivision, he did not feel the lots would be affordable for the middle class.

Councilmember Ley noted that Vintage Hills still has lots for sale, and that it took 30 years to fill the Carhart Addition. She did not think there was a need to spring board out into the country to create more lots than there already is in town. She was against this at this time because she did not think it was urgent to promote changing the requirements which are going to be a buffer from city to country.

Councilmember Giese stated the comprehensive plan repeatedly refers to contiguous growth – use all vacant lots if possible, and we have a lot of open or vacant lots in this town.

Councilmember Ley noted that when this comprehensive plan was developed, we did not have a lot of open lots, but we do now.

Councilmember Muir stated he could agree with those comments and made reference back to the wellhead protection plan and approving the plan even though the farmers in the outlying areas were against it. In addition, he appreciated the information brought forward by Councilmembers Giese and Eischeid. He also referred back to a part of the Comprehensive Plan that refers to reviewing zoning and subdivision regulations to ensure that standards allow for diversity of housing types and affordability. It doesn't

state whether it applies to agricultural or residential. It also states encourage housing affordable to a variety of income levels by integrating different housing types into the community.

Councilmember Sievers stated the issue she has is that the Council is focusing on just one area of the A-2 property. This A-2 is not just for the Benscoter property; it is for all A-2 zoning areas.

Councilmember Giese stated if you follow the comprehensive plan, he cannot find a way that you can say that this is contiguous growth of the urban development. The reason we are not hearing from the other A-2 property owners is because it's going to be 100 years before this even affects them. The people who it does affect are the people from the A-2 development in the northeast section of town. They have repeatedly showed up to the Council meetings, they have signed a petition, and they have written letters. It was more than six weeks ago that they did all of this, and now the Council gets letters in favor of this ordinance in the past week. Don't forget we have heard overwhelmingly from the people that this affects the most directly.

Councilmember Sievers stated this change in the ordinance may not affect us today or 20 years from now, but it might affect us 100 years from now.

Councilmember Eischeid noted that the majority of the letters in favor of the changes to the ordinance have come from realtors and the developer.

Joel Hansen, Zoning Administrator, advised the Council that RDG did the City's comprehensive Plan in 2006 – this is the document the public has not seen. This is what RDG was proposing in the 2008 draft zoning amendments. The request before you tonight to go to 1.5 and 3 acres was outlined in that zoning draft. RDG said that goes

along with the comprehensive plan. These rules are specific rules that help work towards the general guidance that is in the comp plan. He wanted to make a point that what they were discussing tonight isn't about a specific development. The change tonight doesn't mean that a development gets to take place. The developer would still have to come before the Planning Commission and the City Council with a plat, and the Planning Commission and the City Council would have to approve that plat. He believed at that point is when the comp plan would come into play where you could say that's not the appropriate development in that location. You would then have the right to deny the subdivision plat. Changing the rules this evening doesn't mean you're granting Mr. Benscoter the right to build six houses out there. It just means that those are the rules everybody plays by when they come and ask to subdivide land.

After further discussion, Councilmember Giese called for the vote.

Mayor Chamberlain stated the motion, and the result of roll call being two Yeas (Councilmembers Sievers and Muir), and six Nays (Councilmembers Giese, Greve, Haase, Ley, Eischeid and Brodersen), the Mayor declared the motion failed.

Councilmember Ley made a motion, which was seconded by Councilmember Muir, 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, Rod Greve, Jennifer Sievers, Ken Chamberlain, Nick Muir, Kaki Ley, Matt Eischeid, 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 Giese made a motion, which was seconded by Member Chamberlain, to approve the minutes of the September 17, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to approve the following CDA Claim:

Pieper & Miller – Closing Costs for Herman/Western Ridge Lot - \$750.00

Member Giese made a motion, which was seconded by Member Chamberlain, to approve the CDA claim. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Discussion took place in regard to amending the Western Ridge II Planned Unit Development and NAHTF Grant New Construction Project document. The proposed amendments to said document would be (1) to take out the requirement of what the maximum purchase price of the home can be and (2) having to comply with the most recent national energy code requirement.

Member Giese made a motion, which was seconded by Member Greve, to amend the Western Ridge II Planned Unit Development and NAHTF Grant New Construction Project document, as presented. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of a Redevelopment Contract for the East Half of Lot 7 and the South 40 Feet of the East Half of Lot 8, Block 11, North Addition to the City of Wayne, Wayne, County, Nebraska (Sebade Housing, LLC).

Chad Sebade was present to answer questions and stated he plans to demolish a house at 220 E. 4th Street and construct a tri-plex apartment building thereon. He is requesting \$40,000 in tax increment financing.

Administrator Johnson advised the CDA that these redevelopment plans can be amended in the future (once the bond has been paid off) to recapture unused tax increment financing funds which can then be used for some other improvement in that TIF/blighted & substandard neighborhood.

Member Chamberlain introduced CDA Resolution 2013-13 and moved for its approval; Member Sievers seconded the motion.

CDA RESOLUTION NO. 2013-13

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT.

In response to Member Eischeid's inquiry, Mr. Sebade stated he was going to possibly put stone on the front of the structure to dress it up a little bit.

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

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

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 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”) — The East Half of Lot 7 and the South 40 Feet of the East Half of Lot 8, Block 11, North Addition to the City of Wayne, Wayne, County, Nebraska (Sebade Housing, LLC).

The notice of the public hearing was published in the Wayne Herald on September 12 and 19, 2013, and was also 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: Chad Sebade. He intends to start the project on November 1st and be completed by April 1st.

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

Councilmember Ley then introduced Resolution No. 2013-103 and moved for its passage and approval.

RESOLUTION NO. 2013-103

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

Councilmember Eischeid seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Giese, Greve, Haase, Sievers, Muir, Ley, Eischeid and Brodersen.

The passage of Resolution No. 2013-103 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2013-103 passed and approved.

Councilmember Giese made a motion and Councilmember Muir seconded to adjourn as Mayor and City Council and reconvene as the Board of Equalization. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Street Improvement District No. 2010-5 (Benscoter Addition) and declared the public hearing open.

Administrator Johnson reviewed the assessment process for the Council.

Lou Benscoter, representing Benscoter Development, was present to express his discontent with the services of and the costs charged by Olsson Associates, engineers on the project.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District. There were none.

City Clerk McGuire had not received any written objections to these assessments.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Street Improvement District No. 2010-5, the Mayor declared the hearing closed.

Councilmember Eischeid introduced Resolution 2013-104 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2013-104

A RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2010-5 (BENSOTER ADDITION).

The assessments are proposed to be spread out over a period of 15 years at 3.50% interest.

Nancy Braden, Finance Director, stated that after having spoken with Phil Lorenzen this morning, the financing is going to cost 3.5% over the life of the bond for 15 years. This would not include the normal .5% for administration fees. The 3.5% just covers the City's debt service cost. She would recommend setting the interest rate at 4%.

Administrator Johnson stated this project had a lot of problems and did not go well. If Council wanted, he could sit down with them and go through each issue.

Mr. Bencoter asked the Council to consider dropping the interest rate from 4% to 3.5% to take some responsibility for what went on in the project. This would amount to approximately \$22,000 over 15 years.

Jeremy Walker from Olsson Associates stated Administrator Johnson knows exactly what happened out there. He was not involved in this project specifically. He knows the nature of the project. Mr. Walker did not know specifically which issues were on the table as far as errors, and could not speak to the details of it personally.

Councilmember Eischeid amended his motion to include the terms of the assessments to be a 15-year loan with an interest rate of 3.5%; Councilmember Ley seconded the amendment.

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

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Sanitary Sewer Extension District No. 2010-1 and declared the public hearing open.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 15 years at 3.50% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Sanitary Sewer Extension District No. 2010-1, the Mayor declared the hearing closed.

Councilmember Eischeid introduced Resolution 2013-105 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-105

A RESOLUTION MAKING ASSESSMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2010-1 (BENSCOTER ADDITION).

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

The Mayor declared that in accordance with published notice, it was now time to conduct the public hearing relative to the levy of special assessments in Water Extension District No. 2010-1 and declared the public hearing open.

The Mayor then asked if there were any persons present who wished to be heard concerning the proposed assessments in said District.

City Clerk McGuire had not received any written objections to these assessments.

The assessments will be spread out over a period of 15 years at 3.50% interest.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within Water Extension District No. 2010-1, the Mayor declared the hearing closed.

Councilmember Eischeid introduced Resolution 2013-106 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2013-106

A RESOLUTION MAKING ASSESSMENTS IN WATER EXTENSION DISTRICT NO. 2010-1 (BENSCOTER ADDITION).

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, which was seconded by Councilmember Muir, to adjourn as the Board of Equalization and reconvene as Mayor and City Council. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Council then reviewed a map showing the areas of the City that have been declared blighted and substandard. Discussion took place on what areas could be de-blighted so that more could be declared blighted and substandard without going over the maximum percentage that the city is allowed to have blighted.

It was noted that de-blighting areas can be done at any time.

After further discussion, Councilmember Eischeid introduced Resolution 2013-93 to de-blight the 18 acres owned by Dave and Kaki Ley, and the Wayne East and the Oaks areas/properties, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY PREVIOUSLY DECLARED BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT NO LONGER BLIGHTED AND SUBSTANDARD

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

Councilmember Giese introduced Ordinance 2013-48, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-48

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF ALL UTILITY EASEMENTS ON PROPERTY LOCATED ON THE VACATED PORTION OF NORTH PEARL STREET, LYING NORTH OF WEST 13TH STREET AND ABUTTING ON BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, AND TERMINATING AT THE NORTHERN EDGE OF BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, BEING 80 FEET X 180 FEET.

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

The following Ordinance will establish a stop sign on Milo Drive.

Councilmember Giese introduced Ordinance 2013-49 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-49

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE I, SECTION 78-10 STOP SIGN LOCATIONS; WEST 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 Giese 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 Giese made a motion and Councilmember Haase seconded to move for final approval of Ordinance No. 2013-49. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

City Clerk McGuire stated that the pay application on the 10th Street, Main to Windom Street Improvement Project was not ready for approval this evening, so no action could be taken on the matter.

A pay request has been received from Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project in the amount of \$83,529.68. The engineer on the project has approved the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving Pay Application No. 1 in the amount of \$83,529.68 to Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding the down payment housing loan incentive program for new construction. This is redirecting some of the housing incentive money that is not being taken advantage of to a different form that hopefully gets taken advantage of. This would incent the buyer of any new construction home with down payment assistance. There would be no income qualifications. If we start tying it to income guidelines, we could pretty much eliminate most of the developers in town. This

incentives people building houses - people buying new construction houses. We have a lot of incentives that incent the builders. This one incent the buyers.

Amy Miller, Attorney, stated the City would be in a second lien position to the mortgage holder.

Councilmember Eischeid had concerns about that. If a person does not have the money to build a house, then they shouldn't be building a house. We should not be giving money away to people just so they have the opportunity to build a house.

It was noted that at this time, there are only 36 houses for sale in Wayne.

There is approximately \$100,000 remaining for loan incentives.

Councilmember Giese wanted to see something for remodeling as well. There are a lot of nice older homes that have a lot of potential and could benefit from this as well.

Council consensus was for staff to prepare a draft down payment housing loan incentive program for new construction/rehab with a payback/refinance period of 7 years, and bring the same back before Council at a future meeting. A list would be developed identifying what would qualify for rehab.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, 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 7:34 p.m.

October 6, 2013

The Wayne City Council met in emergency session at the Wayne Fire Hall on Sunday, October 6, 2013, at 8:30 o'clock A.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, Matt Eischeid 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 posting in three places on October 5, 2013, and a copy of the meeting notice was 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.

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

Mayor Chamberlain brought the Council up-to-date on the events that have taken place since the tornado on October 4, 2013. He noted that Highway 35 will be closed to traffic from 7:30 a.m. until 6:00 p.m. until further notice.

Councilmember Brodersen volunteered to spearhead the volunteer efforts.

Mayor Chamberlain advised the Council that if the tornado is determined to be an F4 or F5, the company who provided the aerial photograph of Wayne will fly over and do another aerial photograph of the City at no cost. However, if the tornado is an F3 or less,

the company will charge the City \$15,000 for said service. Council consensus was that if the tornado was determined not to be an F4 or F5, they would like the company to still take an aerial photograph of Wayne for \$15,000.

Garry Poutre, Superintendent of Public Works & Utilities, updated the Council on the electrical system.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, 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 9:24 p.m.

October 10, 2013

The Wayne City Council met in emergency session at The Max on Thursday, October 10, 2013, at 11:30 o'clock A.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese, Rod Greve and Matt Eischeid.

Notice of the convening meeting was given in advance by posting in three places on October 10, 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.

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located in the meeting room, 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 potential assistance in the form of tax increment financing and LB840 loans for those tornado damaged businesses. It was noted that in order to receive tax increment financing, a businesses would have to be within the corporate limits of Wayne.

An LB840 application, on behalf of the City would be submitted to the Sales Tax Advisory Committee for consideration and recommendation to the City Council.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, 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 12:27 p.m.

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CLAIMS LISTING OCTOBER 17, 2013

FISCAL YEAR 2012-2013

AMERICAN BROADBAND	TELEPHONE CHARGES	1,434.86
AMERICAN PUBLIC POWER	2 ND HALF OF DUES	1,075.42
ASA FOOTBALL	FOOTBALL PANTS	895.05
BOMGAARS	TOTE/SHOVELS/CLOTHING/CORD ETC	3,238.17
BROWN SUPPLY CO	PIPE	13,900.00
CARHART LUMBER COMPANY	TAPE/NAILS/WOOD/DRIVERS/SOCKET	696.51
CHARTWELLS	SENIOR CENTER MEALS	6,283.68
COPY WRITE PUBLISHING	SHIPPING CHARGES	527.10
ECHO GROUP INC JESCO	OUTLETS	267.88
FREDRICKSON OIL CO	TIRE REPAIR	12.00
GERHOLD CONCRETE CO INC.	CONCRETE	320.42
HARDING & SHULTZ P.C. L.L	ATTORNEY FEES	1,248.00
HAWKINS, INC	FLUORIDE FOR WELLS	339.07
HD SUPPLY WATERWORKS, LTD	WATER METERS	2,594.64
HEIKES AUTOMOTIVE LLC	TRANSMISSION REPAIR/TOWING	3,159.80
HELENA CHEMICAL CO.	FERTILIZER	120.00
HIRERIGHT SOLUTIONS INC	COLLECTION FEES	20.00
INGRAM BOOK COMPANY	BOOKS	513.99
JASON CAROLLO	MOWING-CH/LIB/SR CENTER	160.00
JOHN'S WELDING AND TOOL	CYLINDAR FILL	40.80
JOHNSON HARDWARE	KEYS	31.34
KIRKHAM MICHAEL	FLOODPLAIN WATERSHED	598.00
KTCH AM/FM RADIO	RADIO ADS	1,474.60
MERCY MEDICAL CLINICS	PRE-EMPLOYMENT TESTING	30.00
MICHAEL TODD & CO INC	SIGNS	1,151.63
MIDWEST TAPE LLC	DVD	39.99
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTION	29.62
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	13,185.52
NORTHEAST NE PUBLIC POWER	MEIG SERVICES	4,357.03
NORTHWEST ELECTRIC LLC	SEALS	709.39
OVERHEAD DOOR COMPANY	TRANSFER STATION DOOR REPAIR	829.00
PAC N SAVE	READING SUPPLIES	9.59
QUILL CORPORATION	OFFICE SUPPLIES	23.39
RANDOM HOUSE	AUDIO BOOKS	615.00
SPARKLING KLEAN	CLEANING SERVICES	622.50
STADIUM SPORTING GOODS	EMBROIDERY	187.00
STATE NATIONAL BANK	ACH FEES	58.80
STATE NATIONAL BANK	PETTY CASH	463.14
TOTAL MARKETING INC	URINAL BRACKET	59.75
UNITED WAY	PAYROLL DEDUCTIONS	6.20
US BANK	MEALS/LODGING/BOOKS/COMPRESSOR/LOCK	3,088.04
VALMONT COATINGS	GALVANIZE POLES	1,945.49

WAYNE AUTO PARTS	BRAKE PADS/FILTERS/GLOVES/FUSES	1,191.60
WAYNE BASEBALL ASSOC	SOFTENER SALT	100.00
WAYNE COUNTY CLERK	FILING FEES	112.00
WAYNE GROCERY LLC	ICE/WATER/BAGGIES	9.15
WAYNE HERALD	CAC/BARK PARK ADS	398.00
WAYNE VETERINARY CLINIC	CAT & DOG IMPOUNDS	153.00
WESCO DISTRIBUTION INC	CABINET ENCLOSURE	670.95
WESTERN AREA POWER ADMIN	ELECTRICITY	25,731.62
ZACH HEATING & COOLING	HEAT PUMP REPAIR	588.95
ZACH OIL COMPANY	GASOLINE	5,908.25
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	128.17

FISCAL YEAR 2013-2014

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,338.03
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	135.00
CITY OF WAYNE	PAYROLL	63,153.16
CITY OF WAYNE	UTILITY REFUND	225.00
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	4.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	61.30
ICMA	RETIREMENT	6,276.45
IRS	FEDERAL WITHHOLDING	23,675.57
JULIE CULL	LB 840	20,588.63
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	29.62
NE DEPT OF REVENUE	STATE WITHHOLDING	3,357.98
ROBERT WOehler & SONS	CHIEF'S WAY SANITARY SEWER	83,529.68
STATE NATIONAL BANK	FOOTBALL PETTY CASH	300.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	5,717.13
UNITED WAY	PAYROLL DEDUCTION	6.20
WAYNE AREA ECONOMIC DEVEL	OCTOBER 13 CONTRIBUTION	6,383.33

DELETE FROM CLAIMS LISTING OCTOBER 1, 2013
 MIKE TOWNE- COS STUDY \$1,200.00

ORDINANCE NO. 2013-48

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF ALL UTILITY EASEMENTS ON PROPERTY LOCATED ON THE VACATED PORTION OF NORTH PEARL STREET, LYING NORTH OF WEST 13TH STREET AND ABUTTING ON BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, AND TERMINATING AT THE NORTHERN EDGE OF BLOCKS FIVE (5) AND SIX (6), COLLEGE HILL ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, BEING 80 FEET X 180 FEET.

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

Section 1. The City of Wayne, Nebraska, has received a request to release all of the utility easements on property located on:

The vacated portion of North Pearl Street, lying North of West 13th Street and abutting on Blocks Five (5) and Six (6), College Hill Addition to Wayne, Wayne County, Nebraska, and terminating at the Northern edge of Blocks Five (5) and Six (6), College Hill Addition to Wayne, Wayne County, Nebraska, being 80 feet x 180 feet.

Section 2. The City hereby releases and abandons all of the utility easements on the property legally described above, and the Mayor is hereby authorized to execute the quitclaim deed to the current property owner to carry out said release and abandonment.

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

PASSED AND APPROVED THIS 15th day of October, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



AGREEMENT RENEWAL

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

We hereby agree that Maintenance Agreement No. 72 described above be renewed for the period January 1, 2014 to December 31, 2014.

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

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

Executed by the City this _____ day of _____, _____.

ATTEST: City of Wayne

City Clerk

Mayor

Executed by the State this _____ day of _____, _____.

ATTEST: State of Nebraska

District Engineer, Department of Roads

RESOLUTION NO. 2013-108

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

WHEREAS, the City of Wayne wishes to enter into an agreement for services with NNEDD to conduct a blight study for the purpose of determining eligibility of a defined area as blighted and substandard for the City of Wayne; and

WHEREAS, the City of Wayne agrees to compensate NNEDD a sum of not to exceed \$775.52 to complete the Scope of Work for said blight study.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that the City enter into an Agreement for Services with NNEDD to conduct a blight study; that the terms and conditions as contained in the Agreement with NNEDD are hereby approved, and that the Mayor is hereby authorized to execute said Agreement.

PASSED AND APPROVED this 15th day of October, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Blight Determination Study Area

Proposed

North



airport

Hwy 35



NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT AGREEMENT FOR SERVICES

- A. **Parties.** This Agreement is between City of Wayne and the Northeast Nebraska Economic Development District, (NENEDD).
- B. **Purpose:** The purpose of this Agreement is to conduct a blight study for the purpose of determining eligibility of a defined area as blighted and substandard for _____ area.
- C. **Terms and Conditions:**
 - C1. **Scope of Work.** The scope of work is to determine if all or part of the designated Study Area shown in attachment #1 below has deteriorated and become blighted as defined in Nebraska Statute 18-2103.
 - C2. **Compensation.** City of Wayne agrees to compensate NENEDD \$60 per hour plus mileage not to exceed \$ 775.52 in order to complete the Scope of Work. Reimbursement under this contract shall be based on billings, supported by appropriate documentation of costs actually incurred. See attachment #2.
 - C3. **Office space, equipment and supplies.** NENEDD will supply its own office space, equipment and supplies.
 - C4. **Amendments and Termination.** This Agreement may be amended by mutual written agreement of the parties. This Agreement may be terminated with 30 days notice by either of the parties.
- D. **Timeframe.** The initial date of this Agreement shall be the date both parties sign and complete execution of the contract. The termination date of this Agreement shall be when the Scope of Services is complete. This Agreement may be extended upon mutual agreement of the parties.
- E. **Independent Contractor.** The parties intend that NENEDD will not be considered an employee of the City of Wayne but will act as an independent contractor.

The following parties agree to the terms of this Agreement.

CITY OF WAYNE

BY: _____

TITLE: _____

DATE: _____

NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT

BY: _____

TITLE: Executive Director

DATE: _____

CLIENT COST ESTIMATE

Wayne-October 2013-East area		10/11/2013
Milage Cost	63	\$ 35.60
Staff Time	11.72	703.00
Draft copies for review will be provided via email		-
2 final color copies (includes electroic copy via email)		-
Sub Total		\$ 738.60
Margin	5.00%	36.93
Total		\$ 775.52
<i>* Additonal study copies can be provide for \$6.00 per copy</i>		

RESOLUTION NO. 2013-109

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.

WHEREAS, Section 16-177 N.R.S. 1943 (R.S. Supp. 1990) grants the authority for Cities of the First Class to annex, by ordinance, any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character and in such direction as said City may deem proper; and

WHEREAS, the owner of certain property, contiguous and adjacent to the City, has requested the annexation of the property; and

WHEREAS, the City of Wayne, Nebraska, desires to exercise said power by annexing contiguous and adjacent land as subsequently described herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that the City of Wayne is considering the annexation of land and a plan for extending City services to said land, as the same has been requested by the property owner; that a public hearing be held on the 5th day of November, 2013, at or about 5:30 P.M. in the Council Chambers of Wayne, Nebraska, located in the Municipal Building at 306 Pearl Street, Wayne, Nebraska, for the purpose of receiving testimony from interested persons; and that the legal description of the land proposed for annexation is as follows:

LEGAL DESCRIPTION

BE IT FURTHER RESOLVED, that the plan of the City of Wayne, Nebraska, for the extension of City services to the aforescribed land proposed for annexation is available for public inspection during regular business hours in the office of the City Clerk at 306 Pearl Street, Wayne, Nebraska.

PASSED AND APPROVED this 15th day of October, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



North ↑

Proposed Area to Be Ametexed

Hwy 35



RESOLUTION NO. 2013-110

A RESOLUTION AMENDING SEWER SERVICE AND USE RATES.

BE IT RESOLVED that the customer service charge shall be a minimum monthly amount based upon the customer's water meter size and the commodity use rate shall be based upon the amount of water metered each month in thousands of gallons or parts thereof; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the following Sewer Service and Use Rates are established for all customers pursuant to the Wayne Municipal Code Section 82-156 (residential and commercial rates) and Section 82-160 (special use water rate):

1. Net Monthly Customer Service Charge

<u>Meter Size</u>	<u>Inside City</u>	<u>Outside (Rural)</u>
3/4" or les	\$ 6.50	\$13.00
1	9.43	18.86
1 1/4	13.20	26.40
1 1/2	17.94	35.88
2	29.84	59.68
3	63.77	127.54
4	111.35	222.70
6	247.33	494.66

2. Net Monthly Commodity, Use Rate per Thousand Gallons

- (a) Inside City - \$ 5.12
- (b) Outside City - \$10.24

BE IT FURTHER RESOLVED that all residential rates shall be based on an average of the water usage during the months of **December**, January, February; and

BE IT FURTHER RESOLVED that the sewage contribution of a residential user, who has not established an average for the months of December, January and February, shall be charged, based on proven averages, in the following manner:

Single occupancy - 2,000 gal. per month
Double or more occupancy - 5,000 gal. per month

BE IT FURTHER RESOLVED that this Resolution shall take effect and be in force from and after its passage, approval, and posting as required by law, and the rates provided herein shall be applicable to all services used after meters are read for billing purposes in January, 2012.

PASSED AND APPROVED this 15th day of October, 2013.

THE CITY OF WAYNE, NEBRASKA,

By: _____
Mayor

ATTEST:

City Clerk



1707 Dakota Ave., South Sioux City, NE 68776

CHANGE ORDER NO. 1(FINAL)

PROJECT: Milo Drive Paving Improvements, Wayne, Nebraska 2013 **DATE OF ISSUANCE:** October 15, 2013
CONTRACTOR: Rutjens Construction, Inc., PO Box 99, Tilden, NE 68781 **OA PROJECT NO.:** 013-0630
CONTRACT DATE: June 26, 2013 **AMOUNT OF ORIGINAL CONTRACT:** \$178,160.75

You are directed to make the changes noted below in the subject contract:

See Attached Sheet

The changes result in the following adjustments of Contract Price and Contract Time:

Contract Price Prior to This Change Order	\$178,160.75
Net Increase/ Decrease Resulting from this Change Order.....	\$ 8,563.00
Current Contract Price Including this Change Order	\$186,723.75

Contract Time Prior to this Change Order/Calendar Days- Final Completion.....	September 15, 2013
Net Increase Resulting from This Change Order/Calendar Days.....	0 days
Current Contract Time including this Change Order/Calendar Days-Final Completion.....	September 15, 2013

The Above Change Order Accepted:

Rutjens Construction, Inc.
Contractor

By: _____

Date: _____

OLSSON ASSOCIATES
Consulting Engineers

By: _____
Chad P. Kehrt

Date: _____

The Above Change Order Approved:

City of Wayne
Owner

By: _____

Date: _____

MILO DRIVE PAVING IMPROVEMENTS
 WAYNE, NE 2013
 RUTJENS CONSTRUCTION, INC.

Change Order #1
 OA Project No. 013-0630
 09.11.13

NO.	ITEM	UNITS	PLAN QUANTITY	FINAL QUANTITY	ADD / (DEDUCT)	UNIT PRICE	TOTAL PRICE
5	BUILD 8" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	943	1005	62	\$44.00	\$2,728.00
8	BUILD CONCRETE HEADER	LF	28	0	(28)	\$15.00	(\$420.00)
32X	MOBILIZATION FOR ADDITIONAL SANITARY SEWER SERVICES	LS	0	1	1	\$450.00	\$450.00
33X	ADDITIONAL SANITARY SEWER SERVICES	LS	0	1	1	\$5,805.00	\$5,805.00
						Total	\$8,563.00

October 9, 2013

Lowell Johnson
City of Wayne
306 Pearl Street
Wayne, NE 68787

RE: Milo Drive Paving Improvements
Wayne, NE
OA Project No. 013-0630

Dear Mr. Johnson:

I, Chad P. Kehrt, state that the work done on the above-referenced project, completed by Rutjens Construction, Inc., for the City of Wayne has been completed according to the plans and specifications and in general compliance with the terms of the contract.

I recommend that the work be accepted by the City of Wayne.

Sincerely,



Chad P. Kehrt, P.E.
Olsson Associates

RESOLUTION NO. 2013-111

A RESOLUTION ACCEPTING WORK ON THE “MILO DRIVE PAVING IMPROVEMENT PROJECT” AND AUTHORIZING FINAL PAYMENT THERETO.

WHEREAS, on the 4th day of June, 2013, the City of Wayne approved Resolution No. 2013-51 awarding the contract on the “Milo Drive Paving Improvement Project” to Rutjens Construction, Inc.; and

WHEREAS, the contract has been completed according to the terms and specifications of the plans and specifications and according to the report of the project engineer, Olsson Associates.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the “Recommendation of Acceptance” by the project engineer, Olsson Associates for the work on the “Milo Drive Paving Improvement Project” be, and the same is hereby accepted.

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the City Administrator is authorized to make final payment to the contractor, including the retainage, pursuant to the project contract.

PASSED AND APPROVED this 15th day of October, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



1707 Dakota Avenue South Sioux City, NE 68778

CERTIFICATE OF PAYMENT NO. 1 (FINAL)

Date of Issuance: October 15, 2013

Project No. 013-0630

Project: Milo Drive Paving Improvements, Wayne, Nebraska, 2013

Contractor: Rutjens Construction, Inc., 800 Lucas Lane, PO Box 99, Tilden, NE 68781

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		
PLEASE REMIT PAYMENT TO: Rutjens Construction, Inc.		

Value of Work Stored & Completed: \$186,723.75

Original Contract Cost: \$178,160.75
 Approved Change Orders:
 No. 1 \$8,563.00
 No. 2 _____
 No. 3 _____
 No. 4 _____
 No. _____
 Total Contract Cost: \$186,723.75

Value of completed work and materials stored \$186,723.75
 Less retained percentage (0%) \$0.00
 Net amount due including this estimate \$186,723.75

Less: Estimates previously approved:

No. 1 \$0.00	No. 6 \$0.00
No. 2 \$0.00	No. 7 \$0.00
No. 3 \$0.00	No. 8 \$0.00
No. 4 \$0.00	No. 9 \$0.00
No. 5 \$0.00	No. 10 \$0.00

Total Previous Estimates: \$0.00

NET AMOUNT DUE THIS ESTIMATE: \$186,723.75

The undersigned hereby certifies, based upon periodic observations as set forth in scope of work and the data included in all applicable payment applications that, to the best of its knowledge, information and belief: (1) the work has progressed as indicated in the applicable payment applications; (2) the work performed and materials delivered by Contractor are in conformance with the plans and specifications; and (3) the Contractor, in accordance with the contract, is entitled to payment as indicated above.

This certification does not constitute a warranty or guarantee of any type. Client shall hold its Contractor solely responsible for the quality and completion of the Project, including construction in accordance with the construction documents. Any duty or obligation of Olsson hereunder is for the sole benefit of the Client and not for any third party, including the Contractor or any Subcontractor.

cc: Rutjens Construction, Inc.
Project File

OLSSON ASSOCIATES

By

MILO DRIVE PAVING IMPROVEMENTS
WAYNE, NE 2013
013-0630
RUTJENS CONSTRUCTION, INC.

9-30-13

No.	Description	Unit	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Total Amount Completed	100% Due Contractor	0.0% Retainage	Amt. Paid Prev. Est.	Total Due This Est.
1	MOBILIZATION	LS	1	\$5,500.00	\$5,500.00	1	\$5,500.00	\$5,500.00	\$0.00	\$0.00	\$5,500.00
2	TRAFFIC CONTROL	LS	1	\$5,500.00	\$5,500.00	1	\$5,500.00	\$5,500.00	\$0.00	\$0.00	\$5,500.00
3	EARTHWORK	LS	1	\$8,400.00	\$8,400.00	1	\$8,400.00	\$8,400.00	\$0.00	\$0.00	\$8,400.00
4	REMOVE 9" SHOULDER	SY	131	\$12.00	\$1,572.00	131	\$1,572.00	\$1,572.00	\$0.00	\$0.00	\$1,572.00
5	BUILD 8" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	1006	\$44.00	\$44,220.00	1006	\$44,220.00	\$44,220.00	\$0.00	\$0.00	\$44,220.00
6	BUILD 9" CONCRETE PAVEMENT	SY	428	\$47.25	\$20,223.00	428	\$20,223.00	\$20,223.00	\$0.00	\$0.00	\$20,223.00
7	SUBGRADE PREPARATION	SY	1455	\$3.00	\$4,365.00	1455	\$4,365.00	\$4,365.00	\$0.00	\$0.00	\$4,365.00
8	BUILD CONCRETE HEADER	LF	0	\$15.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9	BUILD STORM SEWER MANHOLE	EA	1	\$2,145.00	\$2,145.00	1	\$2,145.00	\$2,145.00	\$0.00	\$0.00	\$2,145.00
10	BUILD STORM SEWER CURB INLET	EA	2	\$2,025.00	\$4,050.00	2	\$4,050.00	\$4,050.00	\$0.00	\$0.00	\$4,050.00
11	36" ARCH RCP FLARED END SECTION	EA	2	\$1,545.00	\$3,090.00	2	\$3,090.00	\$3,090.00	\$0.00	\$0.00	\$3,090.00
12	18" RCP STORM SEWER PIPE	LF	61	\$45.75	\$2,790.75	61	\$2,790.75	\$2,790.75	\$0.00	\$0.00	\$2,790.75
13	36" ARCH RCP STORM SEWER PIPE	LF	85	\$125.00	\$10,625.00	85	\$10,625.00	\$10,625.00	\$0.00	\$0.00	\$10,625.00
14	REMOVE 24" CMP STORM SEWER PIPE	LF	79	\$12.00	\$948.00	79	\$948.00	\$948.00	\$0.00	\$0.00	\$948.00
15	REMOVE FLARED END SECTION	EA	2	\$200.00	\$400.00	2	\$400.00	\$400.00	\$0.00	\$0.00	\$400.00
16	BUILD SANITARY SEWER MANHOLE	EA	2	\$3,125.00	\$6,250.00	2	\$6,250.00	\$6,250.00	\$0.00	\$0.00	\$6,250.00
17	8" CAP, PVC	EA	1	\$100.00	\$100.00	1	\$100.00	\$100.00	\$0.00	\$0.00	\$100.00
18	CONNECT TO EXISTING SANITARY MANHOLE	EA	1	\$550.00	\$550.00	1	\$550.00	\$550.00	\$0.00	\$0.00	\$550.00
19	JACK & BORE W/ CASING PVC SANITARY SEWER PIPE	LF	145	\$210.00	\$30,450.00	145	\$30,450.00	\$30,450.00	\$0.00	\$0.00	\$30,450.00
20	8" PVC SANITARY SEWER PIPE	LF	345	\$34.25	\$11,816.25	345	\$11,816.25	\$11,816.25	\$0.00	\$0.00	\$11,816.25
21	18" PVC WATER MAIN	LF	347	\$21.25	\$7,373.75	347	\$7,373.75	\$7,373.75	\$0.00	\$0.00	\$7,373.75
22	8" X 6" TEE, M.J.	EA	1	\$315.00	\$315.00	1	\$315.00	\$315.00	\$0.00	\$0.00	\$315.00
23	8" X 8" TEE, M.J.	EA	1	\$345.00	\$345.00	1	\$345.00	\$345.00	\$0.00	\$0.00	\$345.00
24	18" PLUG M.J.	EA	1	\$115.00	\$115.00	1	\$115.00	\$115.00	\$0.00	\$0.00	\$115.00
25	8" GATE VALVE M.J.	EA	1	\$1,225.00	\$1,225.00	1	\$1,225.00	\$1,225.00	\$0.00	\$0.00	\$1,225.00
26	FIRE HYDRANT ASSEMBLY	EA	1	\$3,125.00	\$3,125.00	1	\$3,125.00	\$3,125.00	\$0.00	\$0.00	\$3,125.00
27	CONNECT TO EXISTING WATER MAIN	EA	1	\$750.00	\$750.00	1	\$750.00	\$750.00	\$0.00	\$0.00	\$750.00
28	BEDDING, TYPE FA1	LF	701	\$2.00	\$1,402.00	701	\$1,402.00	\$1,402.00	\$0.00	\$0.00	\$1,402.00
29	SILT FENCE	LF	292	\$2.75	\$803.00	292	\$803.00	\$803.00	\$0.00	\$0.00	\$803.00
30	SEEDING (TYPE B)	AC	0.26	\$2,000.00	\$520.00	0.26	\$520.00	\$520.00	\$0.00	\$0.00	\$520.00
31	STORM WATER POLLUTION PREVENTION PLAN	LS	1	\$1,500.00	\$1,500.00	1	\$1,500.00	\$1,500.00	\$0.00	\$0.00	\$1,500.00
32X	MOBILIZATION FOR ADDITIONAL SANITARY SEWER SERVICES	LS	1	\$450.00	\$450.00	1	\$450.00	\$450.00	\$0.00	\$0.00	\$450.00
33X	ADDITIONAL SANITARY SEWER SERVICES	LS	1	\$5,805.00	\$5,805.00	1	\$5,805.00	\$5,805.00	\$0.00	\$0.00	\$5,805.00
	Total Bid Section				\$186,723.75		\$186,723.75	\$186,723.75	\$0.00	\$0.00	\$186,723.75