

AGENDA  
CITY COUNCIL MEETING  
December 3, 2013

1. Approval of Minutes – November 19, 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. Presentation of the Swimming Pool Evaluation Report and Recommendation from the Swimming Pool Committee — Dave Henke, JEO Consulting Group, and Heather Claussen, Chair of the Swimming Pool Committee

4. Action to give notice to Nebraska Public Power District on Intent to Reduce Contract Power Purchase

**Background:** We are waiting for a response from NPPD to clarify our questions about the terms of our NPPD contract and how they will interpret their own reduction clause. We may have a recommendation for you by the time of the Council meeting.

5. Resolution 2013-126: Accepting an Offer to Purchase Bulk Power to be Delivered from Generating Plants Controlled by the Mid-Continent Independent System Operator (MISO). The new purchase agreement will supplement the District's existing bulk power purchases from NPPD through 2021 and then provide power to meet all of the District's needs through 2027. The competitive offer from the MISO supplier was the result of the District's competitive bid process and complies with the District's existing contract with NPPD.

**Background:** We are reviewing the actual contract and have requested printouts of actual billing invoices so we can do the due diligence on details and definitions. We will forward information by email as we get it, and we expect to have a recommendation for you at the Council meeting.

6. Discussion of Options for a Long-Term Contract for Wind Power

**Background:** Congress has extended heavy tax credit incentives for 5 years to private companies to build wind turbine generation farms. At this date, Congress has not extended the tax credits for 2014. Wayne has investigated several wind turbine contracts in the past few years, but the price has always been too high. There are a number of wind turbine farms with tax incentives approved in 2012 and 2013 in the seven state Southwest Power Pool power transmission area that are offering 20 and 25 year contracts at low prices at this time.

Todd Hegwer has been soliciting wind proposals for our RFP group and is finding good pricing. Todd is preparing a spreadsheet of finalists for contracts and will provide us with a contract to review. At this time, we don't have them for the packet.

Why might a wind contract work now when it didn't before?

- 1) **Competition:** More companies are building wind farms in the southern and northern plains.
- 2) **Better Turbine Design:** Dramatic improvements in design and durability allow the new turbines to produce more power at lower wind speeds and to have much less maintenance. This means the turbines produce more electricity per \$ invested and actually run a higher % of the time, thus lowering the costs.
- 3) **SPP:** When NPPD joined the Southwest Power Pool transmission system, they did it to be able to sell their excess coal power and nuclear power south into the seven state area. The opposite is starting to happen. Developers in the southern states in the SPP are using the new cheap natural gas to "follow the wind load" (use fast acting gas powered generators to fill in when the wind dies down). This power is cheap and becoming more plentiful and will be available at the same price to us and throughout the SPP beginning next year.

Additional information about wind:

- 1) The problem with wind is it doesn't always blow when we need it.
- 2) Wind can make other power cheaper. When NPPD built the nuclear plant at Brownville, NPPD had long-term sales contracts with MidAm and Lincoln Electric System to buy power from the Cooper Nuclear plant when it was built in the 80's. When those contracts came up for renewal, Lincoln Electric and MidAm didn't renew because they could do better elsewhere. Now NPPD has 20+% excess generation capacity.

How could wind make other power cheaper? Coal and nuclear plants are "must run" plants. That means they have to run all the time at full power or not at all. This is the opposite problem of wind. Coal and nuclear plants run all the time because they can't be ramped up and down with load because of their design. Therefore, they have to produce full power every day and sell the excess over their customers' needs into the open market. Market prices have been lower than NPPD production costs for five years with no end in sight yet. All the new wind turbines add to NPPD's problem because when the wind blows, wind power gets priority over all other power. That means in a market excess period, the coal and nuclear power gets even cheaper because they're displaced by wind. This situation has already created short time periods where NPPD has had to pay the market to take its power because it can't stop generating and the market price has gone below zero. This isn't frequent, but will be more common as all the wind farms approved get built.

Where does NPPD get the money to make up the losses for what it is selling on the open market? From us, the contract customers for wholesale and retail power.

7. Public Hearing: To Consider the Planning Commission's Recommendation in regard to Amending the Wayne Municipal Code, Section 90-142 Permitted Principal Uses and Structures in the A-2 Agricultural Residential District, by adding item # 8 Unattached Accessory Use (Garage / Storage Shed) or Section 90-144 Exceptions in the A-2 Agricultural Residential District, by adding item # 13 Unattached Accessory Use (Garage / Storage Shed), by adding related language to allow for an accessory structure to be placed on property with no other primary structures. The applicant for the request is Wayne and Regina Korth. (Advertised Time: 5:30 p.m.)

**Background:** The applicants own property that was damaged in the tornado. They would like to build a storage shed on the property which is zoned A-2. They have future intentions of possibly building a house on this same property, but have a need to have a place to park their tractors, camper, and other miscellaneous items now. Based on the proposed language, the proposed structure would be no different than if a dwelling were on the property. The applicants are requesting this be allowed as a permitted use based on the fact that the A-2 District is located outside of the City limits as listed by Sec. 90-141 of our code which defines the intent of the A-2 District. The minimum lot size in an A-2 district is 2.5 acres, and the building would have to follow the same setbacks as any dwelling.

We have also listed the section of the code which would give the Council the option of allowing this use as a use by exception rather than a permitted use.

The recommendation from the Planning Commission will be provided at the Council meeting due to the fact they will hold their hearing on Monday night. The applicants would like to begin building as soon as possible if the Council is agreeable to this zoning amendment.

8. Ordinance 2013-52: Amending Wayne Municipal Code, Section 90-142 Permitted Principal Uses and Structures in the A-2 Agricultural Residential District, by adding item # 8 Unattached Accessory Use (Garage / Storage Shed) or Section 90-144 Exceptions in the A-2 Agricultural Residential District, by adding item # 13 Unattached Accessory Use (Garage / Storage Shed), by adding related language to allow for an accessory structure to be placed on property with no other primary structures
9. Public Hearing: To Consider the Planning Commission's Recommendation Regarding the Giese Addition Preliminary and Final Plat – the applicant is the City of Wayne (Advertised Time: 5:30 p.m.)

**Background:** The area being platted is the West Side Elevator and the area around it at the south end of Sherman Street. The parcels of land in this area currently exist as tax lots and out lots. In 2008, Michael Foods gave the City of Wayne a quitclaim deed for a strip of land on the site to build the Phase II Trail. Platting these parcels into city lots will permanently dedicate the strip of land for the trail to the City of Wayne and clarify our ownership for the Nebraska Department of

Roads. This plat provides accurate legal descriptions for the trail and the existing parcels of land around it.

10. [Resolution 2013-127: Approving the Preliminary and Final Plat for the Giese Addition](#)

**Recommendation:** The Planning Commission has their public hearing scheduled for this plat on December 2<sup>nd</sup> and will make a recommendation to the Council.

11. [Public Hearing: To Consider the Planning Commission's Recommendation Regarding the South Side Addition Preliminary and Final Plat – the Applicant is Lowell Heggemeyer \(Advertised Time: 5:30 p.m.\)](#)

**Background:** The area being platted is located at the south end of Pearl Street on the west side of the street abutting the Wayne County property. The parcels of land in this area currently exist as tax lots with undefined dimensions. Platting subdivides these parcels into city lots and will provide them with clear legal descriptions for ownership and for future sales.

12. [Resolution 2013-128: Approving the Preliminary and Final Plat for the South Side Addition](#)

**Recommendation:** The Planning Commission has their public hearing scheduled for this plat on December 2<sup>nd</sup> and will make a recommendation to the Council.

13. [Public Hearing: Blighted and Substandard Area Determination – Industrial Drive East Area \(The Property Affected by this Notice is described as follows: The parcels include-LOT 2 REPLAT OF LOTS 3-4-5 KARDELL INDUSTRIAL PARK SUBDIVISION #2 8-26-4; PT SW1/4SW1/4 \(TL 26\) 8-26-4 1810 INDUSTRIAL WAY; PT SW1/4 \(TL 15 & TL 24\) 8-26-4 1810 INDUSTRIAL WAY; LOTS 4-5 REPLAT OF LOTS 3-4-5 KARDELL INDUSTRIAL PARK #2 SUBDIVISION 8-26-4; TL 16 PT S1/2 8-26-4; adjacent portions of Industrial Drive, including both east and west right of ways which adjoin the previously identified properties. \(Advertised Time: 5:30 p.m.\)](#)

**Background:** This study has been generated as a part of the tornado recovery process to be prepared to offer TIF incentives to Pacific Coast to rebuild on the existing site. This study concludes that the area meets the conditions required to be designated blighted and substandard. The public hearing notice was set for December 3<sup>rd</sup> to provide the Council the option to move forward with a designation, if appropriate. The public hearing will be held as scheduled by the notice. However at this time, Council action on a blight designation must be tabled because eligible areas must be inside the city limits, and the Mayor has placed the third reading of the annexation ordinance for this area on hold.

14. [Resolution 2013-129: Making Findings and Declaring Portions of the City of Wayne to be Blighted and Substandard Pursuant to the Nebraska Community Development Act — Industrial Drive East Area](#)

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to table action on this Resolution.

15. [Resolution 2013-123: Making Findings and Declaring Portions of the City of Wayne to be Blighted and Substandard Pursuant to the Nebraska Community Development Act — North Central Redevelopment Area \(Tabled from last meeting\)](#)

**Background:** This study was presented to the Council after a public hearing at the last Council meeting. The Resolution was tabled to provide Councilmembers with the opportunity to review the proposed area and propose amendments to the map of the area.

**Recommendation:** It is the prerogative of the Councilmembers to amend the proposed map before final approval.

16. [Ordinance 2013-51: Amending Chapter 90 Zoning, Division 4 PUD Planned Unit Development, Section 90-641 Intent \(Second Reading\)](#)

17. [Resolution 2013-125: Directing City Clerk to Certify Razing Costs to the Wayne County Clerk and Wayne County Treasurer to become a Lien on Tax Lot 22 \(50x100 ft. tract\) in the Northwest Quarter of the Southwest Quarter of Section 18, Township 26 North, Range 4, East of the 6<sup>th</sup> P.M., more commonly described as 111 Fairgrounds Avenue](#)

**Background:** This represents the final payment on the bid to raze the building and clear the lot as part of the Property Maintenance Code enforcement action.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to approve the Resolution to secure the public interest in the property.

18. [Action to Foreclose on Property commonly described as 111 Fairgrounds Avenue](#)

**Background:** This action would begin the process to foreclose on City liens filed on the property that secure the costs of enforcement of the Property Maintenance Code in the event that the owner of record does not pay the invoices in full for the costs incurred by the public to enforce the Property Maintenance Code at this location.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to authorize the City Clerk to foreclose on the liens filed against the property to recover the cost to the public.

19. [Resolution 2013-130: Amending the City of Wayne Personnel Manual Sections 14.65 Employees Exempt from Overtime and 14.100 Employee Benefits](#)

**Background:** Attached is the Resolution with amendments to the current policy marked for your review.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to adopt the proposed amendments to the policy.

**20. Action on Pay Application No. 3 in the amount of \$22,637.32 to Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project**

**Background:** Work on this project is progressing well. The pay request is included in this packet.

**Recommendation:** The recommendation of the Project Engineer is to approve the payment for work completed in accordance with the contract.

**21. Action on Offer to Purchase the Pole Yard Property by Wayne County for the Sum of \$50,000**

**Background:** The Wayne County Commissioners have been maintaining two county crew operation sites at Wayne. The primary site is at the south end of Pearl Street, and the other site was a small parcel where the County Weed Board equipment shed was located before the tornado. The County is selling the former weed building site and wants to consolidate into one Wayne location. The attached offer is to purchase the 1.5 acre pole yard owned by the City that abuts the west end of the Pearl Street county site. We purchased the pole yard site from Northeast Nebraska Public Power District, but haven't used it much except to store cars towed or held as evidence by the Police Department. Cars held as evidence must be secured in police custody with no outside access to maintain the "chain of evidence" required by the court system.

For several years, we have budgeted to build a simple locked, unheated, steel frame storage building as part of the wastewater project, demolish the concrete block shed across Windom Street from the transfer station, and consolidate the equipment stored there and the Police Department cars into that new building. If we move forward with the sale of this property, we'll need to retain space from the county in the old pole yard building until new storage building is built.

**22. Action on the Application of Sand Creek Post & Beam, Inc. for \$193,000 in LB840 Funds to be Used for Emergency Business Loans in the Tornado Disaster Recovery**

**23. Adjourn**

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

November 19, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, November 19, 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 November 7, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of November 5, 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, 2011.61; APPEARA, SE, 86.79; BANK FIRST, FE, 120.00; CITY EMPLOYEE, RE, 30.61; BSN SPORTS, SU, 995.87; BUCK'S, SE, 502.68; CITY EMPLOYEE, RE, 84.37; CHEMQUEST, SE, 1622.50; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, SE, 61.25; CITY OF WAYNE, PY, 60265.87; CITY OF WAYNE, SE, 80.00; CITY OF WAYNE, RE, 225.00; CLAUSSEN & SONS IRRIG., SE, 185.00; COMMUNITY HEALTH, RE, 4.00; DAVE'S DRY CLEANING, SE, 87.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; ED. M FELD EQUIPMENT, SU, 2477.50; ELECTRIC FIXTURE & SUPPLY, SU, 8.87; FASTENAL, SU, 31.32; FLOOR MAINTENANCE, SU, 358.02; GODFATHERS, SU, 98.00; GUARANTEE ROOFING, SE, 363.00; CITY EMPLOYEE, RE, 274.69;

HAWKINS, INC, SU, 416.96; HOMETOWN LEASING, SE, 73.51; ICMA, SE, 6372.35; INNOVATIVE PROTECTIVES, RE, 10000.00; IRS, TX, 22396.20; JOHNNY P LEMPKE, SE, 73.00; FIREMAN, RE, 414.70; KRIZ-DAVIS, SU, 139.79; KTCH, SE, 1565.14; LEAGUE OF NEBRASKA, FE, 990.00; MAXIMUM SOLUTIONS, SU, 16400.00; MIDWEST LABORATORIES, SE, 72.45; MISS MOLLY'S COFFEE, SU, 74.00; MSC INDUSTRIAL, SU, 66.95; NE DEPT OF REVENUE, TX, 3169.83; NE HARVESTORE, SU, 3500.00; NE SAFETY COUNCIL, SE, 8.38; NNPPD, SE, 13185.52; OCC BUILDERS, RE, 37000.00; OTTE CONSTRUCTION, SE, 3400.00; PAC N SAVE, SU, 241.64; CITY EMPLOYEE, RE, 36.50; PUSH-PEDAL-PULL, SE, 183.80; ROBERT WOEHLE & SONS, SE, 100944.73; S & S WILLERS, SU, 257.91; SPARKLING KLEAN, SU, 1878.58; STADIUM SPORTING GOODS, SU, 260.00; STATE NATIONAL BANK, RE, 24722.50; STEVE HARRIS CONSTRUCTION, SE, 187081.79; TRITECH SOFTWARE SYSTEMS, SE, 4555.75; WAYNE COUNTY COURT, RE, 170.06; WAYNE HERALD, SE, 2660.46; CITY EMPLOYEE, RE, 823.93; WESCO, SU, 1837.13; WAPA, SE, 26572.00; WINGATE INN, SE, 269.85; AMAZON.COM, SU, 436.21; BAKER & TAYLOR BOOKS, SU, 19.73; CITY EMPLOYEE, RE, 60.34; BOMGAARS, SU, 1181.56; BROWN SUPPLY, SU, 125.35; CARHART LUMBER COMPANY, SU, 2101.04; DAKOTA BUSINESS SYSTEMS, SE, 104.50; DGR & ASSOCIATES, SE, 1414.56; DUNRITE, SU, 69.62; DUTTON-LAINSON, SU, 375.73; GERHOLD CONCRETE, SU, 668.35; HACH COMPANY, SU, 24.40; HUXFORD POLE & TIMBER, SU, 12656.54; CITY EMPLOYEE, RE, 5994.50; KIRKHAM MICHAEL, SE, 8073.00; CITY EMPLOYEE, RE, 313.85; CITY EMPLOYEE, RE, 1261.60; NE AIR FILTER, SU, 49.37; NE PUBLIC HEALTH, SE, 338.00; NPPD, SE, 252988.97; OLSSON ASSOCIATES, SE, 1450.14; OVERHEAD DOOR COMPANY, SE, 183.60; PIEPER & MILLER, SE, 3963.00; PITNEY BOWES, SU, 648.00; PRESTO X, SE, 145.80; QUILL, SU, 308.69; SHOPKO, SU, 76.85; STEVE LAMOUREX, SE, 110.00; ULINE, SU, 145.40; VOSS LIGHTING, SU, 50.80; WAYNE AUTO PARTS, SU, 909.28; WAYNE GROCERY, SU, 17.93; WAYNE HERALD, SE, 92.00; WESCO, SU, 537.83; ZEE MEDICAL SERVICE, SU, 181.61

Councilmember Muir made a motion, which was seconded by Councilmember Ley, 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 presented a framed photograph of an unidentified firefighter going through the tornado damage at Grossenburg Implement to the Wayne Volunteer Fire Department.

Duane Schroeder then presented two framed photographs taken by Jennifer Parker at the Wayne Fire Hall to both the City and the Wayne Volunteer Fire Department. The photograph is of the American Flag, which came off the flagpole during the tornado, and then draped itself over the Dalmation dog statue at the Fire Hall, with the caption "Together we will carry the load."

City Administrator Johnson presented Mayor Chamberlain with a propeller from one of the airplanes that were damaged at the airport with the inscription "To Mayor Chamberlain from Wayne City Staff for your leadership in the October 4, 2013, F4 tornado response."

Jason Karsky, along with a couple of Wayne State College Students, was present to describe a project they would like to do in conjunction with the City of Wayne to establish a historical marker along Highway 35 commemorating the October 4, 2013, tornado event. They may need some assistance from the City, such as equipment, to transport the boulder from the College to wherever it will be placed.

Todd Hegwer, the City's rate consultant/analyst and contract negotiator, updated the Council on the proposals he has received regarding competitive priced wholesale power suppliers for Wayne. The finalist was Big Rivers Electric Corporation of Kentucky who offered power at 90% of the rate charged by Nebraska Public Power

District (NPPD). Lindsay Barron of Big Rivers Electric Corporation gave a presentation on her company and answered questions from the Council.

Mark Shults, representing Northeast Nebraska Public Power District (NNPPD), spoke in favor of Big Rivers' Electric Corporation's proposal. He said he has no hesitation to recommending to his board that this is the right thing to do. If all of the towns that participated with them in the request for proposals would go this way, the savings would be \$37,000,000 over the ten year contract, which is money that stays in all of those towns.

Attorney Miller noted that NNPPD does not have a lease capacity agreement with NPPD, so they do not have to worry about losing \$600,000 per year, like the City of Wayne does.

A decision on giving NPPD notice on the City's intent to reduce its contract power purchase will be made at one of the Council meetings in December. Therefore, no action was taken on agenda item nos. 5 and 6.

Gary Boehle of First National Insurance Agency reviewed the proposal he received and the one he is recommending from CoOpportunity for the 2014 plan year. While the premium increases, the plan reduces the exposure to the City for self-insurance. The current carrier, Blue Cross Blue Shield, came back with a renewal proposal of 19.5%, and when you include the additional fees because of the Affordable Health Care Act, the net increase ends up being 22.3%. The CoOpportunity plan being offered is the "Gold" plan, which has a \$1600 single/\$3200 family deductible. It also has an office visit co-pay, as well as a drug card option.

CoOpportunity is the company that the Federal government set up between Iowa and Nebraska to allow for more competition for the companies that do health insurance in Nebraska. Several companies have pulled out of Nebraska, and at this time, Coventry, Blue Cross, CoOpportunity and Alegent are the only companies left.

Staff is recommending that the City still self-insure the deductibles, but that they be increased internally from \$250 single to \$500 single and \$500 family to \$1000 family if the employee and spouse get a physical and the employee does not smoke or use tobacco products. Said deductibles would be \$1000 single/\$2000 family if the employee and/or spouse do not get their physicals or the employee is a smoker or uses tobacco products.

In 2015, staff is recommending the following changes:

Going to a higher deductible plan - (e.g. \$3200 single/\$6400 family and still self-insuring).

Employee:

- Wellness Incentive - must be non-smoker/non-tobacco user and get annual physical - the deductible would increase from \$500 to \$1000.
- If employee is a smoker/tobacco user and/or does not get an annual physical - the deductible would increase from \$1000 to \$2000.

Spouse:

- If a spouse's employer offers group health insurance coverage, the spouse would be required to go on their own employer's health insurance plan.
- Wellness Incentive for spouses who are on the City's health insurance plan - must be a non-smoker/non-tobacco user and get annual physical - the deductible would increase from \$500 to \$1000.
- If spouse is a smoker/tobacco user and/or does not get an annual physical - the deductible would increase from \$1000 to \$2000.

The only action to be taken tonight is approving the health insurance plan or design with CoOpportunity. The staff recommendations will be brought forward by way of Resolution to amend the Personnel Manual at the next Council meeting.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the proposal received from CoOpportunity for the 2014 group health insurance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, Executive Director of WAED, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The applicant, Brent L. Pick, requested a \$50,000 loan. These funds will be used to purchase property and rebuild a building destroyed by the October 4, 2013, tornado. The property is better known as the Estes/Digital Blue/NAPA building at 1614 Chief's Way. The Committee met, and their recommendation was to approve the \$50,000 loan, with the terms being 15 years at 0% interest. The reason Mr. Pick did not ask for the tornado relief funds was because he did not meet the payroll requirements.

Brent Pick was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the recommendation of the LB840 Sales Tax Advisory Committee for a \$50,000 loan to Brent L. Pick, with the terms being 0% interest and a payback period of 15 years.

Mr. Blecke explained the matrix that the Committee uses on these loans.

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

Wes Blecke, Executive Director of WAED, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The applicant, the City of Wayne, requested a grant for up to \$30,000, to be used to replace the four Welcome to Wayne signs.

The Committee met and recommended a more concrete number of \$7,000 per sign (including lighting) or \$28,000. This would be a grant.

Lukas Rix and Melissa Urbanec, representing the Marketing Committee, gave a presentation on the proposed Welcome to Wayne sign project.

Wayne State College will be committing \$1,000 cash, as well as in-kind work, to this project. They will do the drawings for the landscaping of these signs, as well as the labor for the landscaping for the four signs.

It was noted that staff was awaiting confirmation from the insurance company on whether or not the sign by the airport that was destroyed by the tornado is covered under the City's insurance policy, and if so, the amount that would be reimbursed to the City to replace the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving a grant in the amount of up to \$30,000 to be used to replace the four Welcome to Wayne signs.

Councilmember Giese had concerns using LB840 funds for this project. He thought this money could come out of either this year's budget or next year's budget for

the project. He did not think this was economic development, nor the best use of the tools that the City has for such a project.

Mr. Blecke stated the LB840 plan that the voters approved is all encompassing. This definitely meets the criteria, but it is not hard core economic development.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Chapter 90 Zoning, Division 4 PUD Planned Unit Development, Section 90-641 Intent (a) to more clearly define where a PUD may be placed.

The proposed amendment to that section of the Code is as follows;

- (a) The owner of any tract of land comprising an area of not less than two acres for residential development, two acres for a commercial development, or ten acres for an industrial development located in any zoning district **within city limits** may submit a plan for the total development of the area in accordance with the following standards and requirements as a planned unit development.

The Planning Commission reviewed this amendment at their public hearing on November 4, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact": Consistency with the Comprehensive Plan and the current and future land use maps.

Joel Hansen, Zoning Administrator, was present to answer questions. He stated that he had someone pose the question as to whether or not a PUD would be allowed inside the zoning district, but outside the city limits. The City Attorney's office concurred with Mr. Hansen in the fact that the language is not clear. This issue was then taken to the Planning Commission, and their recommendation is noted above.

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

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

Councilmember Giese introduced Ordinance 2013-51, and moved for approval thereof to have PUD's only within city limits; Councilmember Ley seconded.

#### ORDINANCE NO. 2013-51

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VII, DIVISION 4 PUD PLANNED UNIT DEVELOPMENT, SECTION 90-641 INTENT; 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. The second reading will take place at the next meeting.

Mayor Chamberlain declared the time was at hand for the public hearing on the "Blight and Substandard Area Determination" known as the "North Central Redevelopment Area."

Northeast Nebraska Economic Development District prepared the blight study.

It was noted that the legal description in the blight study needed to be amended to extend to the farthest boundaries of the streets and alleys, and not the centerlines thereof.

Council had concerns about declaring this entire area blighted and substandard.

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

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

Because the legal description should be amended to include the farthest right-of-way lines, and because the Council had concerns regarding whether or not the entire area needed to be declared blighted and substandard, Councilmember Sievers made a motion, which was seconded by Councilmember Ley, to table Resolution 2013-123 declaring portions of the City to be blighted and substandard pursuant to the Nebraska Community Development Act – North Central Redevelopment Area until the next meeting. 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, which was seconded by Councilmember Brodersen, 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 Chamberlain made a motion, which was seconded by Member Sievers, to approve the minutes of November 5, 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 Claims:

Pieper & Miller – Legal Services - \$453.00  
Midwest Land – Lot Sale - \$1,050.00

Member Giese made a motion, which was seconded by Member Brodersen, 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 following Resolutions are needed to issue the tax increment financing bonds that have already been approved for the Progressive Property Inspections, LLC, and Sebade Housing, LLC, projects.

Member Chamberlain introduced CDA Resolution 2013-15 and moved for its approval; Member Muir seconded.

#### CDA RESOLUTION NO. 2013-15

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS — PROGRESSIVE PROPERTY INSPECTIONS, LLC.

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

Member Chamberlain introduced CDA Resolution 2013-16 and moved for its approval; Member Brodersen seconded.

#### CDA RESOLUTION NO. 2013-16

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS — SEBADE HOUSING, LLC.

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

Member Brodersen 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 following Resolution would establish the hook-up fees for the Chief's Way Sewer Main Extension Project. The hook-up fees will be used to recover the construction and engineering costs from those properties to be served, since no sewer extension district was created to assess the costs to those properties. The hookup fees were calculated by the project engineer, Olsson Associates, and costs are allocated to the properties on the basis of front footage, similar to the calculation of what the assessments would have been.

Councilmember Giese introduced Resolution 2013-118 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2013-118

A RESOLUTION OF THE CITY OF WAYNE ESTABLISHING SEWER HOOK-UP FEES FOR THE "CHIEF'S WAY SANITARY SEWER EXTENSION PROJECT."

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

In regard to the annexation of Pacific Coast, etc., Mayor Chamberlain stated he had not heard anything from them as to whether or not they are going to rebuild in Wayne. Mayor Chamberlain noted if he has not heard anything from Pacific Coast, he will not place the ordinance on the agenda for final reading.

BJ Woehler stated that since his property is involved in this annexation, he wanted the Council to proceed with it even if Pacific Coast does not want to rebuild in Wayne. He intends to do a Planned United Development on that piece of property and then apply for tax increment financing after the same is annexed.

Councilmember Muir introduced Ordinance 2013-50, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-50

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHEAST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Eischeid and Sievers who voted Nay, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

No action was taken on setting a date for the Council Retreat.

Councilmember Haase made a motion, which was seconded by Councilmember Muir, 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 8:15 p.m.

[Back to Top](#)

CLAIMS LISTING DECEMBER 2, 2013

ADVANCED CONSULTING	10TH STREET	7,737.55
ALTEC INDUSTRIES, INC.	DOMINATOR	73.97
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,230.46
APPEARA	LINEN & MAT SERVICE	94.98
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	120.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	105.16
BLACK HILLS ENERGY	GAS BILLS	632.00
BOMGAARS	TOOLBOX/PAINT/TOOLS/ANTIFREEZE	880.68
BSN SPORTS, INC	VOLLEYBALLS	437.93
CENTURYLINK	TELEPHONE CHARGES	313.37
CHILD SUPPORT	PAYROLL DEDUCTION	100.00
CITY OF NORFOLK	INSPECTIONS	214.55
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	150.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	500.00
CITY OF WAYNE	CAC OVERPAYMENT	11.37
CITY OF WAYNE	PAYROLL	68,098.88
CITY OF WAYNE	UTILITY REFUNDS	471.63
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	4.00
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	DISABILITY/LIFE/VFD INSURANCE	1,824.86
CITY EMPLOYEE	HEALTH REIMBURSEMENT	60.23
DUTTON-LAINSON COMPANY	CROSSARM/BUNDLE MOUNTING	685.33
EXHAUST PROS	TIRE REPAIR	16.00
FIRST CONCORD GROUP LLC	FLEX ACCOUNT	3,701.94
FREDRICKSON OIL CO	TIRE REPAIR	14.00
GEXPRO	BULBS	22.90
HANSEN, GENE K.	ENERGY INCENTIVE	12.32
HOLIDAY LITE & TRIM	CHRISTMAS LIGHTS	329.40
ICMA RETIREMENT TRUST	ICMA RETIREMENT	6,376.70
IRS	FEDERAL WITHHOLDING	24,926.42
ISG INFRASYS	CAMERA BATTERY	90.00
JEO CONSULTING GROUP	WRIEDT STORM SEWER/FIRE HALL	2,165.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	215.06
KRIZ-DAVIS COMPANY	JUNCTION/INSULATORS/CAPS	2,321.48
KTCH AM/FM RADIO	BARK PARK RADIO ADS	44.00
MARCO INC	LIBRARY COPY CHARGES	113.74
MATT LEY	TREE INCENTIVE	100.00
MIDWEST MESSENGER	SUBSCRIPTION RENEWAL	35.10
NE DEPT OF ENVIRONMENTAL	CLEAN/DRINKING WATER SRF	201,143.19
NE DEPT OF REVENUE	STATE WITHHOLDING	3,447.74
NORFOLK TRUCK CENTER	HYDRAULIC/AIR LEAK/HVAC/WIPERS	2,674.07
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY	5,385.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	706.14

POSTMASTER	CHLORINATION LETTER	566.11
PROVIDENCE MEDICAL CENTER	LIGHTING EFFICIENCY	2,875.88
QUILL CORPORATION	OFFICE SUPPLIES	1,025.94
SCOTT HASEMANN	TREE INCENTIVE	50.00
SIOUX CITY WINNELSON	PVC CAP	19.91
SOLOMON CORP	BODY BAGS	198.97
STADIUM SPORTING GOODS	SHIRTS	750.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	105.44
STEFFEN INC.	INSTALL MOUNTING KIT	1,706.65
SUN RIDGE SYSTEMS	RIMS ANNUAL SUPPORT	2,730.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	110.25
TYLER TECHNOLOGIES	UTILITY BILL ONLINE BANKING	400.00
UNITED WAY	PAYROLL DEDUCTIONS	12.40
VERIZON WIRELESS SERVICES	CELL PHONES	302.28
VIAERO	CELL PHONES	258.20
WAYNE COUNTY COURT	BOND	300.00
CITY EMPLOYEE	VISION REIMBURSEMENT	86.00

# SWIMMING POOL EVALUATION

WAYNE, NEBRASKA

SEPTEMBER, 2013

**FINAL DRAFT 09-26-13**



**SWIMMING POOL EVALUATION  
FOR  
CITY OF WAYNE, NEBRASKA  
SEPTEMBER, 2013**

**JEO CONSULTING GROUP, INC.  
142 WEST 11<sup>th</sup> STREET  
P.O. BOX 207  
WAHOO, NEBRASKA 68066  
(402) 443-4661; FAX (402) 443-3508**

**OFFICES IN:  
NEBRASKA AND IOWA**

**MAYOR**  
**COUNCIL PRESIDENT**  
**COUNCIL MEMBERS**

Ken Chamberlain  
Jill Brodersen  
Jon Haase  
Rod Greve  
Kaki Ley  
Matt Eischeid  
Jennifer Sievers  
Cale Giese  
Nick Muir  
Lowell D. Johnson  
Betty A. McGuire  
Nancy Braden  
Garry Poutre  
Joel Hansen  
Olds, Pieper & Connolly  
Garry Poutre  
Betty McGuire  
Todd Hoeman  
Heather Claussen  
BJ Woehler  
Dr. Jeff Carstens  
Mandi Fernau  
Dr. Tammy Evetovich  
Jodi Pulfer  
Nana Peterson  
Ted Perry  
Katie Jensen  
Alex Koch

**CITY ADMINISTRATOR**  
**CITY CLERK**  
**CITY FINANCE DIRECTOR**  
**CITY SUPERINTENDENT OF UTILITIES**  
**CITY PLANNER**  
**CITY ATTORNEY**  
**POOL COMMITTEE**

**JEO CONSULTING GROUP, INC.**  
**142 WEST 11<sup>th</sup> STREET**  
**P.O. BOX 207**  
**WAHOO, NEBRASKA 68066**  
**(402) 443-4661; FAX (402) 443-3508**

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### POOL GLOSSARY AND ABBREVIATIONS

APPENDIX "A" – Opinions of Cost for Improvement Options

APPENDIX "B" – 1985 through 2013 City of Wayne Operations and Maintenance Historical Costs

APPENDIX "C" – (Nebraska DHHS Title 178 NAC 4 Public Swimming Pool Design and Construction Standards, as amended September 17, 2010)

## EXECUTIVE SUMMARY

### **ES-1 GENERAL DISCUSSION**

The purpose of this evaluation is to evaluate the condition of the existing pool facility, make recommendations for improvements for the existing facility and provide options for a new aquatic facility. The pool facility is now close to 60 years old, but main pool renovations were done in 1990. This evaluation will identify and evaluate various alternatives for the follow:

- Provide an evaluation of the existing pool and bathhouse;
- Provide recommendations for improvements for four different scenarios:
  1. Renovation of the existing pool and bathhouse
  2. Build new outdoor aquatic facility
  3. Build new indoor/outdoor aquatic facility attached to the existing Community Activity Center
  4. Renovate existing Swimming Pool/Bathhouse and add an indoor pool to the Community Activity Center
- Provide concept drawings of the proposed improvements;
- Provide an opinion of cost for the proposed improvements.

### **ES-2 EXISTING MAIN POOL**

The main pool structure appears to be structural sound with no evidence of bowing walls or buckling floors and the paint system appears in good condition. A stainless steel gutter system is utilized around the main pool which provides both the inlets and the perimeter overflow and skimming needed. The filter tank for the main pool is over 20 years old and appears in fair condition. The main pool pump has had electrical motor work performed on it in the past and shows signs of deterioration. The gas pool heater for the main pool only is in good condition and is operating correctly. The acid for the chemical feed system is housed in a separate room and appears in good condition. The chlorine storage is housed in the same room as the filter and pump which is the cause of some the deterioration noted. The current turnover rate for the main pool is 8.75 hours which is above the 1979 or any other current design standards which is approximately 3-4 hours. The deck appears in good condition.

### **ES-2 EXISTING WADING/BABY POOL**

The wading pool structure appears to be structural sound with no evidence of bowing walls or buckling floors and the paint system appears in good condition. A separate filter tank for the wading pool is a fiberglass vessel and appears in good condition. The dedicated wading pool pump has an unreadable name plate but appears in good condition. The wading pool is not heated and the chemical tablet feed system is housed next the wading pool pump and filter and appears in good condition. The existing turnover rate is approximately of which the current regulations require 30 minutes or less. A separate gate is provided for ingress and egress into the area from the outside and main pool side.

### **ES-3 BATHHOUSE**

The bathhouse structure has some cracks in the masonry walls and appears to be in fair condition. Each men's and women's dressing areas has gang showers with toilets, sinks and urinals (men's only). Metal partitions on both sides show an extreme amount of deterioration. The walls are colorfully painted in all interior areas of the bathhouse. The center/admission houses clothes baskets, refrigerator, freezer, desk and other items. Ceilings and lack of ventilation in all areas does not provide adequate air flow. Overall the bathhouse lacks in privacy areas to change or to shower and is considered in overall poor condition, nor is it aesthetically pleasing.

Neither of the existing pools or the bathhouse meets the current ADA regulations for accessibility.

### **ES-4 RECOMMENDATIONS**

This study resulted in six different recommendations and is listed as options in Appendix "B".

Option "A" – Widen existing main pool to achieve 6 lanes, add zero depth into main pool, deepen the diving well, replace the pool slide and new bathhouse.

Option "B" - Build a new pool with zero depth entry, diving well, 6 swimming lanes and new parking lot. 13<sup>th</sup> Street would be a through street. Existing pool facility would remain until new facility opens.

Option "C" – New indoor 6 lane 25 meter pool with bleachers and new zero depth outdoor pool with slides and water play features at Activity Center. Building addition for the indoor pool also included additional area for other indoor activities that were left undefined.

Option "D" - New indoor 6 lane 25 meter pool with bleachers and new zero depth outdoor pool with slides and water play features at Activity Center. Building additions include a filter room with storage for the indoor pool portion and also included additional building area for other indoor pool filters.

Option "E" - Included no physical changes to the existing main pool, a new bathhouse and converting the wading pool into a splashpad.

Option "F" - Outdoor pool at the existing Activity Center with a slide, zero depth entry, 6 lane swimming/lap lanes and bleachers.

All options proposed at the Activity Center did not include any new bathhouse features and be using the existing dressing/locker/restroom facilities already based there.

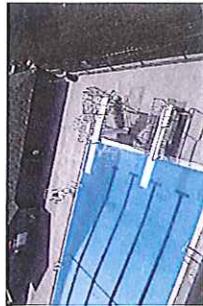
### **ES-5 SUMMARY**

The main pool and bathhouse are close to 60 years old and have significantly surpassed the life expectancy of a facility like this. The facility is not in compliance with the ADA regulations. The City can make improvements to the existing facility as presented in this study, but further structural investigations would need to take place before finalizing those improvements.

The pool committee and JEO recommend Option "D" which includes an indoor/outdoor pool at the Activity Center. Either the indoor or the outdoor pool could be built first before the other one if funding for both is not available. Some overall cost savings would be realized if they were built at the same time over constructing them separately and years apart.

**KEYNOTES:**

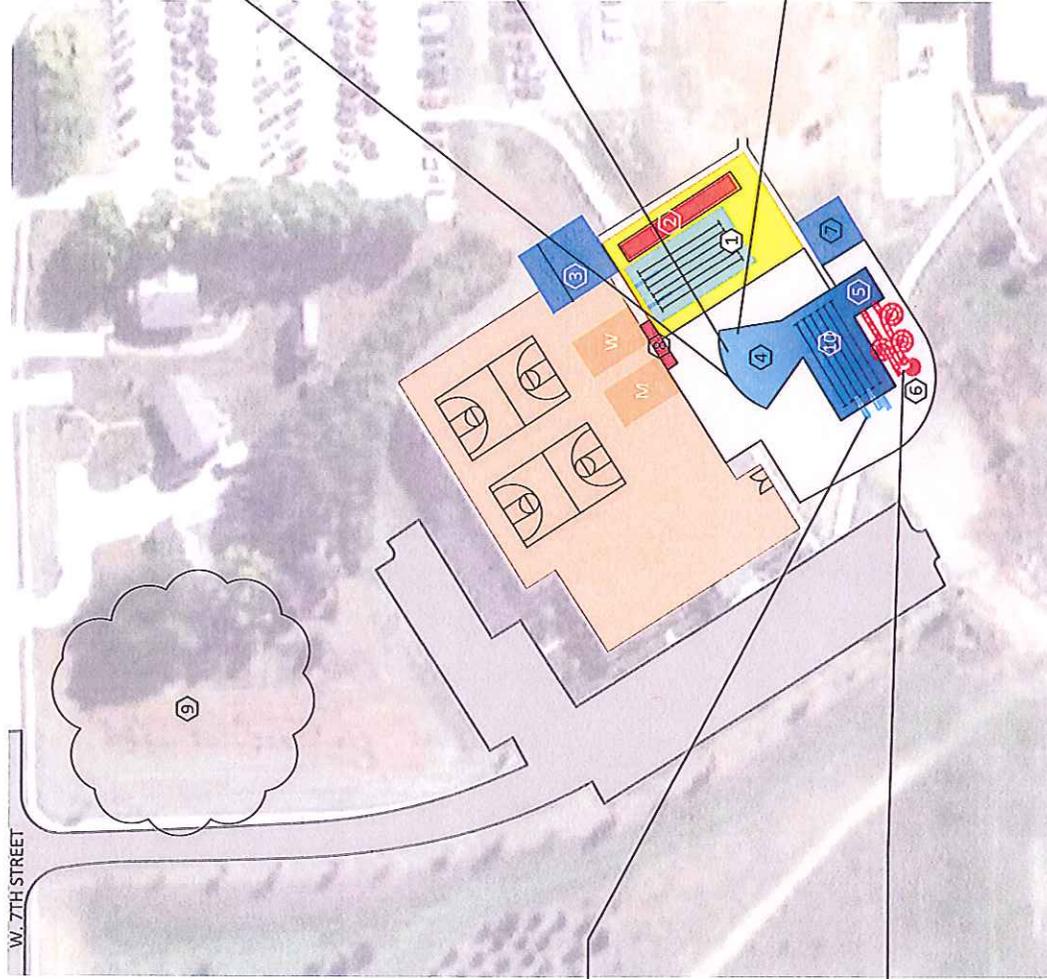
- ① NEW 25 METER, 6 LANE INDOOR COMPETITION POOL WITH DIVING WELL & TOWERS
- ② NEW BLEACHERS
- ③ MECHANICAL/STORAGE ROOM FOR INDOOR POOL
- ④ NEW OUTDOOR ZERO-DEPTH ENTRY WITH MULTIPLE WATER FEATURES
- ⑤ SLIDE PLUNGE POOL
- ⑥ NEW DUAL FLUME SLIDE TOWER COMPLEX
- ⑦ OUTDOOR POOL MECHANICAL AREA
- ⑧ VISITBULE/ENTRY
- ⑨ ADDITIONAL PARKING, LOCATION UNDETERMINED
- ⑩ NEW 25 METER, 6 LANE COMPETITION POOL WITH DIVING WELL & TOWERS



1 & 3 METER DIVING STANDS



DUAL SLIDES



SITE DIAGRAM – OPTION D

Scale: Not To Scale



ZERO DEPTH ENTRY



GROUND GEYSERS



KIDDIE SLIDE

**WAYNE, NEBRASKA AQUATIC CENTER**

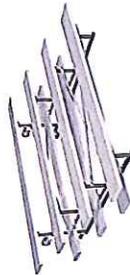
Date: September 26, 2013

Project No. P110845.00

© JEO Consulting Group, Inc.

**KEYNOTES:**

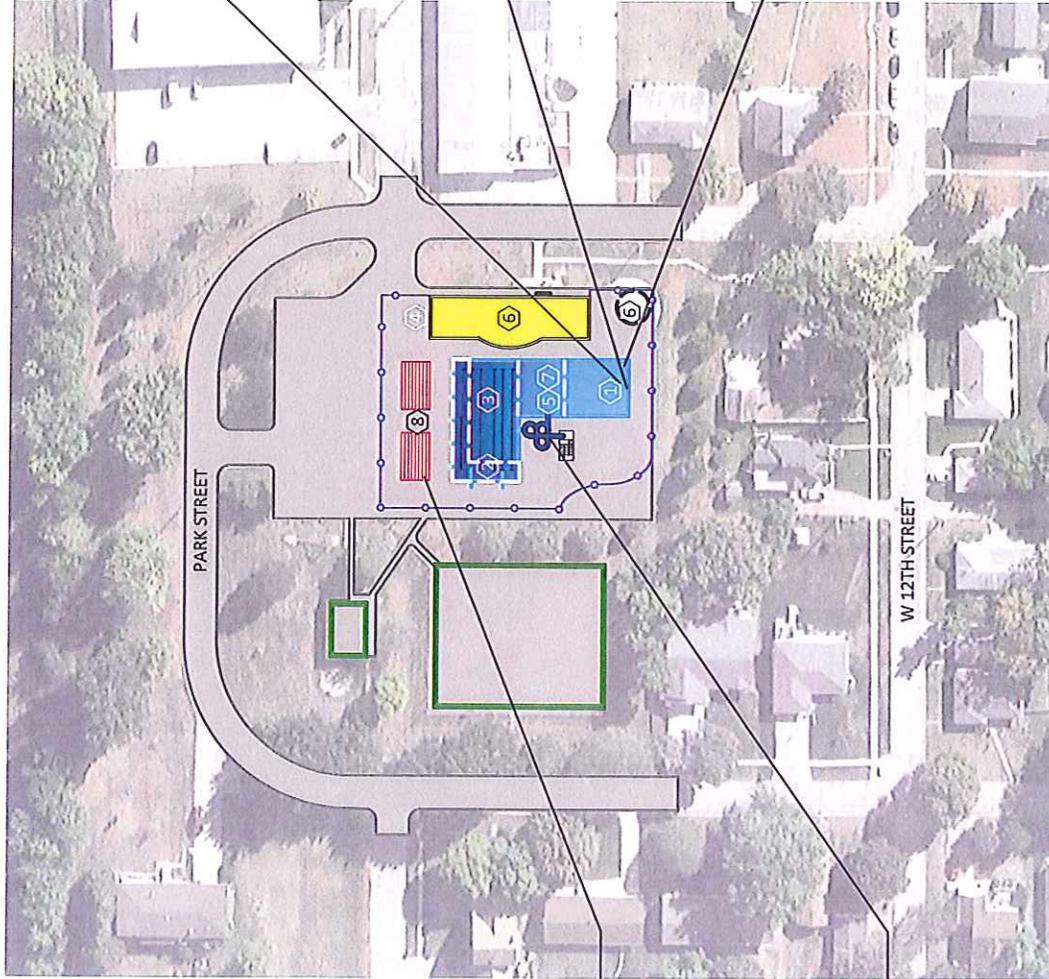
- ① NEW OUTDOOR ZERO-DEPTH ENTRY WITH MULTIPLE WATER FEATURES
- ② RENOVATED DIVING WELL
- ③ 6 - 25 METER LAP LANES
- ④ NEW 400 PATRON BATHHOUSE
- ⑤ NEW SLIDE
- ⑥ DEMO EXISTING BATHHOUSE, WADING POOL
- ⑦ 1,250 SQ. FT. 3'-5" DEPTH
- ⑧ PORTABLE BLEACHERS



PORTABLE BLEACHERS



SINGLE SLIDE

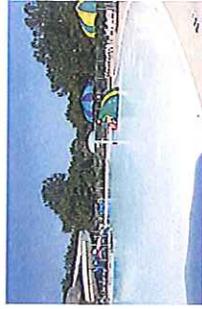


SITE DIAGRAM - OPTION A

Scale: Not To Scale



GROUND GEYSERS



ZERO DEPTH ENTRY



KIDDIE SLIDE

**WAYNE, NEBRASKA AQUATIC CENTER**

Date: September 26, 2013

Project No. P110845.00

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DRAFT RENDERING - OPTION D

Scale: Not To Scale

## SECTION 1.0 INTRODUCTION

The City of Wayne, Nebraska has retained the engineering services of JEO Consulting Group, Inc. (JEO) to perform a study and report on the City's existing swimming pool and bathhouse facility. The purpose of the study is to provide a brief evaluation of the existing facility as well as provide recommendations for improvements on a few different scenarios. Specifically, this report addresses the following areas:

- Provide an evaluation of the existing pool and bathhouse;
- Provide recommendations for improvements for four different scenarios:
  1. Renovation of the existing pool and bathhouse
  2. Build new outdoor aquatic facility
  3. Build new indoor/outdoor aquatic facility attached to existing Community Activity Center
  4. Renovate existing Swimming Pool/Bathhouse and add an indoor pool to the Community Activity Center
- Provide concept drawings of the proposed improvements;
- Provide an opinion of cost for the proposed improvements.

However, during the course of the writing of this study, it was determined by the Owner that several of the improvement scenarios did not merit further investigation. Therefore, only two (2) improvements scenarios include detailed investigation, cost estimating, etc in the following report.

### **1.1 POOL PLANNING**

Swimming pools/aquatic facilities appeal to community members of all ages. They provide a place to gather and enjoy safe, family-oriented, fun-filled summertime or year round recreation. Communities throughout the Midwest appreciate and understand the value that a swimming pool/aquatic facility adds to the quality of life in a small, medium or large sized community.

For many communities, it is a challenge to agree on the wants and needs for an upgraded swimming pool/aquatic facility or pool. In the case of Wayne, Nebraska, the preliminary indications are that the City Pool Committee is interested in renovation of the existing pool along with other possible new additions/facilities, provided that it is the most cost effective route to take. Listed below are several questions that may help in determining if a new or renovated facility is right for your community:

- Have members of your community expressed an interest in a new or a renovated swimming pool/aquatic facility?
- Do members of your community travel to other communities to use newer facilities that provides amenities or features the existing pool facility does not have?
- Does your current swimming pool/aquatic facility meet the needs of your users?
- Does your current swimming pool/aquatic facility have high operating costs and low user turnout?
- Will your local government support a new facility or renovation of an older one?

- Does your current facility support patronage by physically challenged individuals?
- Would a modern swimming pool/aquatic facility in your community draw customers from surrounding communities?

Since your community has a pool, it may or may not be more cost-effective to renovate it. Depending on several factors, including but not limited, 1) room for expansion, 2) existing components' and structures' conditions, and efficiency of the systems etc., it may be in the communities' best interest to construct a new pool. Older pools often suffer from water loss, poor water recirculation, and accessibility issues. This study includes options to repair the above mentioned issues affecting an older pool, as well as, constructing a new pool at the current site or the Community Activity Center site. This will also give the City Council information of what the cost of renovation and new construction would be.

## **1.2 POOL STANDARDS**

The original pool was built between 1954 and 1955. Renovations to the pool were also made in 1990, which, among other things, included: 1) building a new pool inside the old pool basin, 2) renovating the bathhouse, 3) building a new wading pool inside the old wading pool, 4) replacing the water circulation system. There have been modifications made to the Nebraska DHHS Title 178 NAC 4 Public Swimming Pool Design and Construction Standards (Swimming Pool Rules), as amended September 17, 2010. Therefore, due to the pools age, the current pool facility will not meet some of the pool design standards. Presently, for most modifications to an existing facility (as well as for all new facilities), it will be necessary to submit the plans and specifications to the Nebraska DHHS for its review. A copy of the aforementioned Swimming Pool Rules is included in the Appendix "B" of this report.

**1.3 GEOGRAPHY AND DEMOGRAPHICS**

Wayne is located in the North Eastern part of Nebraska and in the North Central part of Wayne County on Nebraska State Highway 35 and Nebraska State Highway 15. The 2010 census has Wayne's population at 5660 people. The current census indicates an increase of 1.4% from the previous census, which is contrary the general population trend in the area. The median age of residents is 22.9 years, which is lower than the Nebraska median age by 12.4 years. Further census data shows the population separated by age group as indicated here:

<i>Group</i>	<i>Pop.</i>	<i>%</i>
Under 5 years	260	4.6
5 to 9 years	245	4.3
10 to 14 years	227	4
15 to 19 years	915	16.2
20 to 24 years	1,481	26.2
25 to 29 years	301	5.3
30 to 34 years	225	4
35 to 39 years	210	3.7
40 to 44 years	210	3.7

<i>Group</i>	<i>Pop.</i>	<i>%</i>
45 to 49 years	221	3.9
50 to 54 years	232	4.1
55 to 59 years	245	4.3
60 to 64 years	184	3.3
65 to 69 years	135	2.4
70 to 74 years	140	2.5
75 to 79 years	146	2.6
80 to 84 years	120	2.1
85 years and over	163	2.9

*Family Type*

With Children under 18 years	436
Under 6 years only	127
Under 6 and 6 to 17 years	89
6 to 17 years only	220

## SECTION 2.0 BACKGROUND AND POOL HISTORY

The pool and bathhouse are located on the Southwest corner of the intersection of Lincoln Street and W 13<sup>th</sup> Street. J.M. Thorburn was the designer of the original pool and bathhouse. It appears that the pool and bathhouse were constructed between 1954 and 1955. Gilmore and Associates designed some renovations which included a stainless steel gutter recirculation system, new pool wall and floors within the existing pool structure, piping, deck, and bathhouse renovations which were constructed in 1990. The existing pool facility is normally open from approximately Memorial Day through mid-August.

Bruce Gilmore and Associates designed and produced a set of construction plans for improvements to the facility that were dated 1990. The improvements included the following:

- Built new walls and floor within the existing pool
- Added a stainless gutter system around the perimeter of the pool
- Removed and replaced various areas of concrete on the deck
- Poured a new wading pool inside the old wading pool
- Replaced the piping for the wading pool
- Added a pitched roof and asphalt shingles to the bathhouse.

A site visit by Dave Henke and George Parizek of JEO, was made in the spring of 2012 to visually inspect the existing condition of the main pool, wading pool, pool equipment and the bathhouse facility when the pool was still closed for the season. Pictures were taken of the pool and bathhouse facility along with verifying the dimensions of the facility. This site visit included comments and discussions regarding operational issues from Alex Koch, Community Activity Center Administrator, and Todd Hoeman, Pool Manager. Plans of the original pool, bathhouse and renovation were provided by the City of Wayne and have been scanned for future use and preservation. It is believed that the original construction was funded in part by municipal funds, and part by local donations.

A subsequent site visit in late June, while the pool was in operation was also held with Todd Hoeman. The pool had approximately 125 patrons in the pools at that time. The wading pool recirculation pump had recently been replaced and was operated effectively. Other recent (2012) upgrades including relocating the pool pump kill switch to the outside of the pump room, added a backflow preventer on the incoming water service line and creating a swale behind the slide to drain the deck off better.

Overall, the pool staff appeared to be very knowledgeable with the operations of the pool facility and the pool has been well maintained over the years.

## SECTION 3.0 EXISTING CONDITIONS

### 3.1 FACILITY

The outdoor main swimming pool is an "L" shaped structure with maximum dimensions of 108'-4" long x 75'-1" wide. The main pool has a water surface area totaling 5,740 square feet with 370" linear feet of perimeter and holds approximately 213,000 gallons. The wading pool is circular shaped with interior diameter of 22' – 8". The wading pool has a water surface of 403 square feet and a perimeter of 71 linear feet and holds approximately 5,160 gallons. The combined water surface and volumes of the main and wading pools together is 6,200 square feet, and 218,160 gallons respectively.

This is classified as a Class A pool under the current Nebraska DHHS Swimming Pool Rules. The bathhouse, per the posted signage at the pool, is posted for a patron loading of 350 people. From the fixture counts shown on the original bathhouse plans, the bathhouse would be rated for a loading of between 151 to 200 patrons.

Per section 4-006.04A of the Swimming Pool Rules, the patron loading of the shallow end of the pool

*15 ft<sup>2</sup>/patron for ≤ 5 feet water depth, which calculates: 4,472 ft<sup>2</sup> / 15 ft<sup>2</sup> / patron = 298 patrons;*

and the deep end of the pool

*25 ft<sup>2</sup>/patron for > 5 feet water depth, which calculates: (1268-300) ft<sup>2</sup> / 25 ft<sup>2</sup> / patron = 38 patrons, excluding 300 ft<sup>2</sup> for each diving board, and adding 10 patrons per diving board;*

combined, calculates to be 298 + 38 + 20 = 356 patrons, even before considering the additional patronage allowed for deck space around the pool.

The bathhouse capacity is determined by the number of fixtures supplied in each the men's and women's restrooms. Since there is only 1 sink in each, this fixture count is the limiting factor, and would set the capacity of the entire facility at 200 patrons under the current regulations and at 150 patrons on the 1979 regulations (the 1990 renovation would have been under the 1979 regulations). As stated before the current swimming pool facility capacity is posted to be 350 patrons.

A check of the demographics within a 50 mile radius does support of pool facility that has a patron loading of 400 swimmers.

### 3.2 MAIN SWIMMING POOL

The main pool walls are monolithically formed, poured in-place concrete construction with stainless gutters. The deck elevation is 6" above the water level. The recirculation system consists of three (3) main drains, interconnected with a 10" main drain line to the pump. The main form of recirculating water from the pool through the filter is through the gutter system. The stainless gutter has integral supply track inside with small ports on the bottom to return filtered water back to the pool. The majority of pools are designed with this system today. To meet the



surge requirements the gutter has been designed with surge weirs. These hold the level of the water down 2" from the overflow point to provide excess volume. Thus, when several swimmers get in the water the pool water isn't lost down the overflow drain.

As stated before there are three anti-vortex main drains in the diving area of the pool, approximately 10 feet apart. They have been fitted recently with square, anti-vortex, VGB Act (Virginia Graeme Baker Act) compliant grates. A visual inspection of the drains would indicate that they are in fairly decent shape with no readily visible defects. The existing three main drains do not appear to have hydrostatic relief valves. These are normally installed if there is a potential for the water table to be higher than the bottom of the pool and could cause serious damage. It is our understanding that the water table is greater than 20 below grade thus relief valve were not likely installed during the renovation.

From a visual inspection, it appears that the main structure of the pool is in fairly good condition considering its age. There appears to be very little sagging, movement, or differential settling of the concrete and only minor cracking of the pool walls and floor. The pool walls are all straight and the pool floor is in good condition. Joints between the walls and floor and on the floor are in good shape with some needing to be re-caulked. Also, the two skimmers on the south side of the pool are functioning, though not optimally, and the southwest corner of the pool appears to be slightly lower than the rest of the pool. However, overall, the pool is in good shape for its age, a testament to the knowledgeable current and past pool staffs.

The pool slide was donated by the United Way at some point. It is fed through potable water from a deck hydrant.



### **3.2 WADING POOL**

The wading pool is located on the south side of the bath house. The wading pool is circular shaped with interior diameter of 22' – 8". It has a total volume of 5,160 gallons. There is a drain in the middle for



return water and there are 4 inlets around the perimeter to supply the pool with filtered water. The wading pool structure appears to be in good condition with all of its walls straight and with little to no sagging or differential settling. The recirculation system for the wading pool is independent from the main pool recirculation system. This is ideal; because, if there is a fecal accident in the wading pool, the main pool would not need to be shut down for cleanup.

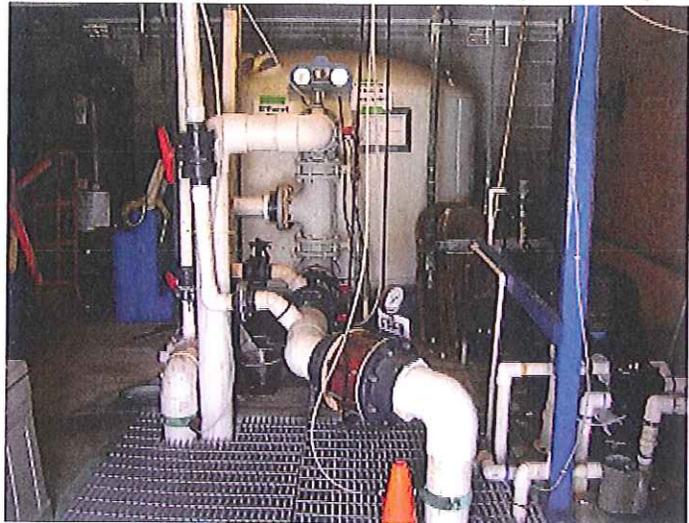
### **3.3 DECKS**

A concrete deck surrounds both the main and wading pools and varies from 12 feet to 20 feet wide. The decks slope away from the pool and this meets current design standards. There is an galvanized chain link fence all of the way around the outside of the main and wading pool deck and a shorter fence and gate separating the main pool from the wading pool. The city purchased new shade shelters this winter and is installing them for this swimming season.

### **3.5 FILTER/RECIRCULATION EQUIPMENT**

The existing filtration equipment is a vertical steel high rate sand-type unit, rated for 905 GPM. It filters water directly from the pools by a "deck" mounted suction pump (Pentair CMK-75, self-priming commercial bronze pump). At the current flow of approximately 300 GPM, the turnover rate provided by

the existing pump/filter equipment is approximately 8.75 hours, which is less than the "industry standard" 6-hour turnover rate. Under the current Nebraska Swimming Pool Rules, a filter/pump assembly capable of approximately 550 GPM would have to be installed on the main pool and a separate filter/pump assembly capable of 86 GPM would have to be installed for the wading pool. The current pump and filter can remain 'as is' until major re-construction is done and then recirculation system would have to be brought



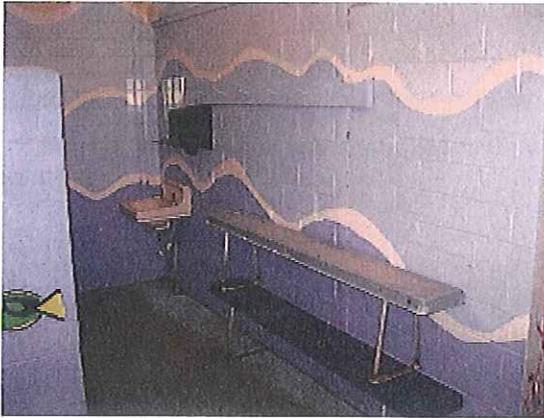
up to date. Furthermore, based on correspondence with Pentair engineers and DHHS staff in the past, the existing pump is not (required now by DHHS) NSF-50 rated for self-priming applications unless installed with a net positive suction head which requires a more cumbersome and expensive installation, i.e. installing it in a pump pit.

### **3.4 BATHHOUSE**

The 70-foot x 26-foot rectangular shaped bathhouse was constructed at the same time as the pool. The exterior and interior walls are masonry construction. There is some cracking of the masonry on the interior walls. A sloped roof with asphalt shingles was added during the 1990 renovation. The bathhouse consists of an administration area & dressing rooms. The filter/mechanical room was fenced in the initial design, but was closed in with masonry walls and attached



to the bathhouse sometime thereafter.



An administrative area/check room is located between the two dressing rooms. There have been several complaints that the admin area gets really hot. Access to the dressing rooms is through an outside entrance on either side of the admin admission counter. The dressing rooms for each sex are located on either side of the administrative area. These dressing areas have toilets, urinals, sinks, showers and sitting benches



located within them. The bathhouse has been reasonably well taken care of and is in fair condition for a structure of its age. The interior paint is in moderate to poor condition and probably will need repainting. The exterior brick is in good condition overall. The current layout does not provide the required width between walls to meet all current ADA regulations. The water heater servicing the women's and men's showers and lavatories is located in the filter room and is showing the affects of the corrosive environment that exist in that room.

### **3.6 ELECTRICAL**

The existing electrical service (panels, starters, disconnects, etc.) in the existing bathhouse have deteriorated due to the fact that are located in the same room where the chemicals are also stored. We did not review in great detail until renovation becomes a viable option for improvements. It is usually assumed that the electrical grounding system was not constructed in a manner that would meet the new safety standards. Code requires that all electrical conductive objects and reinforcing in the pool floor, walls ladders, diving towers, lifeguard chairs and decks shall be grounded to a grid system. This grounded grid system helps prevent possible electrical shocks or electrocution. We assume this wasn't done to an extent necessary to meet the current standards because our past experience with pools constructed in this time period has indicated that this was rarely completed. With a new deck being constructed, reinforcing in the new pool floor and the deck and other necessary items will need to be properly grounded to the grid system. Any renovations/improvements will likely require a new electrical service be constructed.

### **3.7 ADA COMPLIANCE**

On May 15, 2012 the 2010 ADA guidelines that were adopted by the United States Department of Justice go into effect. This will have an effect on the City or Wayne's pool facility. More specifically the new law requires municipalities to provide access under the new guidelines to all of their "Programs" (i.e. Swimming lessons, aerobics classes, and swim meets). The City of Wayne can learn more about the new requirements at this website: <https://www.ada.gov/>.

The following is a description of items that would enable the existing pools to meet the ADA guidelines:

There is currently no handicap access into the existing main pool. The pool's 370 linear feet of perimeter would require two means of primary (stairs and a lift) handicap access. The facility currently owns and utilizes a portable stair section that upon a quick visual inspection will not meet the ADA access requirements. The most feasible way to meet the requirement would be to install a lift. A lift is considered a primary means of access and can be relatively cost effective. There is a good chance that modifications to the deck would need to be made to ensure that the slope around the lift does not exceed 2%.

If a major renovation were to take place, a permanent stair can be installed and act as a primary means of handicap access with the strategic incorporation of railings. The second access point would be of a different type so as to serve the needs of different disabled individuals. Other means of handicap access include chairlifts or transfer walls.

Wading pools require an access ramp to the deepest portion of the pool. However, if there are no programs in this wading pool; the City may be justified in foregoing this access requirement. The City of Wayne should put together a policy stating no programs will be held in this wading pool. If programs are held, then an access ramp should be provided. Keep in mind that access ramps to wading pools do not require hand rails.

The bathhouse has a few items that do not meet the current guidelines. The doors leading into the Men's and Women's restrooms are currently 2'-8" wide. The current regulations require clear opening of 2'-8". Further investigation would need to take place to check if the doors have a clear opening of 2'-8" or if it is just under that dimension. The restrooms would each need to have an accessible toilet and shower stall. The drinking fountain(s) would need to be modified, or added, so that there is one high and one low. This would provide one drinking fountain for those who need access from a wheel chair as well as those who have difficulty bending over. Finally, an evaluation of the parking lot would need to be made to make sure accessible parking spaces are provided.

The Department of Justice allows public entities to undergo a self-evaluation and put into place a written transition plan for bringing access to their programs up to ADA compliance. This also includes plans in which full compliance is not reached until after the May 15, 2012 deadline. The deadline has been extended to January 31, 2013. The City should take some time to find all access shortfalls and assemble a document describing when each will be corrected. Cost and administrative burden can be a legitimate consideration for completing the compliance requirements after the deadline. If a complaint or lawsuit were to arise, the programs would be less subject to jeopardy if the plan is reasonable and being followed than if nothing had been completed.

Another way that ADA compliance may be triggered is by an individual or a specific class of individuals or their representative alleging discrimination on the basis of disability by a state or local government may either file –

- (1) An administrative complaint with the Department of Justice or another appropriate federal agency; or
- (2) A lawsuit in federal district court.

If an individual files an administrative complaint, the Department of Justice or another federal agency may investigate the allegations of discrimination. Should the agency conclude that the public entity violated Title II of the ADA, it will attempt to negotiate a settlement with the public entity to remedy the violations. If settlement efforts fail, the agency that investigated the complaint may pursue administrative relief or refer the matter to the Department of Justice. The Department of Justice will determine whether to file a lawsuit against a public entity to enforce Title II of the ADA.

Potential remedies (both for negotiated settlements with the Department of Justice and court-ordered settlements when the Department of Justice files a lawsuit) include:

- injunctive relief to enforce the ADA (such as requiring that a public entity make modifications so a building is in full compliance with the ADA Standards for Accessible Design or requiring that a public entity modify or make exceptions to a policy);
- compensatory damages for victims; and/or
- back pay in cases of employment discrimination by state or local governments.
- In cases where there is federal funding, fund termination is also an enforcement option that federal agencies may pursue.

### **3.8 OPERATING HOURS**

The normal operating hours for the outdoor pool is 1:00 to 8:00 PM and offers lap swimming from 5:00 to 6:00 on weekdays. Family hours are from 6:00 to 7:00 PM on weekdays and from 5:00 to 7:00 PM on weekends. Most swim meets are held on the weekend during the late afternoon from 5:00 to 9:30 PM. As many as 200 swimmers may be using the main pool during the swim meets. Lack of parking spaces during the swim meets was stated several times during our visits.

### **3.9 SUMMARY OF EXISTING CONDITIONS**

- The pool staff is very knowledgeable with the operations of the pool facility and the pool appeared to be operating as designed.
- The major renovation in 1990 which included new pool walls and pool floor, stainless steel gutters and new filtration equipment.
- The main pool, wading pool and bathhouse are in generally in fair to good shape and no significant water loss was noted by the pool staff.
- The pool was last painted in 2008. The pool was sandblasted at that time. Overall the paint in the pool appeared to be in fair shape.
- The pool filtration equipment appears to be in fair to good condition and is functioning as designed.
- The main and wading pools do not meet the current ADA standards nor will they meet the new ADA standards expected to take place in January of 2013, which is typically for most Nebraska communities.
- The bathhouse is functional but it is not aesthetically pleasing and does not meet the current or future ADA standards but is covered under the safe harbor provisions until renovations are planned.

## SECTION 4.0 SUGGESTED IMPROVEMENTS

### 4.1 SUGGESTED IMPROVEMENTS

The pool committee has approved 6 different improvement options. They are listed below with a brief synopsis of the proposed improvements. A sketch and brief outline of each proposed improvement is also attached in the Appendix.

#### OPTION A

This option would consist of the renovating the existing outdoor pool to include:

1. Adding two additional lap lanes on the north side of the main pool;
2. Adding additional length to the diving well to make the diving well be in compliance with the new diving standards;
3. Adding a larger pool slide;
4. Building a zero depth entry slope into the existing outdoor pool which will leave approximately 1250 square feet of 3 to 5 foot deep water depth;
5. The existing wading pool would be demolished and not rebuilt;
6. A new bathhouse would be constructed to match the patron loading of 400 swimmers;

This option could be constructed during the off-season and the construction work completed for the following season without disrupting the normal open pool season.

#### OPTION B

This option would consist of the following:

1. Building a new outdoor pool and bathhouse on the property north of the existing outdoor pool facility;
2. The new pool would include:
  - a. 6 – 25 meter laps lanes for competitive swimming;
  - b. Zero depth entry area;
  - c. High and low diving boards with stands;
3. The new bathhouse would include:
  - a. Enough plumbing fixtures to allow 400 patrons;
  - b. An administrative area;
  - c. First aid room;
  - d. Family changing room;
  - e. Storage and mechanical rooms;
4. The parking lot would be expanded also for this option;
5. The existing pools and bathhouse would be demolished when the City desires;

This option could be constructed during the on and off-season and the construction work completed for the following season without disrupting the normal open pool season.

### **OPTION C**

This option would build a new indoor and outdoor pool at the existing Community Activity Center, consisting of:

1. Indoor pool would include:
  - a. 6 – 25 meter lap lanes;
  - b. Movable floor on part of the pool and two diving boards;
2. The outdoor pool would include:
  - a. A zero depth entry;
  - b. Slide and slide plunge area;
  - c. Other shallow water play;
3. The existing parking lot would be expanded also for this option;

The existing CAC building does provide enough showers, stools and sinks to allow this addition to the facility. There may be times when both the indoor and outdoor pool will not be operated at the same time because of overcrowding or shortage of life guards. The existing parking lot would be expanded also for this option.

### **OPTION D**

This option would build a new indoor only at the existing Community Activity Center and minimal renovations at the outdoor pool consisting of:

1. The indoor pool would include:
  - a. 6 – 25 meter lap lanes;
  - b. Movable floor on part of the pool and two diving boards;
2. The existing parking will likely need to be expanded at the CAC site.
3. The existing CAC building does provide enough showers, stools and sinks to allow this addition to the facility.
4. The outdoor pool renovation would include:
  - a. No changes to the existing outdoor main pool;
  - b. Would demolish the wading pool;
  - c. Construct a splash pad area in its location;
  - d. A new bathhouse:
    - i. Allow 400 patrons would also be constructed and likely no expansion of the existing parking at the outdoor pool site.

### **OPTION E**

This option would include:

1. No major changes to the existing outdoor main pool;
2. Would demolish the wading pool and construct a splashpad area in its location;
3. The new bathhouse would include:
  - a. Enough plumbing fixtures to allow 400 patrons;
  - b. An administrative area;
  - c. First aid room;
  - d. Family changing room;
  - e. Storage and mechanical rooms;
4. No expansion of the existing parking at the outdoor pool site

### **OPTION F**

This option would build a new outdoor pool on the property south of the existing Community Activity Center. The new pool would include:

1. 6 – 25 meter laps lanes for competitive swimming;
2. Zero depth entry area;
3. Slide and slide plunge pool area;
4. High and low diving boards with stands;
5. The existing parking lot would be expanded also for this option.
6. The existing outdoor pools and bathhouse would be demolished when the City desires.

## **SECTION 5.0 COST OPINIONS FOR SUGGESTED IMPROVEMENTS**

**OPTION A – RENOVATE THE EXISTING POOL/BATHHOUSE**

**Budget 2.2 to 2.5 million**

**OPTION B – BUILD NEW OUTDOOR AQUATIC FACILITY AT A NEW SITE**

**Budget 2.8 to 3.5 million**

**OPTION C – ADD INDOOR POOL TO COMMUNITY ACTIVITY CENTER**

**Budget 4.5 to 5.0 million**

**OPTION D – ADD INDOOR AND OUTDOOR POOL TO COMMUNITY ACTIVITY CENTER**

**Budget 7.3 to 8.3 million**

**OPTION E – NEW BATHHOUSE & SPLASHPAD AT EXISTING POOL SITE**

**Budget 0.9 to 1.2 million**

**OPTION F – ADD OUTDOOR POOL TO COMMUNITY ACTIVITY CENTER**

**Budget 3.0 to 4.0 million**



## **SECTION 6.0 EXISTING OPERATING REVENUE & EXPENSES**

### **6.1 OPERATING REVENUES AND EXPENSES**

The City has well documented the operating and income expenses for the past several years. A copy of this detailed report from 1985 to 2013 is included in the appendix. In summary the last 10 years average expenses were \$76,000. The average revenue during this same time period is \$31,000. The average loss of operations over the same time period is \$34,000. This appears to be a little high for a community of your size.

In 2009 the pool heater and chemical feed system was replaced which was the only major renovations completed since 1990 renovation as stated before. In 1990 the major pool renovations was bonded and payments started in 1992 and the bond was paid off in 2006.

A typical Indoor pool operating and maintenance costs average approximately \$20 per square foot per year of building space. Using Wayne's proposed indoor layout of approximately 6,000 square feet of building space that equates to \$110,000 to \$120,000 per year. Expected revenues are estimated are \$20,000 to \$40,000 per year, depending on the programs provided by the facility and if other entities use and pay for the indoor pool facility use.

A typical Outdoor pool operating and maintenance costs average approximately \$10 per square foot per year of pool square feet. Using Wayne's proposed outdoor layout that equates to approximately 6,300 square feet that equates to \$60,000 to \$70,000 per year. If lifeguards are shared between the indoor and outdoor pools or limit the indoor open times during the outdoor season some savings can be made. Expected revenues are estimated are \$50,000 to \$60,000 per year, depending on the programs provided.

## SECTION 7.0 AVAILABLE FUNDING OPTIONS

Funding is critically important for turning ideas into reality. Despite its importance quality civic betterment projects are often delayed – or even cancelled – due to the lack of appropriate funding. An awareness of available funding options is a critical “first step” in addressing a project’s funding needs.

Below is a list of potential resources that may be access by the city of Wayne to help offset the cost of the Wayne Pool Project.

### **Capital Improvements Planning**

One of the most vital functions of a local government is to construct and maintain the public works infrastructure. Without a network of roadways, sanitary sewer, water mains and other essential public facilities, a wide range of negative impacts are likely to be felt by residents and commercial enterprises which rely on local governments for their physical well-being and economic prosperity.

The 1990s saw the advent of two important and parallel trends. The first involved an increasing awareness on the part of local officials of the continuing deterioration of our nation’s network of public facilities. The second involved a perhaps belated understanding on the part of these same public officials that an expanding economy requires an adequate infrastructure to sustain growth, especially within the fringe of expanding metropolitan areas.

Unfortunately, many local governments have failed to evaluate their capital facility repair and expansion needs, or to allocate sufficient resources to correct deficiencies. Recent experience has clearly demonstrated that this casual, short-sighted approach to capital project decision-making is likely to result in a funding crisis and an accelerated rate of deterioration of capital assets.

Those local governments which have sought to address these problems have often turned to Capital Improvements Programming. The plan is a tool used to allocate scarce resources in an efficient manner. Rather than allow capital improvement decisions to be made on an ill-defined, haphazard basis, the Capital Improvements Program and annual capital budget identifies the needs, the prioritization of the various project, and provides for the funding and an implementation strategy on an annual basis.

Nebraska State Statutes recognize the intrinsic relationship between the comprehensive development plan and the capital improvement plan. The authorizing statutes (Section 19-929) read, "The planning commission shall (a) make and adopt plans for the physical development of the municipality; including any areas outside its boundaries which the commission's judgment bear a relation to the planning of such municipality and including comprehensive development plan as defined in 19-903, (b) prepare and adopt such implemental means as a *capital improvements program*, subdivision regulations, building codes and zoning ordinances in cooperation with other interested municipal departments, and (c) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to promulgation and implementation of the comprehensive development plans and its implemental programs.

A Capital Improvements Program can assist the community in achieving sound financial management practices by planning ahead for the financing of construction, major rehabilitation and other capital projects (such as swimming pools) which are consistent with the goals and objectives of the Comprehensive Development Plan. By applying a planned schedule of expenditures for capital improvements, the community can assure taxpayers that long-term expenditures can be averaged out so that major debt is not incurred all at once, and that maintenance, renewal and replacement requirements of public infrastructure are adequately addressed to protect the community's investment and maximize the useful life of facilities

For more information, go to:

<http://law.justia.com/codes/nebraska/2009/Chapter19/19-929.html>

### **Community Development Assistance Act**

The Community Development Assistance Act (CDAA) was created in 1985 by the Nebraska Legislature to encourage financial support by businesses to community betterment organizations in their efforts to implement community service and development projects in chronic economically distressed areas. CDAA empowers the Department of Economic Development to distribute a 40 percent state tax credit to businesses, corporations, insurance firms or financial institutions or individuals that make eligible contributions of cash, services or materials to approved community betterment projects.

Five types of projects may qualify through the program. Eligible projects include, employment training, human and medical services, physical facility and neighborhood development services, recreational and educational activities and crime prevention.

Application due date: Open cycle until tax credits are fully obligated.

Maximum Assistance: Up to \$25,000 per year, per project (generate \$62,500 in private donations)

Matching requirement: Not applicable.

For more information, go to:

<http://neded.org/community/community-info/financial-assistance/community-development-assistance-act-cdaa>

### **General Obligation Bonds**

General Obligation (GO) bonds are backed by property taxes, and are issued by the City for a wide array of community betterment projects. First Class Cities: See Section 16-6, 108 of the Nebraska Revised Statutes.

For more information, go to:

[http://law.justia.com/codes/nebraska/2009/Chapter16/16-6\\_108.html](http://law.justia.com/codes/nebraska/2009/Chapter16/16-6_108.html)

### **Joint Public Agency Act**

The Joint Public Agency Act allows local governmental units to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the Joint Public Agency Act. Any combination of two or more public agencies may create one or more joint public agencies to exercise the powers and authority prescribed by the Joint Public Agency Act.

Notwithstanding any restrictions contained in a city charter, any power, privilege, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state and jointly with any public agency of any other state or of the United States.

A joint public agency shall have only those powers of taxation as one or more of the participating public agencies has and only as specifically provided in the agreement proposing creation of the joint public agency, except that a joint public agency shall not levy a local option sales tax. Participating public agencies may agree to allow the joint public agency to levy a property tax rate not to exceed a limit as provided in the agreement if the agreement also limits the levy authority of the overlapping participating public agencies collectively to the same amount. The levy authority of a joint public agency shall be allocated by the city or county as provided in section [77-3443](#), and the agreement may require allocation of levy authority by the city or county.

Any joint public agency may issue such types of bonds as its board may determine subject only to any agreement with the holders of outstanding bonds, including revenue or general obligation bonds. Except as provided in section [72-2304](#), bonds issued for purposes of the Public Facilities Construction and Finance Act may be issued with no requirement for a vote.

The Joint Public Agency Act is necessary for the welfare of the state and its inhabitants and shall be construed liberally to affect its purposes.

For more information go to:

<http://law.justia.com/codes/nebraska/2009/Chapter13/Chapter13.html>

### **Land and Water Conservation Fund**

The Land and Water Conservation Fund (LWCF) Act of 1965 seeks to provide outdoor recreation opportunities for all Americans. Funding is made available through royalty revenues from offshore leasing contracts with mineral extracting companies. Nebraska appropriates 60% of the fund for local subdivision recreation projects and retains 40% of the fund for statewide projects within the State Park System. As required by Congress, proposed recreation projects must be in accordance with the State Comprehensive Outdoor Recreation Plan (SCORP). The reimbursable program provides grants for up to 50% of project costs. Local governments/political subdivisions must assure the Nebraska Game and Parks Commission that they have the financial resources to complete and maintain projects in desired operations and settings.

All improvements made with Land and Water Conservation Funds, whole or in part, must be kept in perpetuity by the owner.

Examples of eligible projects include playgrounds, ball fields, soccer fields, picnicking facilities, camping facilities, golf courses, tennis courts, shelters, acquisition and development, and related support facilities.

Application due date: October 1<sup>st</sup>  
Maximum grant award: None specified  
Matching requirement: 50%

For more information, go to:

<http://outdoornebraska.ne.gov/parks/programs/lwcf/lwcf.asp>

### **Lease Purchase Agreement**

The mayor and council of any city of the first or second class and the chairman and board of trustees of any village, in addition to other powers granted by law, may enter into contracts for lease of real or personal property for any purpose for which the city or village is authorized by law to purchase property or construct improvements.

In order to utilize a Lease Purchase Agreement for most projects, the municipality must first create a "Facilities Corporation" which is a 501(c)(3) non-profit organization. The Facilities Corporation is a separate "agency" of the community, governed by a Board of Directors appointed by the chief elected. The Board is comprised of three, five or seven members, and cannot be the governing body itself.

A lease purchase agreement allows the municipality to purchase and use an item while making payments. These items include pieces of equipment, such as fire trucks, or real estate, such as land or buildings. The Facilities Corporation purchases the item and then leases it back to the community. The Facilities Corporation issues bonds for the cost of the item. The municipality then levies a tax (property or sales tax) which is used to repay the Lease Purchase Agreement, pursuant to the contract terms. The Lease payments match the corporation's bond payments.

Capital expenditures (land and buildings) are subject to the municipal levy lid (LB1114) but not the spending lid (LB989). In contract, equipment purchases are subject to both lids.

Such agreements shall not be restricted to a single year, and may provide for the purchase of the property in installment payments.

For more information, go to:

<http://law.justia.com/codes/nebraska/2009/Chapter19/19-2421.html>

### **Local Capital Fundraising Campaign**

A capital campaign is an intensive fund raising effort designed to raise a specified sum of money within a defined time period to meet the varied asset-building needs of an organization. These needs can include the construction of new buildings, renovation or enlargement of existing buildings, purchase or improvement of land, acquisition of furnishings or equipment, and additions to endowment. All of these are asset-building objectives. All can have a place in developing a goal for capital fund raising.

A fundraising program is ordinarily referred to as a campaign. A campaign is organized (it has a structure); it is intentional (it follows a plan); it is systematic (volunteer enlistment and prospect cultivation and solicitation are from the top down); and it is strategic (movement and progress are plotted). Its approach to fundraising is delineated publicly as a set of priorities to be met and dollars to be raised in a specific period of time. Not all aspects of fundraising are campaign-bound, however. Planned giving, research, donor relations and stewardship, gift and account administration, and corporation and foundation relations are examples of fundraising activities that are ongoing and guided more by donors' timing and decisions than by institutional agendas and timelines.

But the paradigm that has emerged over the past century is the campaign model. Although the general principles of fundraising tend to be universally applicable to any type of organization, there are different campaign models. Four rather distinctive forms are found today:

1. The traditional annual campaign
2. The traditional capital campaign
3. The comprehensive campaign
4. The single-purpose campaign

### **Local Option Sales Tax**

Any Nebraska county or incorporated municipality may impose a local sales and use tax upon approval by a majority of their voters in a regular election. The local tax applies to the identical transactions subject to the state sales and use tax, with the exception of direct-to-home satellite programming. Local option taxes of 0.5¢, 1¢, and 1.5¢ may be approved by city or county voters. The tax is collected and remitted to the state and is then allocated back to the municipalities after deducting the amount of refunds made and a three percent administrative fee.

Effective July 19, 2012 and pursuant to LB357, municipalities may, with voter approval a sales and use tax equal to 1.75¢ to 2.0¢. The proceeds from the rate in excess of 1.5¢ shall be used for public infrastructure projects or voter-approved infrastructure related to an economic development program as defined in section 18-2705. Public infrastructure project means and includes, but is not limited to, any of the following projects, or any combination thereof: Public highways and bridges and municipal

roads, streets, bridges, and sidewalks; solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances; hazardous waste disposal systems; resource recovery systems; airports; port facilities; buildings and capital equipment used in the operation of municipal government; convention and tourism facilities; redevelopment projects as defined in section 18-2103; mass transit and other transportation systems, including parking facilities; and equipment necessary for the provision of municipal services.

No municipal sales and use tax shall be imposed at a rate greater than one and one-half percent or increased to a rate greater than one and one-half percent unless the municipality is a party to an interlocal agreement pursuant to the Interlocal Cooperation Act or a joint public agency agreement pursuant to the Joint Public Agency Act with a political subdivision within the municipality or the county in which the municipality is located creating a separate legal or administrative entity relating to a public infrastructure project.

For more information, go to:

[http://law.justia.com/codes/nebraska/2009/Chapter77/77-27\\_142.html](http://law.justia.com/codes/nebraska/2009/Chapter77/77-27_142.html)

#### **Private/Charitable Foundation**

Private/charitable foundations are legal entities set up by an individual, a family or a group of individuals, for a purpose such as philanthropy. The Wayne Community Foundation Fund is an example of such a foundation.

#### **Retree Nebraska Programs**

ReTree Nebraska is a 10-year cooperative initiative to raise public awareness of the value of trees, reverse the decline of Nebraska's tree and forest resources and improve the health and sustainability of trees and forests across our state for future generations.

The primary goal of ReTree Nebraska is to work in partnership with people across Nebraska to foster the proper planting and maintenance of 1 million new trees by 2017. The program will use the following programs to accomplish this objective.

##### *Shade Our Streets*

The Shade Our Streets (SOS) program enables the planting of large-maturing trees along streets and other public right-of-ways.

- Projects must be located on public property and directly impact adjacent streets or roadsides.
- A minimum 20% cash match is required (grant funds can cover up to 80% of eligible expenses).
- SOS is funded by the Nebraska Department of Roads with federal transportation funds.
- Application deadline: mid-March

Application due date: None established for 2012.

Maximum grant award: None established

Matching requirement: 20%

#### *Trees for Nebraska Towns (TNT)*

The Trees for Nebraska Towns (TNT) makes funding and technical assistance available to improve species diversity and to foster better planting and maintenance practices for trees and associated landscapes.

- Projects should emphasize the planting of large-maturing trees (those exceeding 40' in height or spread). Other landscape plantings that benefit trees can be included in the project.
- Projects can be on public or private property, but all projects must provide clear public benefit.
- A 50% funding match is required. Donated and in-kind goods and services are allowed toward the required match.

Application due date: October 1<sup>st</sup>.

Maximum grant award: 10,000

Matching requirement: 50%

For more information, go to:

<http://nfs.unl.edu/ReTree/retreenebraskafunding.asp>

#### **Revenue Bonds**

All municipal bonds fall into one of two categories—general obligation or revenue bonds—based on how the interest and principal repayment will be funded. Within each category, municipal bonds can be structured a number of different ways, each with different benefits and tax treatment.

Principal and interest payments for revenue bonds are secured by revenues generated by the particular project being financed. In some cases revenue bonds can be backed by sales taxes, fuel taxes, or hotel occupancy taxes. Some financiers refer to revenue bonds as “self liquidated debt”. Revenue bonds do not count against the general obligation of the community.

For more information, go to:

<http://law.justia.com/codes/nebraska/2009/Chapter19/19-1305.html>

#### **United States Department of Agriculture – Rural Development**

- *Guaranteed Community Facility Loan Program*

The purpose of the Guaranteed Community Facilities Loan Program is to work with local lenders - including banks, savings and loan associations, mortgage companies, and Farm Credit System banks to offer loan guarantees to help build essential community facilities and purchase equipment in rural areas. Community service facilities include: fire and rescue buildings and/or equipment, swimming pools, streets, utilities, community buildings, libraries, senior citizen centers, day care centers, airports, industrial parks, hospitals, clinics, nursing homes, assisted living facilities, etc.

For more information, go to:

[http://www.rurdev.usda.gov/HAD-CF\\_Loans.html](http://www.rurdev.usda.gov/HAD-CF_Loans.html)

### **Non-Profit Foundation – Municipal Bond Financing**

Non-profits are not authorized to issue tax exempt bond financing through a local government – at no risk to the local government. The non-profit must have a lead lender (bank) for the project who agrees to purchase the municipal bonds, once issued. The municipality issues the bonds and the bank buys them, using the new building/addition as collateral.

The maximum amount of bond that can be issued by a municipal government under this program is \$10 million.

The authorizing statutes (§13.1101 - §13.1110) can be found at the following link:

<http://law.justia.com/codes/nebraska/2009/>

Simply click on the link, scroll down to Chapter 13, click on that link. Scroll down to 13-1101 and go from there.

The attorney who can speak best about this program is William G. Blake at Baylor Evnen, Curtiss, Gruit & Witt, L.L.P. here in Lincoln. They're located in the Wells Fargo Center at 1248 "O" Street, Suite 600. His contact information is:

Email: [wblake@baylorevnen.com](mailto:wblake@baylorevnen.com)

Phone: 402.458.2115

## **SECTION 8.0 COMMUNITY SUPPORT**

Community support is critical for a successful municipal swimming pool/aquatic facility renovation or construction project. It is important to organize the community, gather public support, review design and funding options, and make recommendations to the Village Board. The pool committee should conduct public meetings at several times through the design and funding phases of the project so that the members of the community can make an informed decision. The committee should have the full support of the Wayne, Nebraska City Council and the community.

At informational meetings, people from the community and surrounding areas that use the facility should be invited to have a voice in representing the community. A good cross-section of the community should be included in the process to develop wide ranging support for the project. Consider including individuals that represent young families, older and/or disabled patrons, local businesses, and local government; and don't forget the younger people who will be the majority of the patronage.

## POOL GLOSSARY AND ABBREVIATIONS

ADA- Americans with Disabilities Act: Rules, regulations and standards for handicap accessibility.

Aquatic Facility: Typically a more modern recreation facility than a swimming pool. It can include waterslides, wading pools, zero depth entry area and typically offer many food and beverages options.

Balanced Water: Balance water is a result when all of your chemical parameters are where they should be and thus balance each other. The key components of water balance are pH, total alkalinity, calcium hardness, and temperature.

Backwash: Reversing the flow of water through the filter to clean the elements and filter medium. Typical part of maintenance for sand filters and some DE filters.

Pool Decks: The area adjacent to the pool wall/surface and the exterior fence and usually made of concrete.

Patron: A person of either sex male or female entering the pool area, but not necessarily entering the pool.

Patron Load: The number of people in a pool area at a particular time or during a specific period of time.

Filter: A device that removes undissolved particles from water through a porous filter medium (sand, cartridge, DE).

Flow Rate: The volume of liquid (water) flowing past a given point in a specific time period expressed in gallons per minute.

Nebraska Department of Health and Human Services: The organization tasked with developing and enforcing the rules and regulations for public pool design and construction methods and also for the operation and maintenance of public pools.

Pump: A motor powered device that creates pressure and water flow by spinning an impeller to provide circulation through the filter and heater.

PVC Membrane Liner: One type of interior pool finish. The liner is draped over a sand or cementitious floor and locked into the top of the pool walls. The liner is typically manufactured of a 60-mil reinforced, flexible, nonslip surface.

Skimmer: A device in the swimming pool or spa wall that continuously removes the surface water and floating debris to be taken away by the filter. A hand skimmer net can be used manually to "dip" large floating debris from the water.

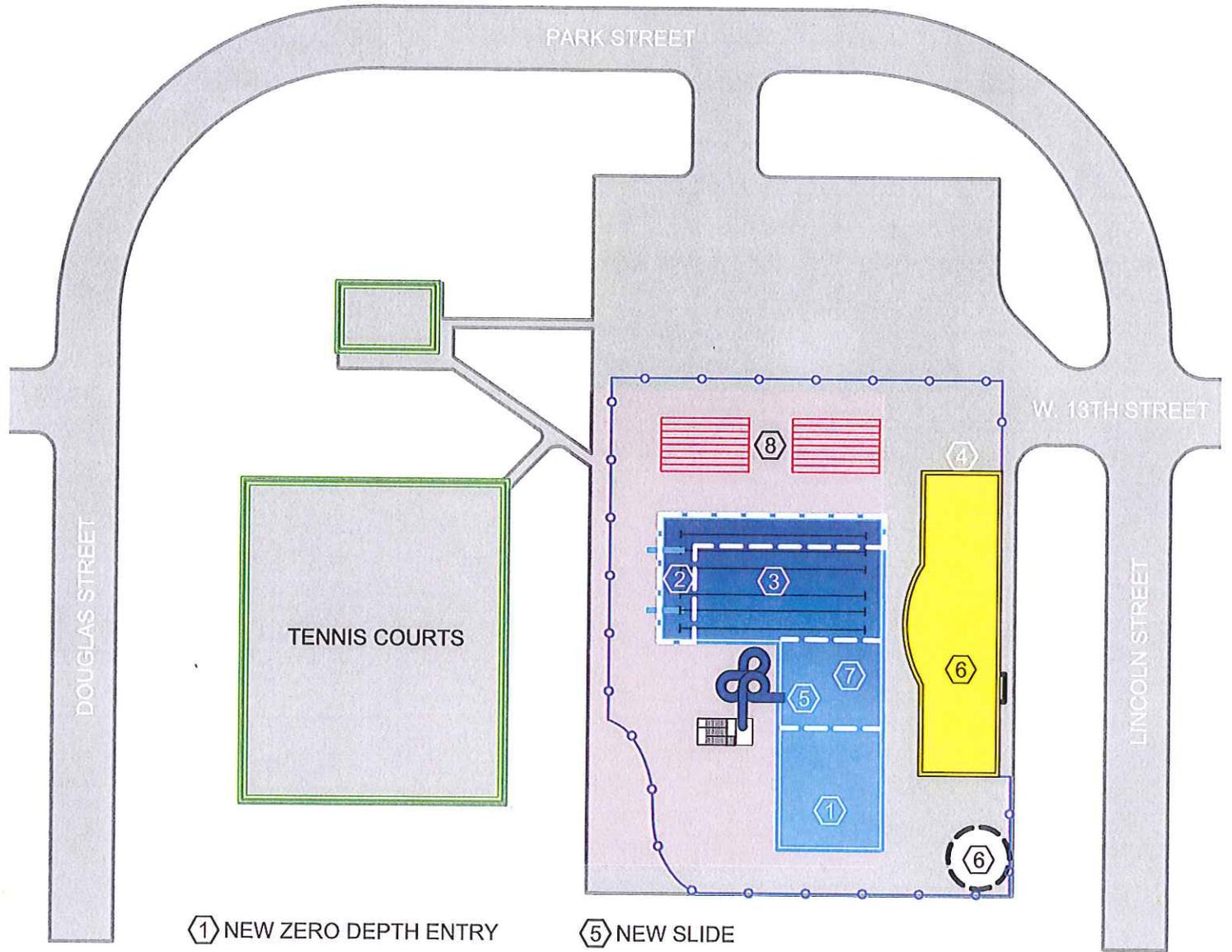
Stainless Steel Gutter System: This gutter system houses both the perimeter overflow of the pool and inlet piping in one small compact area at the edge of the water surface.

Swimming Pool: A manmade structure capable of being filled with water and intended for swimming, diving, wading and paddling.

Turnover Rate: The period of time (in hours) required to circulate through the pump and filter a volume of water equal to the spa or swimming pool capacity.

Wading Pool: Typically a shallow water pool made for small children and toddlers. The maximum depth is usually only 18 inches at the deepest part and 12 inches on the sides.

# APPENDIX "A"



- ① NEW ZERO DEPTH ENTRY
- ② RENOVATED DIVING WELL
- ③ 6 - 25 METER LAP LANES
- ④ NEW 400 PATRON BATHHOUSE
- ⑤ NEW SLIDE
- ⑥ DEMO EXISTING BATHHOUSE, WADING POOL
- ⑦ 1,250 SQ. FT. 3'-5' DEPTH
- ⑧ PORTABLE BLEACHERS

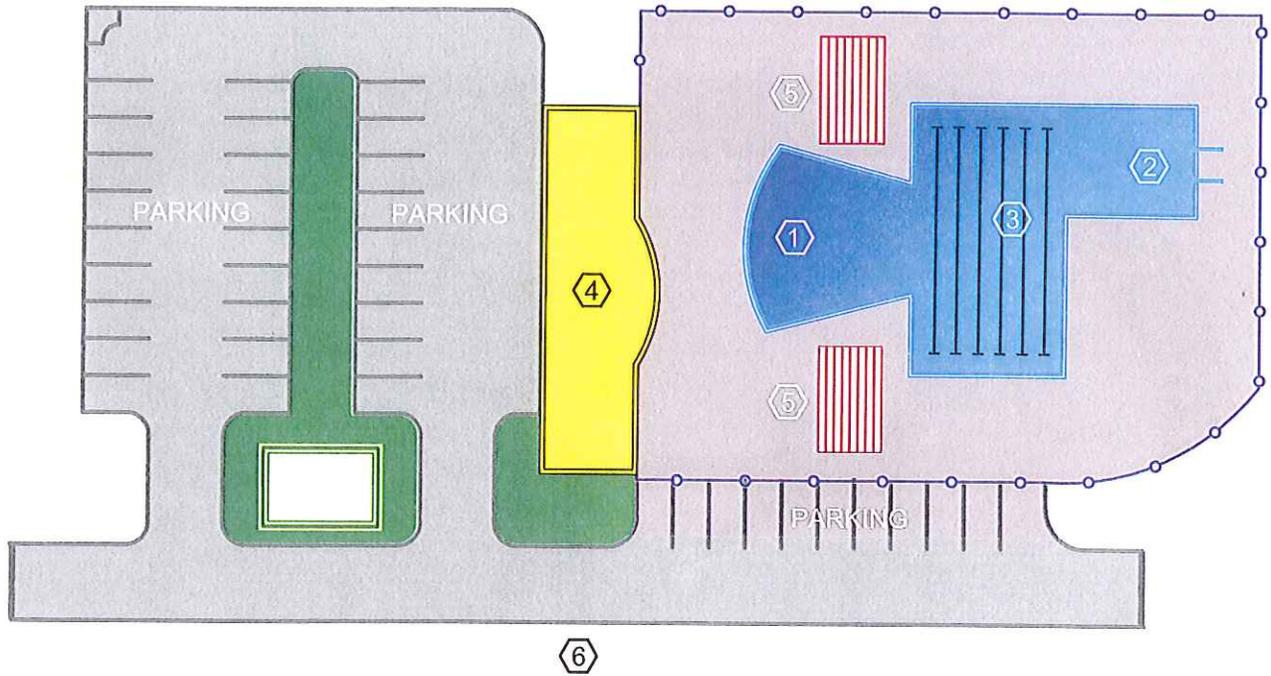
### SITE DIAGRAM OPTION A

Scale: Not To Scale

## WAYNE, NEBRASKA AQUATIC CENTER

Date: 10/31/12





- ① NEW ZERO DEPTH ENTRY W/ PLAY FEATURES
- ② NEW DIVING WELL
- ③ 6 - 25 METER LAP LANES
- ④ NEW 400 PATRON BATHHOUSE

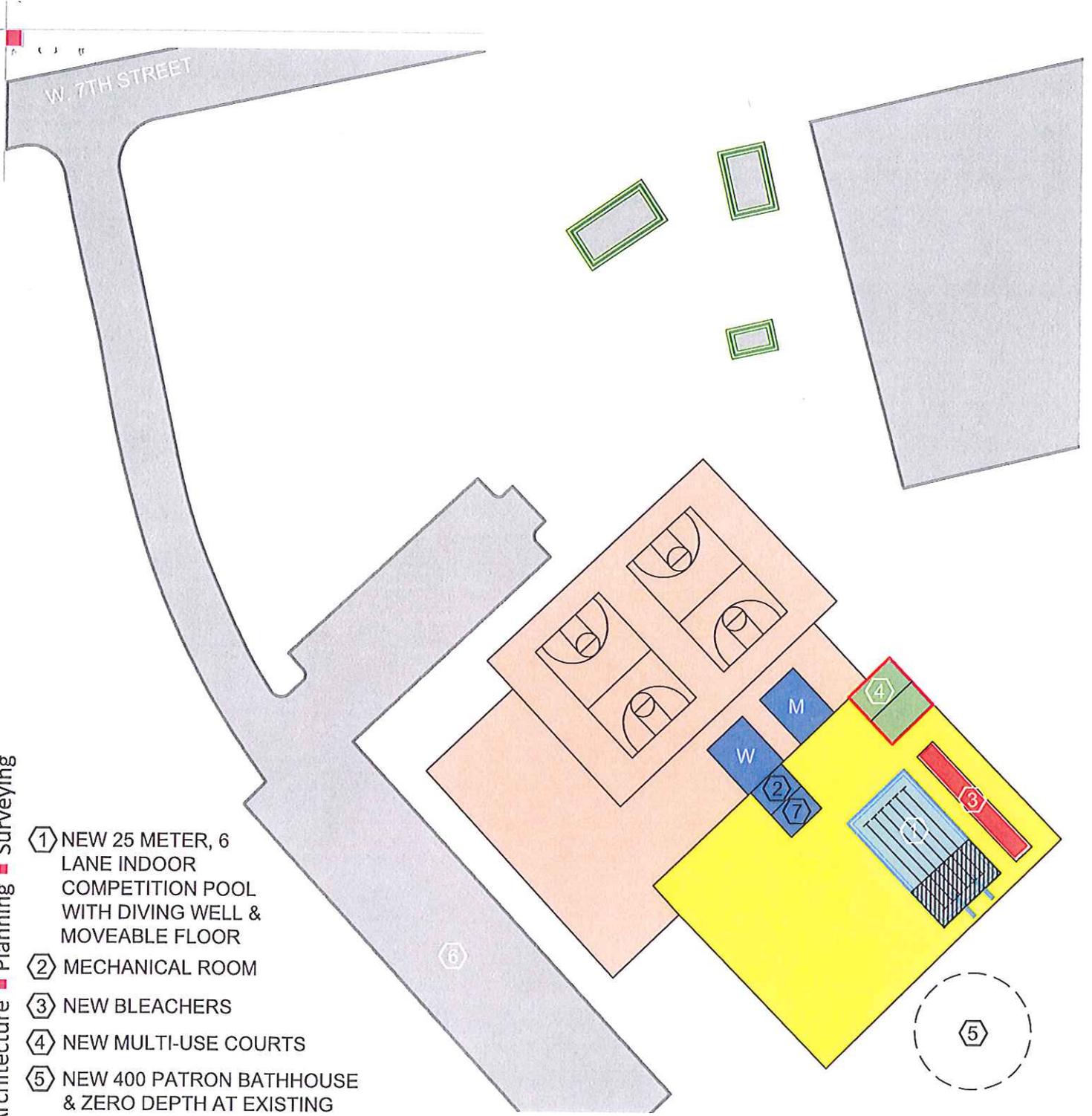
- ⑤ PORTABLE BLEACHERS
- ⑥ SITE TO BE DETERMINED

### SITE DIAGRAM OPTION B

Scale: Not To Scale

## WAYNE, NEBRASKA AQUATIC CENTER

Date: 10/31/12



- ① NEW 25 METER, 6 LANE INDOOR COMPETITION POOL WITH DIVING WELL & MOVEABLE FLOOR
- ② MECHANICAL ROOM
- ③ NEW BLEACHERS
- ④ NEW MULTI-USE COURTS
- ⑤ NEW 400 PATRON BATHHOUSE & ZERO DEPTH AT EXISTING OUTDOOR POOL
- ⑥ ADDITIONAL PARKING MAY BE NECESSARY
- ⑦ ADMINISTRATIVE ROOM

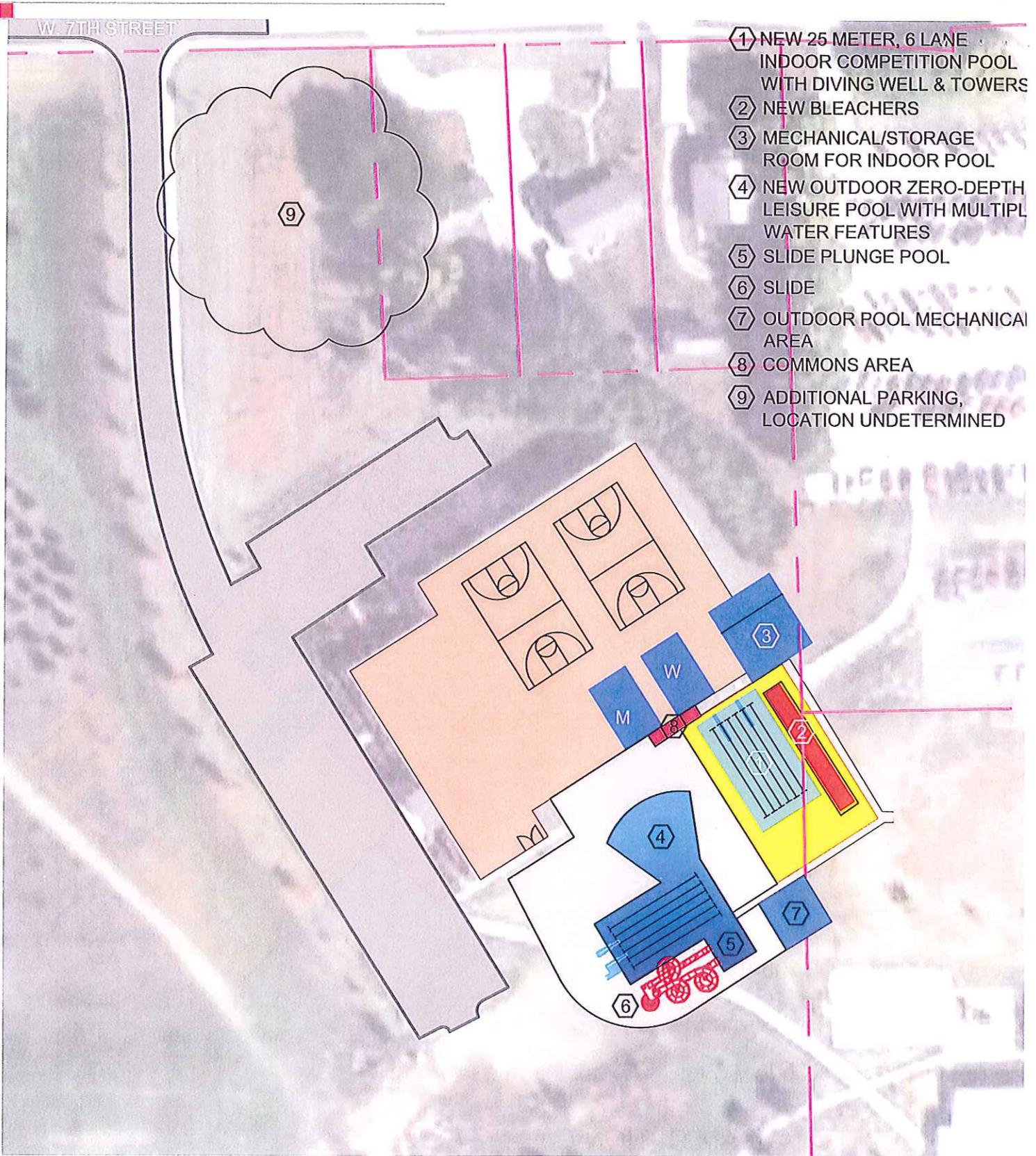
### SITE DIAGRAM OPTION C

Scale: Not To Scale

## WAYNE, NEBRASKA AQUATIC CENTER

Date: 10/31/12



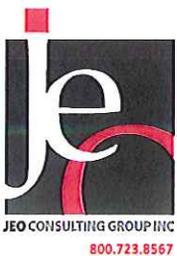


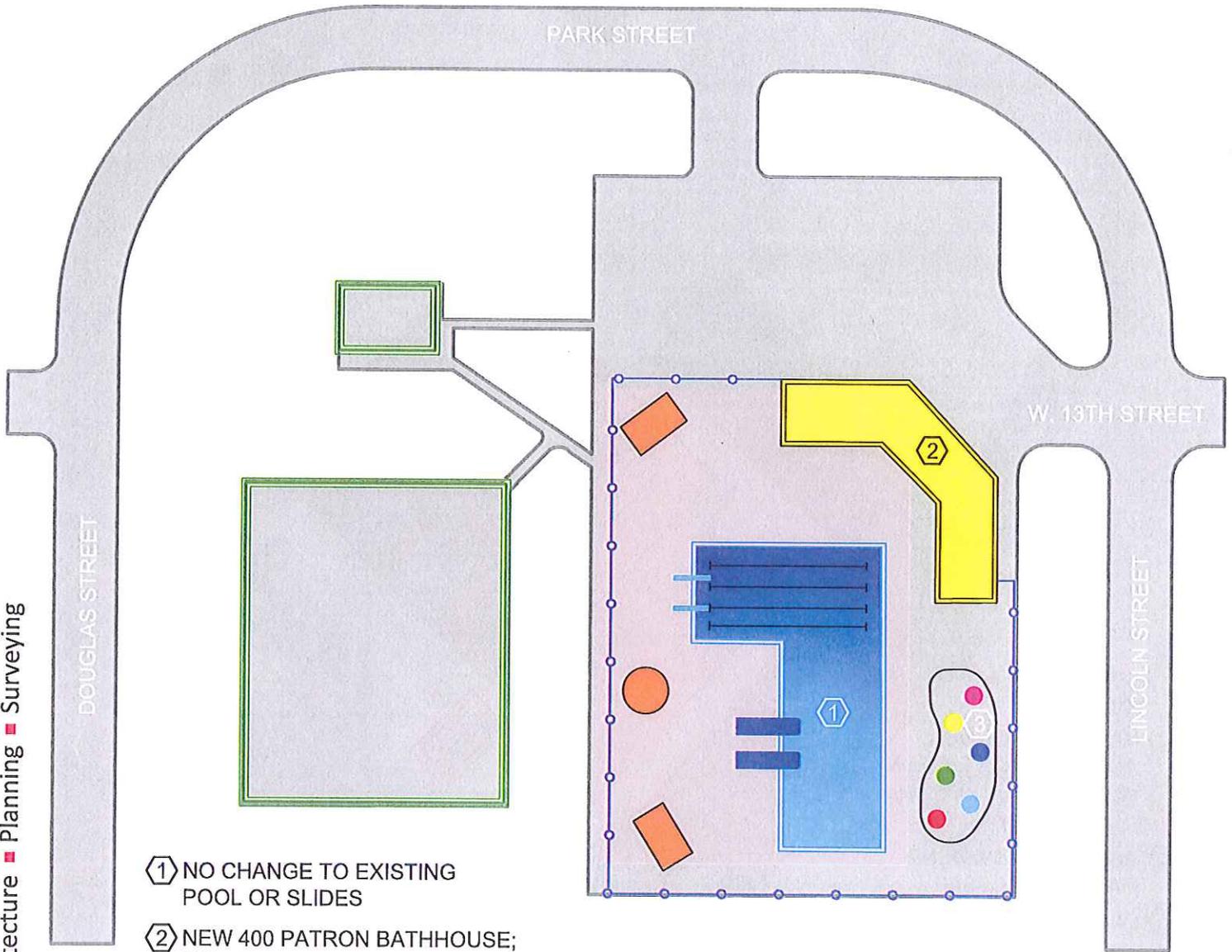
### SITE DIAGRAM OPTION D

Scale: Not To Scale

## WAYNE, NEBRASKA AQUATIC CENTER

Date: 5/06/13





- ① NO CHANGE TO EXISTING POOL OR SLIDES
- ② NEW 400 PATRON BATHHOUSE; EXISTING BATHHOUSE TO BE DEMOLISHED
- ③ NEW SPLASH PAD

### SITE DIAGRAM OPTION E

Scale: Not To Scale

## WAYNE, NEBRASKA AQUATIC CENTER

Date: 7/12/12





- ① 6-25 METER LAP LANES
- ② MECHANICAL ROOM/ ADMINISTRATIVE ROOM
- ③ ZERO DEPTH ENTRY W/ PLAY FEATURES
- ④ ADDITIONAL PARKING MAY BE NECESSARY
- ⑤ DIVING WELL
- ⑥ PORTABLE BLEACHERS

### SITE DIAGRAM OPTION F

Scale: Not To Scale

## WAYNE, NEBRASKA AQUATIC CENTER

Date: 7/12/12

## **APPENDIX "B"**

**CITY OF WAYNE  
SWIMMING POOL**

<u>ACCOUNT</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
Managers/Mgt. Wages	\$5,947	\$5,010	\$4,077	\$3,058	\$5,914	\$3,926	\$9,302	\$6,175
Guard Wages	\$7,409	\$6,488	\$8,774	\$11,744	\$8,719	\$10,933	\$11,410	\$15,169
Retirement								
Payroll Taxes	\$937	\$822	\$921	\$1,102	\$1,080	\$1,137	\$1,420	\$1,659
Health & Accident Ins.								
Workers Compensation	\$214	\$343	\$355	\$366	\$413	\$582	\$699	\$733
Utilities	\$2,591	\$2,558	\$5,446	\$5,937	\$6,478	\$6,006	\$5,120	\$6,412
Telephone	\$161	\$185	\$295	\$204	\$210	\$258	\$107	\$206
Contractual Services								
Printing	\$90	\$30	\$62	\$33	\$114	\$45	\$43	\$17
Promotional	\$118	\$312	\$85	\$212	\$249	\$283	\$229	\$400
Insurance	\$965	\$718	\$1,093	\$1,760	\$2,290	\$2,527	\$1,711	\$1,728
Miscellaneous	\$6						\$26	\$68
Use Tax	\$76	\$22	\$29	\$885	\$777	\$793	\$0	
Travel								\$90
Entry fees								
Clothing & Personnel Exp								
Maintenance/Op. Exe.	\$2,275	\$1,862	\$1,827	\$2,471	\$3,346	\$1,893	\$2,408	\$1,824
Maint. Bldg & Grounds	\$613	\$1,129	\$276	\$37	\$1,448	\$163	\$1,641	\$989
Principal & Interest								\$17,500
Pool Equipment								
Pool Access Equipment								
<b>TOTAL EXPENSES</b>	<b>\$21,403</b>	<b>\$19,479</b>	<b>\$23,242</b>	<b>\$27,810</b>	<b>\$31,038</b>	<b>\$28,546</b>	<b>\$34,116</b>	<b>\$52,970</b>
Receipts	\$42,806	\$38,958	\$46,484	\$55,620	\$62,076	\$57,091	\$68,233	\$105,940
Season Passes	\$15,542	\$16,082	\$17,818	\$22,561	\$21,441	\$15,446	\$4,933	\$3,852
Daily Admissions						\$3,927	\$4,156	\$2,357
Lessons						\$2,108	\$1,231	\$3,862
Preseason Sales							\$13,954	\$13,354
Family passes								
Individual passes								
Other Programs								
Special Passes								
Swim Team								
Aquasize								
Parties								
Preschool aquatics								
Lap swim								
I.P.A.P. lessons								
Less Sales Tax							-\$1,141	-\$46
<b>TOTAL RECEIPTS</b>	<b>\$15,542</b>	<b>\$16,082</b>	<b>\$17,818</b>	<b>\$22,561</b>	<b>\$21,441</b>	<b>\$21,480</b>	<b>\$23,132</b>	<b>\$23,379</b>
<b>LOSS ON OPERATIONS</b>	<b>-\$5,861</b>	<b>-\$3,397</b>	<b>-\$5,424</b>	<b>-\$5,249</b>	<b>-\$9,598</b>	<b>-\$7,066</b>	<b>-\$10,984</b>	<b>-\$29,591</b>

**CITY OF WAYNE  
SWIMMING POOL**

<u>ACCOUNT</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
Managers/Mgt. Wages	\$10,217	\$9,399	\$9,396	\$9,379	\$9,502	\$11,651	\$11,118	\$11,795
Guard Wages	\$14,889	\$11,471	\$12,486	\$19,833	\$16,309	\$13,289	\$13,439	\$14,924
Retirement	\$146	\$168	\$182	\$191	\$209	\$156	\$64	\$77
Payroll Taxes	\$1,890	\$1,552	\$1,626	\$2,169	\$1,956	\$1,717	\$1,595	\$1,760
Health & Accident Ins.	\$602	\$469	\$491	\$421	\$936	\$982	\$1,006	\$1,281
Workers Compensation	\$611	\$875	\$920	\$845	\$738	\$786	\$307	\$726
Utilities	\$6,937	\$5,128	\$4,090	\$4,744	\$3,454	\$4,208	\$2,496	\$6,255
Telephone	\$259	\$202	\$120	\$424	\$193	\$246	-\$59	\$93
Contractual Services					\$234		\$600	\$900
Printing	\$43	\$48	\$52	\$135	\$107	\$165	\$210	\$186
Promotional	\$148	\$367	\$884	\$90	\$172	\$76	\$284	\$60
Insurance	\$1,814	\$1,563	\$1,674	\$1,849	\$2,006	\$2,054	\$1,093	\$1,457
Miscellaneous	\$21	\$52	\$79	\$80	\$0	\$186	\$12	\$8
Use Tax				\$0	\$0			
Travel	\$60	\$90	\$171	\$0	\$204	\$9	\$388	\$88
Entry fees						\$100	\$100	\$100
Clothing & Personnel Exp								\$429
Maintenance/Op. Exe.	\$3,267	\$3,279	\$3,416	\$1,861	\$2,049	\$1,126	\$2,217	\$935
Maint. Bldg & Grounds	\$1,602	\$851	\$1,383	\$1,112	\$816	\$365	\$88	\$1,123
Principal & Interest	\$17,000	\$16,500	\$16,000	\$15,500	\$15,000	\$14,500	\$14,000	\$13,500
Pool Equipment			\$53	\$180	\$156	\$4,588	\$890	\$7,062
Pool Access Equipment			\$2,170	\$0	\$0	\$290		
<b>TOTAL EXPENSES</b>	<b>\$59,506</b>	<b>\$52,014</b>	<b>\$55,193</b>	<b>\$58,812</b>	<b>\$54,041</b>	<b>\$56,493</b>	<b>\$49,849</b>	<b>\$62,759</b>
Receipts	\$119,013	\$104,028	\$110,387	\$117,625	\$108,083	\$112,986	\$99,697	\$125,518
Season Passes	\$2,868	\$2,851	\$3,677	\$4,068	\$4,523	\$3,407	\$4,383	\$4,988
Daily Admissions	\$4,162	\$3,712	\$3,618	\$4,263	\$3,628	\$3,806	\$3,876	\$4,236
Lessons	\$2,883	\$3,779	\$4,980	\$4,772	\$5,109	\$5,029	\$5,745	\$5,100
Preseason Sales	\$11,925	--						
Family passes		\$13,386	\$11,247	\$11,180	\$11,180	\$11,770	\$10,945	\$9,790
Individual passes		\$1,248	\$988	\$832	\$884	\$1,260	\$1,146	\$784
Other Programs								
Special Passes	\$115	\$83	\$55	\$8	\$11			
Swim Team	\$270	\$0	\$0		\$215	\$300	\$710	\$580
Aquasize	\$415	\$593	\$366	\$253	\$608	\$303	\$677	\$536
Parties	\$210	\$221	\$221	\$403	\$278	\$103	\$103	\$270
Preschool aquatics	\$10							
Lap swim		\$10					\$26	
I.P.A.P. lessons		\$150						
Less Sales Tax	-\$179	-\$1,011	-\$1,144	-\$979	-\$996	-\$778	-\$754	-\$884
<b>TOTAL RECEIPTS</b>	<b>\$22,678</b>	<b>\$25,021</b>	<b>\$24,008</b>	<b>\$24,798</b>	<b>\$25,440</b>	<b>\$25,200</b>	<b>\$26,857</b>	<b>\$25,400</b>
<b>LOSS ON OPERATIONS</b>	<b>-\$36,829</b>	<b>-\$26,993</b>	<b>-\$31,185</b>	<b>-\$34,014</b>	<b>-\$28,602</b>	<b>-\$31,293</b>	<b>-\$22,991</b>	<b>-\$37,359</b>

**CITY OF WAYNE  
SWIMMING POOL**

<u>ACCOUNT</u>	<u>2001</u>	<u>2002.00</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Managers/Mgt. Wages	\$8,124	\$12,983	\$12,464	\$9,944	\$11,367	\$10,437	\$12,110	\$10,777	\$7,596
Guard Wages	\$14,029	\$24,166	\$18,559	\$17,122	\$25,191	\$27,444	\$26,305	\$29,239	\$32,858
Retirement	\$61	\$70	\$101	\$88	\$349	\$390	\$454	\$457	\$432
Payroll Taxes	\$1,486	\$2,460	\$2,029	\$1,691	\$2,696	\$2,874	\$2,922	\$3,051	\$3,087
Health & Accident Ins.	\$1,172	\$1,933	\$1,523	\$1,386	\$1,488	\$1,784	\$1,345	\$1,373	\$1,752
Workers Compensation	\$872	\$1,270	\$1,393	\$1,885	\$1,006	\$2,191	\$1,753	\$2,570	\$2,222
Utilities	\$2,149	\$5,014	\$5,470	\$6,159	\$6,207	\$6,264	\$11,635	\$14,936	\$4,962
Telephone	\$124	\$348	\$169	\$158	-\$11	\$19	\$226	\$170	\$150
Contractual Services	\$950	\$171	\$162						
Printing	\$264	\$175	\$64	\$66	\$65	\$80	\$81		
Promotional	\$0	\$50	\$25		\$15		\$351		\$108
Insurance	\$1,333	\$1,486	\$2,370	\$2,603	\$2,631	\$2,720	\$2,487	\$2,387	\$2,239
Miscellaneous	\$108	\$42	\$1,011	\$46	\$1,448	\$177	\$1,151	\$1,228	\$210
Use Tax		\$150	\$207		\$19	\$247	\$112	\$179	\$170
Travel		\$0							\$0
Entry fees		\$1,134	\$888	\$142	\$548	\$661	\$409	\$601	\$607
Clothing & Personnel Exp	\$672	\$0						\$712	\$0
Maintenance/Op. Exe.	\$741	\$3,567	\$2,734	\$1,357	\$885	\$2,258	\$2,869	\$8,831	\$6,388
Maint. Bldg & Grounds	\$397	\$1,311	\$439	\$452	\$3,510	\$138	\$675	\$1,474	\$31,838
Principal & Interest	\$13,000	\$12,500	\$12,000	\$11,500	\$11,000	\$10,500			\$0
Pool Equipment		\$1,768	\$126	\$1,400	\$141				\$0
Pool Access Equipment		\$0					\$3,600		\$7,350
<b>TOTAL EXPENSES</b>	<b>\$45,482</b>	<b>\$70,598</b>	<b>\$61,733</b>	<b>\$55,998</b>	<b>\$68,552</b>	<b>\$68,182</b>	<b>\$68,487</b>	<b>\$77,985</b>	<b>\$101,970</b>
Receipts	\$90,964	\$70,598	\$61,733	\$55,998	\$68,552	\$68,182	\$68,487	\$77,985	\$101,970
Season Passes	\$5,239	\$0							\$0
Daily Admissions	\$3,022	\$6,716	\$7,806	\$6,631	\$9,412	\$7,681	\$6,465	\$7,930	\$9,010
Lessons	\$5,445	\$4,538	\$3,815	\$4,195	\$5,928	\$7,423	\$6,923	\$6,690	\$6,061
Preseason Sales		\$5,623	\$7,448	\$7,175	\$6,350	\$6,575	\$6,400	\$6,420	\$5,400
Family passes	\$9,680	\$0							\$0
Individual passes	\$1,008	\$9,020	\$10,644	\$10,425	\$7,650	\$9,750	\$12,945	\$11,560	\$11,305
Other Programs		\$840	\$800	\$840	\$880	\$1,360	\$1,300	\$1,700	\$1,550
Special Passes		\$0					\$1,797	\$2	\$11
Swim Team	\$540	\$0							
Aquasize	\$484	\$475	\$1,125			\$1,675	\$1,675	\$1,800	\$1,650
Parties	\$100	\$491	\$168						
Preschool aquatics		\$225	\$300	\$225	\$50	\$100	\$110	\$225	
Lap swim	\$15								
I.P.A.P. lessons		\$33	\$18	\$14		\$11	\$12		
Less Sales Tax			\$93		\$13				
<b>TOTAL RECEIPTS</b>	<b>\$25,533</b>	<b>-\$1,185</b>	<b>-\$1,408</b>	<b>-\$1,288</b>	<b>-\$1,417</b>	<b>-\$1,593</b>	<b>-\$1,686</b>	<b>-\$1,702</b>	<b>-\$1,695</b>
<b>LOSS ON OPERATIONS</b>	<b>-\$19,950</b>	<b>\$26,775</b>	<b>\$30,809</b>	<b>\$28,217</b>	<b>\$28,866</b>	<b>\$32,982</b>	<b>\$35,940</b>	<b>\$34,625</b>	<b>\$33,291</b>

**CITY OF WAYNE  
SWIMMING POOL**

<u>ACCOUNT</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>AVERAGE</u>	<u>LAST 10 YEAR</u>	<u>LAST 5 YEAR</u>
Managers/Mgt. Wages	\$8,963	\$13,440	\$16,456	\$15,826	\$9,529	\$11,691	\$12,456
Guard Wages	\$39,149	\$38,733	\$31,384	\$31,352	\$19,063	\$29,878	\$34,695
Retirement	\$503	\$518	\$5	\$0	\$220	\$320	\$291
Payroll Taxes	\$3,663	\$3,974	\$491	\$495	\$1,871	\$2,494	\$2,342
Health & Accident Ins.	\$1,789	\$1,767	\$3,644	\$3,634	\$1,466	\$1,996	\$2,517
Workers Compensation	\$2,326	\$1,389	\$1,907	\$2,253	\$1,122	\$1,950	\$2,019
Utilities	\$6,465	\$7,698	\$2,287	\$1,992	\$5,486	\$6,860	\$4,681
Telephone	\$132	\$219	\$6,946	\$2,596	\$495	\$1,060	\$2,009
Contractual Services		\$0			\$431	\$0	\$0
Printing			\$0		\$91	\$58	\$0
Promotional		\$24	\$0	\$0	\$182	\$83	\$33
Insurance	\$2,047	\$2,814	\$122	\$652	\$1,800	\$2,070	\$1,575
Miscellaneous	\$763	\$1,473	\$2,143	\$2,288	\$526	\$1,093	\$1,375
Use Tax	\$233	\$40	\$539	\$1,284	\$288	\$314	\$453
Travel					\$100	\$0	\$0
Entry fees	\$419	\$667	\$409	\$604	\$493	\$507	\$541
Clothing & Personnel Exp		\$6	\$0	\$0	\$227	\$144	\$1
Maintenance/Op. Exe.	\$7,531	\$10,017	\$10,826	\$6,541	\$3,469	\$5,750	\$8,261
Maint. Bldg & Grounds	\$395	\$6,384	\$6,062	\$507	\$2,318	\$5,143	\$9,037
Principal & Interest					\$13,125	\$8,250	\$0
Pool Equipment					\$1,488	\$514	\$0
Pool Access Equipment		\$782	\$0	\$0	\$1,419	\$2,346	\$2,033
<b>TOTAL EXPENSES</b>	<b>\$74,378</b>	<b>\$89,944</b>	<b>\$83,221</b>	<b>\$70,023</b>	<b>\$55,994</b>	<b>\$75,874</b>	<b>\$83,907</b>
Receipts	\$74,378	\$89,944	\$83,984	\$72,753	\$81,382	\$76,223	\$84,606
Season Passes				\$0	\$7,684	\$0	\$0
Daily Admissions	\$8,848	\$7,998	\$8,057	\$7,164	\$5,770	\$7,920	\$8,215
Lessons	\$7,221	\$8,084	\$7,313	\$5,276	\$5,146	\$6,511	\$6,791
Preseason Sales	\$5,880	\$6,030	\$6,870	\$7,045	\$7,763	\$6,415	\$6,245
Family passes				\$0	\$8,107	\$0	\$0
Individual passes	\$11,560	\$10,903	\$11,422	\$11,655	\$6,849	\$10,917	\$11,369
Other Programs	\$1,635	\$1,353	\$1,256	\$1,130	\$1,220	\$1,300	\$1,385
Special Passes		\$480	\$356	\$0	\$243	\$441	\$211
Swim Team				\$1,692	\$431	\$1,692	\$1,692
Aquasize	\$1,575	\$1,200	\$1,400	\$0	\$885	\$1,372	\$1,165
Parties	\$0				\$214	\$0	\$0
Preschool aquatics	\$225				\$163	\$156	\$225
Lap swim	\$0				\$13	\$0	\$0
I.P.A.P. lessons	\$11				\$36	\$12	\$11
Less Sales Tax				\$0	-\$600	\$6	\$0
<b>TOTAL RECEIPTS</b>	<b>-\$1,800</b>	<b>-\$24</b>	<b>\$0</b>	<b>\$0</b>			
<b>LOSS ON OPERATIONS</b>	<b>\$35,153</b>	<b>\$36,022</b>	<b>\$37,715</b>	<b>\$37,387</b>			

## APPENDIX "C"

**Sec. 90-142. Permitted principal uses and structures**

The following shall be permitted as uses by right in an A-2 district:

1. Agricultural uses, excluding first, second and third class feedlots;
2. One single-family dwelling;
3. Irrigation and flood control projects;
4. Child care home;
5. Public parks and recreational areas;
6. Community buildings and/or facilities owned and/or occupied by public agencies; and
7. Public and/or private schools.
- 8. Structures that would be considered accessory structures if there was a dwelling on the premise.**

**Sec. 90-143. Permitted accessory uses and structures**

The following uses are permitted accessory uses and structures in an A-2 district:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures.
2. Home occupations in conformance with section 90-715.
3. Residences, including mobile homes for farm residence or adjacent farm residence for relatives and marriage or farm workers.
4. Roadside stands for sale of agricultural produce.

**Sec. 90-144. Exceptions**

In accordance with article XI of this chapter, the following exceptions are allowed in an A-2 district:

1. Airports and heliports, including crop dusting.
2. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services.
3. Places of worship such as churches, synagogues and temples.
4. Cemeteries, crematories, mausoleums and columbaria.
5. Child care centers.
6. Radio and television towers and transmitters.
7. Campgrounds.
8. Wind generating systems.
9. Kennels.
10. Public and private charitable institutions.
11. Greenhouses and nurseries.
12. Animal clinics, animal hospitals and veterinarian services.
- 13. Structures that would be considered accessory structures if there was a dwelling on the premise.**

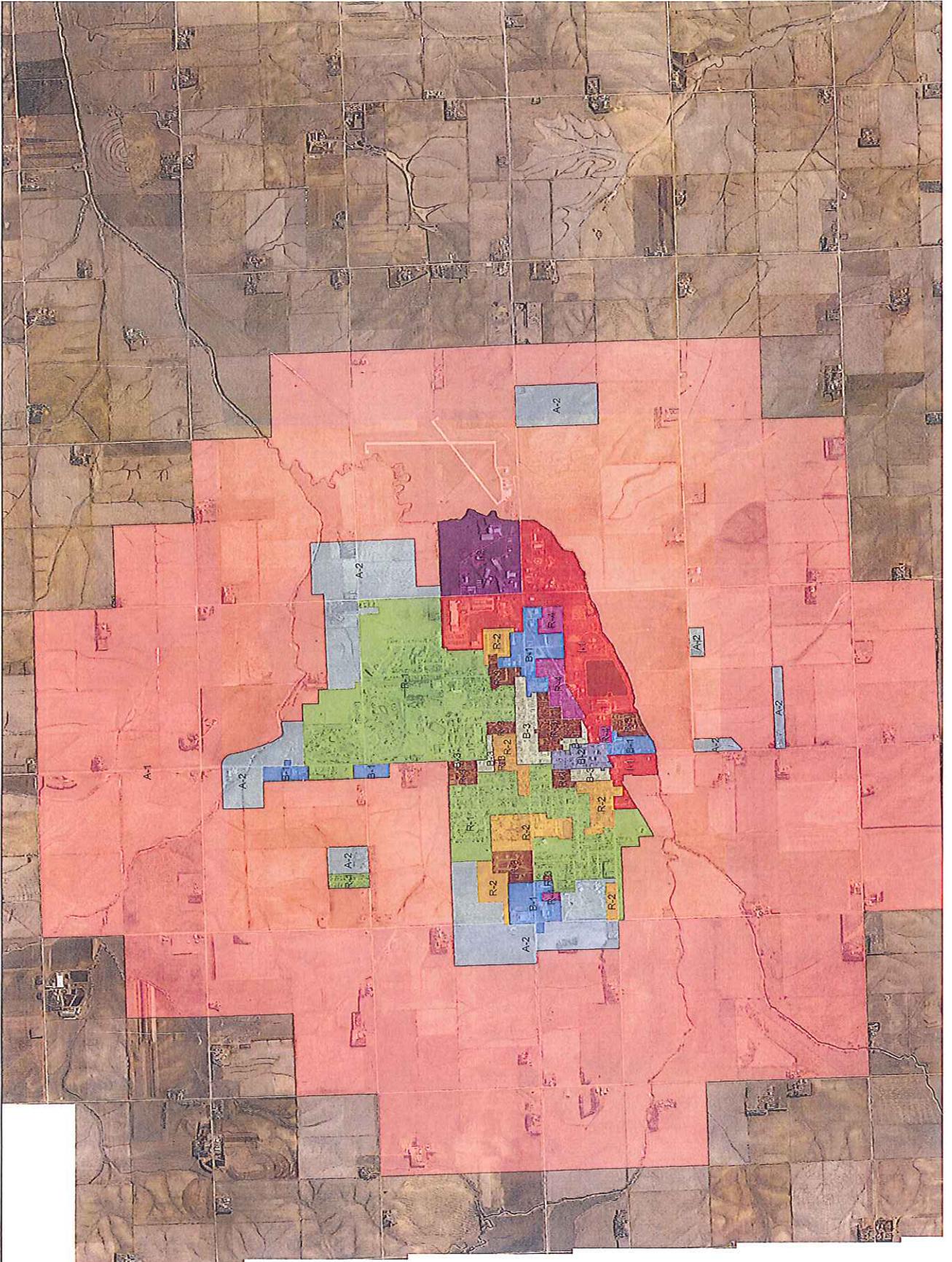
# ZONING MAP

CITY OF WAYNE



## Legend

- A-1
- A-2
- B-1
- B-2
- B-3
- I-1
- I-2
- R-1
- R-2
- R-3
- R-4





**RESOLUTION NO. 2013-127**

**A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR THE GIESE ADDITION.**

WHEREAS, the Planning Commission, upon review of the Preliminary and Final Plat of the Giese Addition, legally described as:

A tract of land located in the Northwest 1/4 of the Southeast 1/4 of Section 13, T26N, R3E of the 6th P.M., Wayne County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of the Southeast 1/4 of Section 13, T26N, R3E of the 6th P.M., Wayne County, Nebraska; thence N 87°41'48" E on an assumed bearing on the North line of said Southeast 1/4, 922.48 feet; thence S 02°18'12" E and perpendicular to said North line 40.08 feet to the Northwest corner of a tract of land surveyed by Bruce L. Gilmore, R.L.S.#96, dated June 25, 2001; thence S 02°19'08" E on the West boundary line of said surveyed tract, 510.95 feet; thence S 30°43'41" E on said boundary line, 174.34 feet; thence N 59°21'10" E on the South boundary line of said surveyed tract, 310.10 feet; thence N 30°39'36" W on the East boundary line of said surveyed tract, 146.16 feet; thence N 65°16'57" E, 221.90 feet to the Southeast corner of tract of land surveyed by LaVern F. Schroeder, R.L.S. #312, dated August 8, 2007; thence N 02°03'32" W on the East line of said tract, 316.86 feet to the Northeast corner of said surveyed tract; thence S 87°49'55" W on the North line of said surveyed tract, 103.39 feet; thence N 02°19'46" W, 26.65 feet to a point on the North line of the Southeast 1/4 of said Section; thence S 87°41'48" W on said North line, 248.66 feet; thence S 02°21'52" E, 33.00 feet; thence N 87°37'58" E, 35.91 feet; thence S 02°17'16" E, 31.94 feet; thence S 87°38'35" W, 79.97 feet; thence N 02°20'05" W, 25.00 feet; thence S 87°44'58" W, 97.07 feet to the Point of Beginning, containing 4.43 acres, more or less. This tract shall now and forever be known as Lot 1, Lot 2, Lot 3 and Outlot A of Giese Addition to the City of Wayne, Wayne County, Nebraska,

on December 2, 2013, recommended approval thereof, based upon the following "Findings of Fact":

1. Staff's recommendation; and
2. Consistency 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 Preliminary and Final Plat of the Giese Addition be approved subject to the recommendations of the Planning Commission and the foregoing "Findings of Fact."

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

# SOUTH SIDE ADDITION

A Replat of Lot 7, Block 27, Original Town of Wayne, Wayne County, Nebraska and a portion of the Chicago and Northwestern Transportation Company (Now Abandoned) to the City of Wayne, Nebraska.

## LEGEND

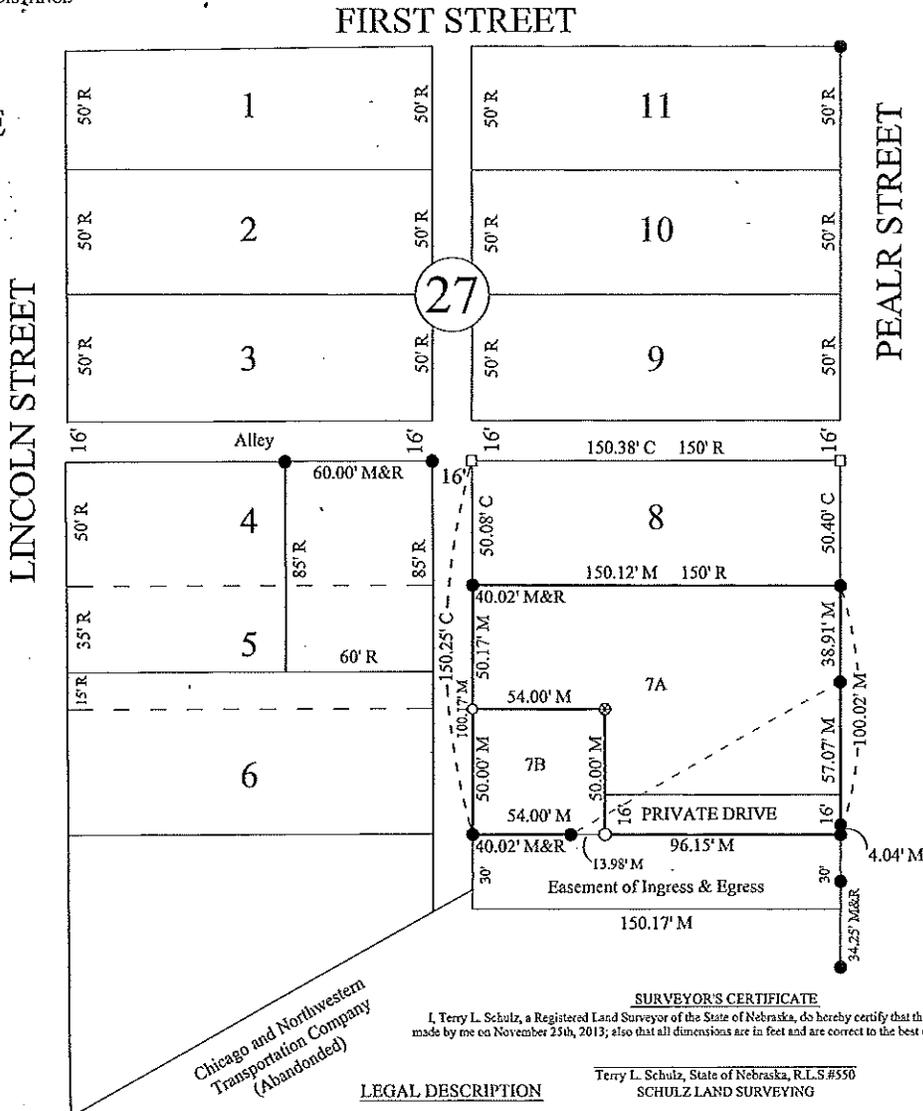
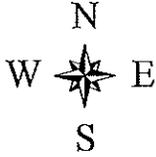
- PROPERTY CORNER FOUND
- PROPERTY CORNER SET 5/8" x 24" I.B. w/Cap
- ⊗ PROPERTY CORNER SET MAG NAIL
- CALCULATED POINT
- M MEASURED DISTANCE
- R RECORDED DISTANCE
- C CALCULATED DISTANCE

**SCALE**  
 1" = 50'  
 T.L.S.  
 11-25-2013  
 SLS-0452-E



Scale : 1" = 50'

This sketch was prepared at the request of Mr. Lowell Heggemeyer, Wayne, Nebraska.



### SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me on November 25th, 2013; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

Terry L. Schulz, State of Nebraska, R.L.S.#550  
SCHULZ LAND SURVEYING

### LEGAL DESCRIPTION

Beginning at the Northwest corner of Lot 7, Block 27, Original Town of Wayne, Wayne County, Nebraska; thence East on the North line of said Lot 7 to the West line of Pearl Street; thence South on said West line, 100.02 feet; thence West, 150.15 feet to the Southwest corner of said Lot 7; thence North on the West line of said Lot 7, 100.17 feet to the point of beginning, hereafter known as Lot 7A and Lot 7B of Southside Addition to the City of Wayne, Wayne County, Nebraska.

### CONSENT OF OWNERS

This plat is submitted at the request of and with the consent of the undersigned owner(s) of said property described hereon. Said Owners do hereby dedicate the private drive as shown for the right of ingress and egress thereto.

STATE OF NEBRASKA )  
 COUNTY OF WAYNE ) SS  
 CITY OF WAYNE )  
 Lowell Heggemeyer, Owner

Terri A. Heggemeyer, Owner

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by \_\_\_\_\_

STATE OF NEBRASKA )  
 COUNTY OF WAYNE ) SS  
 CITY OF WAYNE )

Notary Public

My commission expires : \_\_\_\_\_

The above plat approved by the City Zoning Administrator of the City of Wayne, Nebraska, on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, pursuant to Authority of the Subdivision Ordinance for the City of Wayne.

Zoning Administrator, City of Wayne

### ABSTRACTOR

I, \_\_\_\_\_, a Registered Land Abstractor, hereby state that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ appeared as title holder(s) of record of the land described in the surveyors certificate.

The above plat approved by the Planning Commission, City of Wayne, Nebraska, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Attest : \_\_\_\_\_  
Chairman Secretary

The above plat approved by the City of Wayne, Nebraska, by Resolution No. \_\_\_\_\_ duly passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman

Attest : \_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2013-128**

**A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR THE SOUTH SIDE ADDITION.**

WHEREAS, the Planning Commission, upon review of the Preliminary and Final Plat of the South Side Addition, legally described as:

Beginning at the Northwest corner of Lot 7, Block 27, Original Town of Wayne, Wayne County, Nebraska; thence East on the North line of said Lot 7 to the West line of Pearl Street; thence South on said West line, 100.02 feet; thence West, 150.15 feet to the Southwest corner of said Lot 7; thence North on the West line of said Lot 7, 100.17 feet to the point of beginning, hereafter known as Lot 7A and 7B of South Side Addition to the City of Wayne, Wayne County, Nebraska,

on December 2, 2013, recommended approval thereof, based upon the following "Findings of Fact":

1. Staff's recommendation; and
2. Consistency 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 Preliminary and Final Plat of the South Side Addition be approved subject to the recommendations of the Planning Commission and the foregoing "Findings of Fact."

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**RESOLUTION NO. 2013-129**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY TO BE BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW; ORDERING PUBLICATION OF NOTICE AND OTHER MATTERS.**

WHEREAS, it is desirable and in the public interest that the City of Wayne, Nebraska, a Municipal Corporation and City of the First Class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended, known as the Community Development Law (the "Act"), is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning implementation of urban redevelopment projects; and

WHEREAS, the City, in accordance with the Laws of the State of Nebraska applicable to cities, has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110 of the Act; and

WHEREAS, the Planning and Zoning Commission of the City has recommended that the area described in Attachment "A" (the "Study") be declared blighted and substandard and in need of redevelopment; and

WHEREAS, this Council has held a public hearing, after notice as required by Sections 18-2109 and 18-2115 of the Act and has received and duly considered evidence relating to the present condition of the areas as shown and described in the Study; and

WHEREAS, Section 18-2109 of the Act required that, prior to the preparation by the City of a redevelopment plan for a redevelopment project, this Council as governing body of the City, by Resolution, finds and determines that the area is a substandard and blighted area as defined in the Act and in need of redevelopment; and

WHEREAS, the evidence demonstrates that said area, as shown and described in the Study, constitutes a substandard and blighted area as defined in the Act, which area is in need of redevelopment.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, as follows:

1. That it is hereby found and determined that the area shown and described on Attachment "A" constitutes a substandard and blighted area as defined by Section 18-2103 of the Act and that said area is in need of redevelopment.
2. That it is hereby found and determined that a substandard and blighted condition exists as set forth and discussed in the Study.
3. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law. The elimination of said substandard and blighted condition under the authority of the Community Development Law is found to be a public purpose and in the public interest.
4. That it is hereby found and determined that said area is an eligible site for an urban redevelopment project under the provisions of Chapter 18, Article 21, Nebraska Revised Statutes of 2013, as amended.
5. That the City Clerk is directed to publish notice, according to law, inviting proposals from developers for the redevelopment of the area described on Attachment "A".

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2013.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

# City of Wayne

Blight and Substandard Determination  
Study for Area Referred to as the

## Industrial Drive - East Wayne Redevelopment Area

November 1, 2013



# **Industrial Drive-East**

## **Wayne Blight**

### Table of Contents:

▪ Executive Summary	1
▪ Study Area	3
▪ Findings	
1) Documentation of Substandard Area Qualifying Conditions	4
2) Documentation of Blighted Criteria Qualifying Conditions	5
▪ Conclusion	9
▪ Exhibits	
1) Pictures of Study Area	

## Executive Summary

On October 4, 2013 an F-4 tornado caused significant damage to an area on the east side of the City of Wayne. The purpose of this Study is to determine if all or part of the designated Industrial Drive-East-Wayne blight study area has deteriorated and become substandard and blighted according to the Community Development Law established in Nebraska Statute 18-2102.

The study has determined that the area is substandard due to the factors of:

- 1) Dilapidation/deterioration
- 2) Age or obsolescence

The study has determined that the area is blighted due to the factors of:

- 1) A substantial number of deteriorated or deteriorating structures,
- 4) Unsanitary or unsafe conditions,
- 5) Deterioration of site or other improvements,
- 10) The existence of conditions that endanger life or property by fire and other causes.
- 12) (v) Stable or decreasing population.

## Community Development Law

18-2102. Community Development Law; purpose. It is hereby found and declared that there exist in cities of all classes and villages of this state areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable lands uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of municipalities, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are

public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination.

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of (1) dilapidation, deterioration, (2) age or obsolescence, (3) inadequate provision for ventilation, light, air, sanitation, or open spaces, (4) high density of population and over-crowding, or (5) the existence of conditions which endanger life or property by fire and other causes, or (6) any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare.

18-2103(11). Blighted area means an area, which (a) by reason of the presence of a (1) substantial number of deteriorated or deteriorating structures, (2) existence of defective or inadequate street layout, (3) faulty lot layout in relation to size, adequacy, accessibility or usefulness, (4) unsanitary or unsafe condition, (5) deterioration of site or other improvements, (6) diversity of ownership, (7) tax or special assessment delinquency exceeding the fair value of the land, (8) defective or unusual conditions of title, (9) improper subdivision or obsolete platting, or (10) the existence of conditions which endanger life or property by fire and other causes, or (11) any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions; (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

## The Study Area:

The findings in this study are based on analysis conducted for a location referred to as the "Industrial Drive-East", The parcels in the study area include-LOT 2 REPLAT OF LOTS 3-4-5 KARDELL INDUSTRIAL PARK SUBDIVISION #2 8-26-4; PT SW1/4SW1/4 (TL 26) 8-26-4 1810 INDUSTRIAL WAY; PT SW1/4 (TL 15 & TL 24) 8-26-4 1810 INDUSTRIAL WAY; LOTS 4-5 REPLAT OF LOTS 3-4-5 KARDELL INDUSTRIAL PARK #2 SUBDIVISION 8-26-4; TL 16 PT S1/2 8-26-4; adjacent portions of Industrial Drive, including both east and west right of ways which adjoin the previously identified properties.



## Substandard Area Criteria-Documentation of Qualifying Conditions

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of:

### 1) Dilapidation/deterioration

The results of the field survey conducted on October 18, 2013 determined that of the total buildings assessed, all structures were damaged by the tornado to the extent that repair or renovation may prove to be unfeasible. Therefore, they are all rated as dilapidated based upon signs of damage to the structure. This accounts for 100% of the total properties in the redevelopment area. See Exhibit 1.

The factor of Dilapidation or Deterioration *is a strong presence* throughout the redevelopment area.

### 2) Age or obsolescence

An analysis of property records available from the Wayne County Assessor and online <http://www.nebraskaassessoronline.us/search.aspx?county=Wayne> was conducted to document the age of buildings within the study area. There were eight buildings with an age listed. The average age of construction was 23 years.

Merriam-Webster defines obsolescence as the condition of no longer being used or useful. The industrial site sustained significant damage from the October 4, 2013 tornado is now in a condition of no longer being used or useful for manufacturing products for the company.

The factor of Obsolescence *is a strong presence* throughout the redevelopment area.

The field analysis conducted on October 18, 2013 determined that there was not a strong presence of the remaining substandard factors in the redevelopment area.

- 3) Inadequate provision for ventilation, light, air, sanitation, or open spaces.
- 4) High density of population or overcrowding;
- 5) The existence of conditions which endanger life or property by fire and other causes;
- 6) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

## Blighted Criteria-Documentation of Qualifying Conditions

18-2103(11). Blighted area means an area, which (a) by reason of the presence of:

- 1) A substantial number of deteriorated or deteriorating structures.

A field analysis was conducted on October 18, 2013 to determine if parcels within the redevelopment area have significant combination of deteriorating factors present. The field survey included a detailed evaluation of the exteriors of the structures.

During analysis, the buildings were given a condition rating. The building conditions ratings were based on the following criteria:

**Dilapidated:** In need of more than one major repair, for example, to the roof, foundation, windows, and/or siding, etc. Severe visible damage to the foundation automatically leads to a classification of dilapidated. These structures are usually considered to be beyond rehabilitation.

**Poor:** Had multiple visible signs of deterioration, especially to the windows, siding, roof, and porch. Asbestos shingles/siding automatically leads to a classification of poor. Could be rehabilitated, but substantial cost would be involved.

**Fair:** Usually had at least one or more signs visible of deterioration to the windows, siding, roof, etc. Not a significant amount of damage, but some work would be required to list the building for top dollar.

**Average:** Structure had no substantial signs of building deterioration. However, cosmetic flaws were visible, such as outdated fixtures or very minor paint damage. This would require very little to no cost to sell the building for top dollar.

**Excellent:** Structure shows absolutely no signs of deterioration. No cosmetic flaws were visible. Only a very small percentage of structures will fall into this category.

Building Condition	Excellent	Good	Fair	Poor	Dilapidated
Total: 8	0	0	0	0	8

Of the eight buildings assessed, all eight were given ratings of dilapidated based upon signs of substantial structural deterioration from the tornado. This accounts for 100% of the total properties in the redevelopment area. See Exhibit 1.

The study area does meet the criteria of a substantial number of deteriorated or deteriorating structures.

2) Existence of defective or inadequate street layout.

Industrial Drive provides adequate street layout to the west of the lots in the study area.

The study area does not meet the existence of defective or inadequate street layout criteria of blighted.

3) Faulty lot layout in relation to size, adequacy, accessibility or usefulness.

The existing lot layout is adequate for existing industrial land uses. The vacant land tracts with development potential can be easily subdivided into appropriate sized lots to accommodate industrial and commercial buildings.

The study area does not meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria of blighted.

4) Unsanitary or unsafe conditions.

The presence of debris from the tornado throughout the study area creates unsafe conditions on the site. See Exhibit 1.

The study area does meet the unsanitary or unsafe conditions criteria.

5) Deterioration of site or other improvements.

The field survey evaluated the condition of site improvements. The property in the study area was determined to have eight structures in deteriorating condition which are damaged beyond repair. See Exhibit 1.

The study area does meet the deterioration of site or other improvements criteria.

6) Diversity of ownership.

There are four property owners listed within the study area, and they do not appear to be a factor in the prevention of development in the area.

Property ownership is not a factor which prevents development within the study area.

The study area does not meet the diversity of ownership criteria.

7) Tax or special delinquency exceeding the fair value of the land.

The Wayne County Assessor's office records did not reveal any excessive tax or special assessment.

The study area does not meet the tax or special delinquency criteria.

8) Defective or unusual conditions of title.

No defective or unusual conditions of title were identified at the Wayne County Assessor's office records.

The study area does not meet the defective or unusual conditions of title criteria.

9) Improper subdivision or obsolete platting.

The records at the Wayne County Courthouse did not indicate any problems with subdivision or platting within the study area.

The study area does not meet the faulty lot layout in relation to size, adequacy, and accessibility or usefulness criteria.

10) The existence of conditions that endanger life or property by fire and other causes.

Field analysis conducted on October 18, 2013 determined that there is a predominance of conditions that endanger life due to building and industrial debris remaining from the tornado. See Exhibit 1

The study area does meet the existence of conditions that endanger life or property by fire and other causes criteria.

11) Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use,

The October 18, 2013 field analysis and further research conducted on the current industrial business confirms that the company has endured a substantial economic impact from the damage to the manufacturing facility, production equipment, inventory of production inputs, and finished product awaiting shipment. The financial impact of cleanup and demolition expenses will place additional burdens upon the company. The business also faces loss of revenue due to a long term disruption of production at the Wayne facility. The business is evaluating the future of its Wayne operations as to the feasibility of rebuilding the facility or to transfer the production and local jobs to another company plant. The loss of 137 full time jobs will have a major economic and social impact upon the employees, area supporting businesses, governmental taxing entities, and the City of Wayne.

The study area does meet the existence of a combination of other factors which are detrimental to the public health, safety, morals, or welfare in its present condition and use.

And (b) in which there is at least one or more of the following conditions exist;

i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average.

Wayne County had an August 2013 unemployment rate of 3.4%. Nebraska had an unemployment rate of 3.8%, and the United States had a rate of 7.3%.

The study area does not meet the criteria of at least 120% of the state or national average.

ii) The average age of residential or commercial units in the area is at least 40 years old.

The study area does not meet the qualifying condition for average age.

iii) More than half of the plotted and subdivided property in an area is unimproved land that has been within the city for 40 years and has remained unimproved during that time.

The study area does not meet the criteria of unimproved land.

iv) The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

The study area does not meet the per capita income qualification.

v) The area has had either stable or decreasing population based on the last two decennial censuses.

Population for the study area has been stable or decreasing over the past two decennial censuses according to a review of historical data including aerial photography, property ownership and use information provided by the City of Wayne staff. The land use in the study area has been agricultural and industrial since 1977. No additional development has occurred that has increased the population in at least the last two decennial censuses. Therefore, one can reasonable deduct that the study area has a stable or decreasing population.

The study area does meet the criteria of stable or decreasing population.

## Conclusion

The purpose of this study is to determine if all or part of the designated study area is sub-standard and blighted. In order to make the determination of substandard and blighted, state statute establishes a series of criteria.

The Nebraska Community Development law identifies six factors substandard factors. A review of Wayne County Assessor property data and site inspection of the College Hill First Addition-Wayne blight area by NENEDD staff identified a presence of two substandard factors:

- 1) Dilapidation/deterioration
- 2) Age or obsolescence

The Nebraska Community Development law identifies twelve blight factors. A review of Wayne County Assessor property data and site inspection of the College Hill First Addition-Wayne Blight area by NENEDD staff identified a presence of five blight factors. If the area met one least one of the first eleven qualifying requirements, it would then be subject to review of item twelve in order to determine if the area meets at least one of the other five conditions required within the statute. In this instance, it has been determined that the blighted criteria of the following have been met:

- 1) A substantial number of deteriorated or deteriorating structures,
- 4) Unsanitary or unsafe conditions,
- 5) Deterioration of site or other improvements,
- 10) The existence of conditions that endanger life or property by fire and other causes.
- 12) (v) Stable or decreasing population.

Having met the of substandard and blighted as defined by section 18-2103 (10) and 18-2103 (11) of the Nebraska Community Development Law, this study has determined that the study area is both substandard and blighted under the provisions identified and the general plan as required.

# Wayne - "Industrial Drive East" Redevelopment Area



- Barricades
- No trespassing

- Structure damage



# Wayne - "Industrial Drive East" Redevelopment Area



- Structure damage



- Damaged walls  
and roof

# Wayne - "Industrial Drive East" Redevelopment Area



- Debris



- Below:  
uprooted trees



# Wayne - "Industrial Drive East" Redevelopment Area



- Structure damage



# Wayne - "Industrial Drive East" Redevelopment Area



- Structure damage



EXHIBIT 1

# Wayne - "Industrial Drive East" Redevelopment Area



- Structure damage



# Wayne - "Industrial Drive East" Redevelopment Area



- Structure damage



**RESOLUTION NO. 2013-123**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, MAKING FINDINGS AND DECLARING PORTIONS OF THE CITY TO BE BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW; ORDERING PUBLICATION OF NOTICE AND OTHER MATTERS.**

WHEREAS, it is desirable and in the public interest that the City of Wayne, Nebraska, a Municipal Corporation and City of the First Class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended, known as the Community Development Law (the "Act"), is the Urban Renewal and Redevelopment Law for the State of Nebraska and prescribes the requirements and procedures for the planning implementation of urban redevelopment projects; and

WHEREAS, the City, in accordance with the Laws of the State of Nebraska applicable to cities, has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110 of the Act; and

WHEREAS, the Planning and Zoning Commission of the City has recommended that the area described in Attachment "A" (the "Study") be declared blighted and substandard and in need of redevelopment; and

WHEREAS, this Council has held a public hearing, after notice as required by Sections 18-2109 and 18-2115 of the Act and has received and duly considered evidence relating to the present condition of the areas as shown and described in the Study; and

WHEREAS, Section 18-2109 of the Act required that, prior to the preparation by the City of a redevelopment plan for a redevelopment project, this Council as governing body of the City, by Resolution, finds and determines that the area is a substandard and blighted area as defined in the Act and in need of redevelopment; and

WHEREAS, the evidence demonstrates that said area, as shown and described in the Study, constitutes a substandard and blighted area as defined in the Act, which area is in need of redevelopment.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, as follows:

1. That it is hereby found and determined that the area shown and described on Attachment "A" constitutes a substandard and blighted area as defined by Section 18-2103 of the Act and that said area is in need of redevelopment.
2. That it is hereby found and determined that a substandard and blighted condition exists as set forth and discussed in the Study.
3. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law. The elimination of said substandard and blighted condition under the authority of the Community Development Law is found to be a public purpose and in the public interest.
4. That it is hereby found and determined that said area is an eligible site for an urban redevelopment project under the provisions of Chapter 18, Article 21, Nebraska Revised Statutes of 2013, as amended.
5. That the City Clerk is directed to publish notice, according to law, inviting proposals from developers for the redevelopment of the area described on Attachment "A".

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2013.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

# City of Wayne

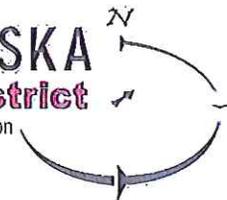
Blight and Substandard Determination  
Study for Area Referred to as the

## North Central Redevelopment Area

October 10, 2013

**NORTHEAST NEBRASKA**  
**Economic Development District**

Progress Requires Direction



## Executive Summary

The purpose of this Study is to determine if all or part of the designated study area has deteriorated and become substandard and blighted according to the Community Development Law established in Nebraska Statute 18-2102.

### Community Development Law

18-2102. Community Development Law; purpose. It is hereby found and declared that there exist in cities of all classes and villages of this state areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable lands uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of municipalities, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination.

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

18-2103(11). Blighted area shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe condition, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions; (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

## Objective Criteria

State statute establishes a series of five quantitative or "objective" criteria. An area must meet at least one of these initial criteria.

- **Underemployment.** The qualifying condition is an unemployment rate in the designated area that is at least 120% of the state or national average. Block group data from the 2010 Census, as well as subsequent geographic area studies available through the Nebraska Department of Labor, were utilized to determine qualifying areas under this standard.
- **Average age of residential or commercial units in the area.** The qualifying condition is an average age that is at least forty (40) years old.
- **Per capita income.** The qualifying condition is a per capita income for the area that is lower than the average per capita income of the municipality in which the area is designated. Block group data from the 2010 Census was utilized to indicate the presence of this criterion.
- **Population.** The qualifying condition is that the area has had either stable or decreasing population based on the last two decennial censuses. Block group data from 1990, 2000, and 2010 was examined to indicate the presence of this criterion.

- Unimproved land. Compliance with this standard involved examining the corporate limits and defining areas within those limits which remain unimproved. The qualification is if more than half of the plotted and subdivided property in the area has been within the city for forty years and has remained unimproved during that time.

## Subjective Criteria

If an area met one of the objective qualifying requirements, it would then be subject to further review under the "Subjective Criteria" section of the statute. If one or more of these qualifiers was met, the area in question was determined to be "blighted and substandard." The subjective criteria include the following:

- A substantial number of deteriorated or deteriorating structures,
- The existence of defective or inadequate street layout,
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness,
- Unsanitary or unsafe conditions,
- Deterioration of site or other improvements,
- Diversity of ownership,
- Tax or special delinquency exceeding the fair value of the land,
- Defective or unusual conditions of title,
- Improper subdivision or obsolete platting,
- The existence of conditions which endanger life or property by fire and other causes, or
- Any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

## Study Area:

The findings in this study are based on analysis conducted for a location referred to as the "North-Central Wayne." The area shall be described as follows: from the point of beginning at the intersection of the west right of way of Main Street and a line extending west from the north right of way of 10th Street; thence continuing east along the north right of way of 10th Street to a point intersecting with the west right of way of Walnut Street; thence continuing north along the west right of way of Walnut Street to a point intersecting with a line extending west from the north right of way Hillcrest Road; thence continuing east along the north right of way of Hillcrest Road to a point intersecting with a line extending north from the east right of way Lilac Lane; thence continuing south along the east right of way of Lilac Lane to a point intersecting with a line extending east from the south right of way of 10th Street; thence continuing west along the south right of way of 10th Street to a point intersecting with the east right of way of Walnut Street; thence continuing south along the east right of way of Walnut Street to the southwest corner of McPherran's Addition Lot 15; thence continuing west across Walnut Street and along the south boundary of McPherran's Addition Lot 23 to the southwest corner of McPherran's Addition Lot 23; thence continuing south along the east right of way of the alley following the west boundary lines of John Lakes Addition Block 1, Lots 1, 2, 3, 4, 5, 6, and John Lakes Addition Block 2, Lots 1, 2, 3, 4, 5, 6, to the centerline of 7th Street; thence continuing west along the centerline of 7th Street to the intersection with a line extending south from the west right of way of Windom Street; thence continuing north along the east right of way of Windom Street to the northeast corner of John Lake's Addition Block 7, Lot 7; thence continuing west 75 feet (to the northwest corner of Wayne County Assessor parcel id 4431.00); thence continuing south to the centerline of 7th Street; thence continuing west along centerline of 7th Street to a point at the intersection of the west right of way of Nebraska and the centerline of Main Street; thence continuing north along the west right of way of Nebraska Street to the northeast corner of John Lake's Addition Block 6 Lot 10; thence continuing west along the north boundary of John Lake's Addition Block 6 Lot 10 to the northwest corner of John Lake's Addition Block 6 Lot 10; thence continuing south to the southwest corner of John Lake's Addition Block 6 Lot 10; thence continuing west across the alley, continuing west along the north boundary line of John Lake's Addition Block 6 Lot 4, crossing 7th Street, continuing west to the northwest corner of John Lake's Addition Block 5 Lot 9; thence continuing south along the east right of way of the alley of John Lake's Addition Block 5 to the southwest corner of John Lake's Addition Block 5 Lot 9; thence continuing west across the alley and the north boundary of John Lake's Addition Block 5 Lot 5 and extending west until it intersects with the west right of way of Main Street; thence continuing north along the west right of way of Main Street until it reaches the point of beginning at intersection of the west right of way of Main Street and a line extending west from the north right of way of 10th Street.

The John Lakes 2 Redevelopment Area is not included in the study area.

See Exhibit 1 for map.

## Findings

### Documentation of Qualifying Conditions – Objective Criteria

#### 1) Unemployment.

Wayne County had a April 2013 unemployment rate of 2.9%. Nebraska had an unemployment rate of 3.7% and the United States had a rate of 7.8%.

The study area does not meet the criteria of at least 120% of the state or national average.

#### 2) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least 40 years old.

There are 2 commercial and 112 residential properties within the redevelopment area which have dates of construction listed at the Wayne County Assessors' office. The average age for the properties in the area is 79.05 years. There are also several smaller buildings in the area that did not have dates of construction listed including residential type garages, with no verifiable date of construction on file. Those buildings were not listed in developing the average age of 79.05 years.

The study area **does meet** the qualifying condition for average age.

#### 3) Per capita income.

Per capita income data by census is not available for this specific area.

The study area does not meet the per capita income qualification.

#### 4) Population.

Population has increased over the past two decennial censuses for the City of Wayne. The study area does not line up with a block group to show a smaller area.

- 1990 Census: community: population-5,142
- 2000 Census: community: population-5,586
- 2010 Census: community: population-5,660

The study area does not meet the criteria of decreasing population.

#### 5) Unimproved land

The study area has 124 tax parcels in the boundary, with 3 vacant lots comprising a public park, which is not 50% of the area.

The study area does not meet the criteria of unimproved land.

As a result of meeting at least one of the objective criteria, the redevelopment area is subject to further review under the “subjective criteria” section of the statute.

### Documentation of Qualifying Conditions – Subjective Criteria

- 1) A substantial number of deteriorated or deteriorating structures.

A field analysis was conducted October 24, 2012 and March 1, 2013 to determine if parcels within the redevelopment area have significant combination of deteriorating factors present. The field survey included a detailed evaluation of the exteriors of the structures. See Exhibit 2.

During analysis, the buildings were given a condition rating. The building conditions ratings were based on the following criteria:

**Dilapidated:** In need of more than one major repair, for example, to the roof, foundation, windows, and/or siding, etc. Severe visible damage to the foundation automatically leads to a classification of dilapidated. These structures are usually considered to be beyond rehabilitation.

**Poor:** Had visible signs of deterioration, especially to the windows, siding, roof, and porch. Asbestos shingles/siding automatically leads to a classification of poor. Could be rehabilitated, but substantial cost would be involved.

**Fair:** Usually had one sign visible of deterioration to the windows, siding, roof, etc. Not a significant amount of damage, but some work would be required to list the building for top dollar.

**Average:** Structure had no substantial signs of deterioration. However; cosmetic flaws were visible, such as outdated fixtures or very minor paint damage. This would require very little to no cost to sell the home for top dollar.

**Excellent:** Structure shows absolutely no signs of deterioration. No cosmetic flaws were visible. Only a very small percentage of structures will fall into this category.

Building Condition	Excellent	Good	Fair	Poor	Dilapidated	
<b>Total: 178</b>	0(0%)	73 (41.01%)	65 (36.25%)	34 (19.10%)	6 (3.37%)	
<b>buildings (6) rated "Dilapidated"</b>						
<b>40 structures (22.47%) rated "Poor" or "Dilapidated"</b>						

Of the total properties (buildings) assessed, 40 of the 178 buildings were given ratings of poor or dilapidated. This accounts for 22.47% of the total properties in the redevelopment area. There were also several paved parking lots and three lots containing a park, which did not have a building and were not counted.

The study area **does meet** the criteria of a substantial number of deteriorated or deteriorating structures.

2) The existence of defective or inadequate street layout.

The street system is laid out in a rectangular method and each lot has street access.

The study area does not meet the existence of defective or inadequate street layout criteria of blighted.

3) Faulty lot layout in relation to size, adequacy, accessibility or usefulness.

The lot layout in the study area is adequate for residential housing.

The study area does not meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria of blighted.

4) Unsanitary or unsafe conditions.

The study area inspection revealed that unsafe conditions exist. Eighty-one of the aging residential and commercial structures constructed were constructed prior to 1932 and are over 80 years of age. Six structures were classified as dilapidated which can have potential health and safety issues that may pose a threat to individuals.

- Based simply on the age of the properties in the study area, structural integrity, out-of-date wiring, ineffectual plumbing, outdated bathroom facilities, deficient air and heating capabilities, and improper exits/entrances (i.e., window/door escapes) are present.
- Inadequate and aging structures in the study area contain foundation, floor structure; doors/windows/fire escapes (egress/ingress) flaws. These basic building elements constitute an economic or social liability and are detrimental to public health, safety and welfare in their present condition.
- The age of the properties is also indicative of having lead based paint present. The very young, in particular, are susceptible to the safety issues caused by lead based paint.
- In addition to inadequate structures there are deteriorated sidewalks, ramps, streets, curbs and alleys located throughout the study area.

The study area **does meet** the unsanitary or unsafe conditions criteria.

5) Deterioration of site or other improvements.

The field survey evaluated the condition of site improvements. The property in the study area was determined to have inadequate sidewalks for pedestrian and unpaved parking for rental homes. See Exhibit 2.

The study area **does meet** the deterioration of site or other improvements criteria.

6) Diversity of ownership.

Based on available property records, the 121 tax parcels of land in the study area are owned by 97 different property owners. The property owners who own multiple parcels are several residential rental property owners. The multiple property owners' lots are scattered throughout the study area which would create barriers to a business or housing development and would require a larger land area consisting of several lots.

The study area **does meet** the diversity of ownership criteria.

7) Tax or special delinquency exceeding the fair value of the land.

The Wayne County Assessor's office records did not reveal any excessive tax or special assessment.

The study area does not meet the tax or special delinquency criteria.

8) Defective or unusual conditions of title.

No defective or unusual conditions of title were identified.

The study area does not meet the defective or unusual conditions of title criteria.

9) Improper subdivision or obsolete platting.

The configuration of antiquated narrow lots, in both residential and commercial areas, can inhibit development within the study area. The lot size and configuration is adequate for residential homes or commercial business.

The study area does not meet the faulty lot layout in relation to size, adequacy, accessibility, or usefulness criteria.

10) The existence of conditions that endanger life or property by fire and other causes.

The average age of the structures in the redevelopment area is 79.05 years old with eighty-one of the structures from 80 to 136 years of age. The existence of aged

flammable materials, deteriorating electrical systems, and faulty heating systems increases the potential threat of fire. Inadequate roofing and old wiring can also provide for dangerous conditions.

The study area **does meet** the existence of conditions that endanger life or property by fire and other causes criteria.

- 11) Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

The study area does not meet the existence of conditions other factors which are detrimental to the public health, safety, morals, or welfare in its present condition and use.

## Conclusion

The purpose of this study is to determine if all or part of the designated study area is sub-standard and blighted. In order to make the determination of substandard and blighted, state statute establishes a series of five quantitative or objective criteria and that the area must meet at least one of these initial criteria. In this instance, it has been determined that the objective criteria of the following have been met:

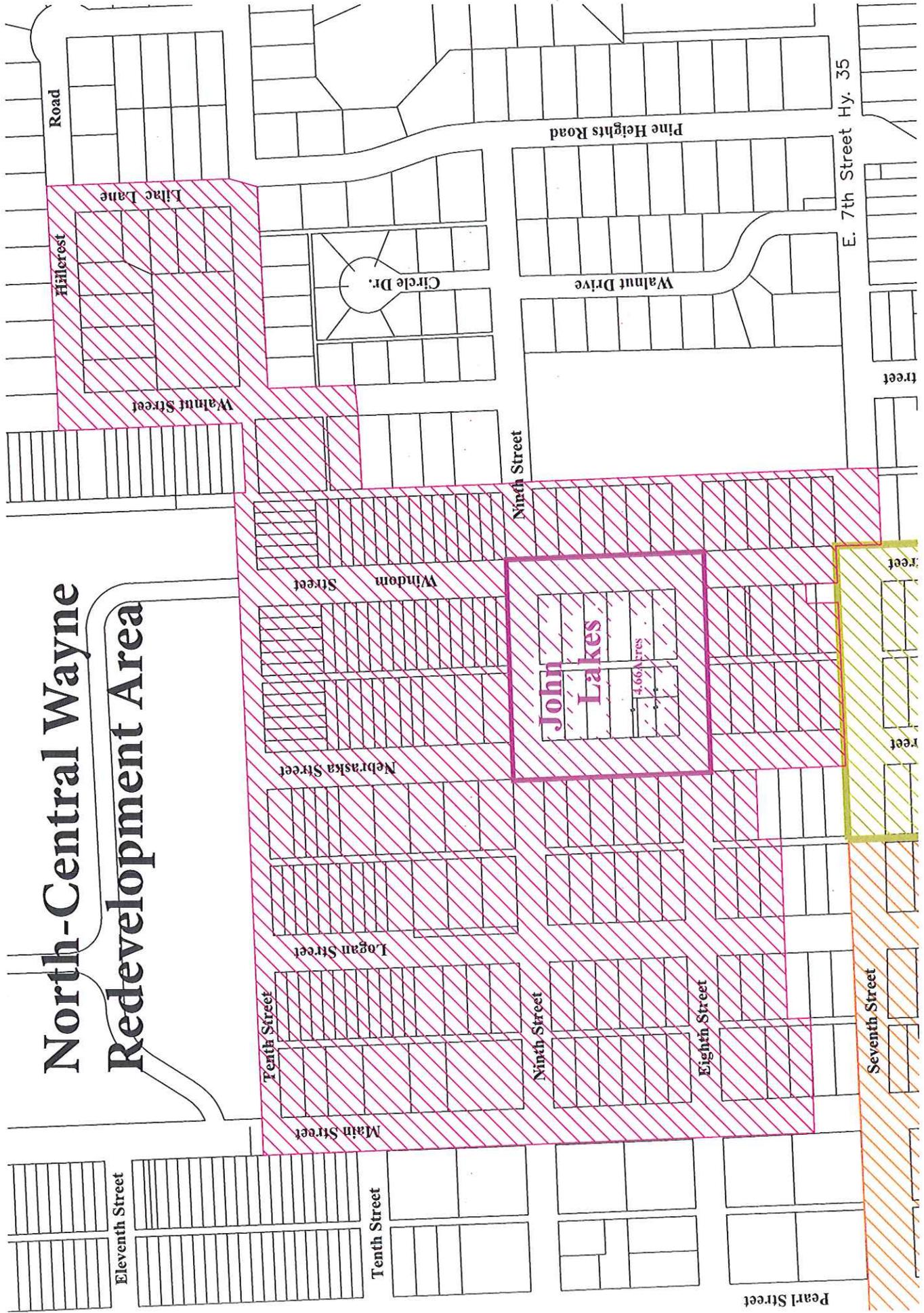
- Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least forty (40) years old.

If an area met one of the objective qualifying requirements, it would then be subject to further review under the subjective criteria section of the statute. In this instance, it has been determined that the subjective criteria of the following have been met:

- A substantial number of deteriorated or deteriorating structures,
- Unsanitary or unsafe conditions,
- Deterioration of site or other improvements,
- Diversity of ownership criteria,
- The existence of conditions which endanger life or property by fire and other causes,

Having met both objective and subjective criteria of substandard and blighted as defined by section 18-2103 (10) and 18-2103 (11) of the Nebraska Community Development Law, this study has determined that the study area is both substandard and blighted under the provisions identified and the general plan as required.

# North-Central Wayne Redevelopment Area



**ORDINANCE NO. 2013-51**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VII, DIVISION 4 PUD PLANNED UNIT DEVELOPMENT, SECTION 90-641 INTENT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. The Planning Commission held a public hearing on November 4, 2013, and recommended amending Section 90-641 PUD Planned Unit Development of the Wayne Municipal Code, with the "Findings of Fact" being: Consistency with the Comprehensive Plan and current City Code.

Section 2. That Chapter 90, Article VII, Division 4, Section 90-641 of the Wayne Municipal Code is amended as follows:

**Sec. 90-641 Intent.**

- (a) The owner of any tract of land comprising an area of not less than two acres for residential development, two acres for a commercial development, or ten acres for an industrial development located in any zoning district **within city limits** may submit a plan for the total development of the area in accordance with the following standards and requirements as a planned unit development.
- (b) The planned unit development (PUD) district is intended to permit private or public development or redevelopment of areas throughout the city which shall be substantially in accordance with goals and objectives of the comprehensive plan for the city. The proposed development shall provide a desirable environment and shall be harmonious with the general surrounding uses while permitting flexibility in overall development.

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

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

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

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**RESOLUTION NO. 2013-125**

**A RESOLUTION DIRECTING CITY CLERK TO CERTIFY RAZING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON TAX LOT 22 (50X100 FT. TRACT) IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6<sup>TH</sup> P.M., WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 111 FAIRGROUNDS AVENUE, WAYNE, NEBRASKA.**

**HEREAS**, the City of Wayne has incurred costs associated with the razing of the property located at 111 Fairgrounds Avenue, Wayne, and legally described as Tax Lot 22 (50x100 ft. tract) in the Northwest Quarter of the Southwest Quarter of Section 18, Township 26 North, Range 4, East of the 6<sup>th</sup> P.M., Wayne County, Nebraska; and

**WHEREAS**, Section 18-241 of the Wayne Municipal Code states that if any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the City to repair, rehabilitate, or demolish and remove a building or structure which is unsafe, or a public nuisance, or is in violation of the 2006 International Property Maintenance Code as adopted by Wayne Municipal Code, Sec. 18-242, the City may proceed with the work specified in the notice to the property owner; and

**WHEREAS**, Section 18-241 of the Wayne Municipal Code further states that the Council may levy the cost as a special assessment against the lot or real estate upon which the building or structure is located; which special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and the Council of the City of Wayne, Nebraska, that the Wayne City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the total amount of \$\_\_\_\_\_ in expenses incurred by the City of Wayne in the razing of the property referenced herein, and upon certification to the Wayne County Clerk and the Wayne County Treasurer, such expense shall become a lien on 111 Fairgrounds Avenue, Wayne, and legally described as Tax Lot 22 (50x100 ft. tract) in the Northwest Quarter of the Southwest Quarter of Section 18, Township 26 North, Range 4, East of the 6<sup>th</sup> P.M., Wayne County, Nebraska, as a special assessment tax levied on the date of such certification.

**BE IT FURTHER RESOLVED** that the Wayne County Treasurer shall add such expense to and it shall become and form a part of the taxes on such property described herein and shall bear interest at the same rate as taxes and to be collected as a special tax in the manner provided by law.

Passed and approved this 3<sup>rd</sup> day of December, 2013.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**RESOLUTION NO. 2013-130**

**A RESOLUTION AMENDING SECTION 14.65 EMPLOYEE EXEMPT FROM OVERTIME AND SECTION 14.100 EMPLOYEE BENEFITS OF THE CITY OF WAYNE PERSONNEL MANUAL.**

WHEREAS, the City of Wayne Personnel Manual was adopted by Resolution No. 88-31 on September 13, 1988; and

WHEREAS, under Section 14.65 and 14.100 of the Manual, there is a need to revise said sections.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska as follows:

1. Amendments to the Personnel Manual relating to employee benefits, as set out in the attached Exhibit "A", are hereby approved.
2. The effective date of the amendments set out in Exhibit "A" shall be 3<sup>rd</sup> day of December, 2013.

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2013.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**Exhibit "A"**  
**Amendments to Personnel Policy Manual**  
**Resolution No. 2013-130**

**Sec. 14.65. Employee Exempt from Overtime (Amended by Res. 2007-99, 11/20/07)**

The following employee position classifications are exempt from overtime:

<u>POSITION CLASSIFICATION</u>	<u>CATEGORY OF EXEMPTION</u>
City Administrator	Executive
City Clerk	Executive
<del>City Treasurer</del> <b>Finance Director</b>	Executive
<del>Chief Inspector/Planner</del>	Executive
Chief of Police	Executive
<del>Coordinator of Senior Citizens Center</del> <b>Sr. Citizens Center Coordinator</b>	Executive
<del>Director of Recreation-Leisure Services</del> <b>Recreation Services Director</b>	Executive
<del>Librarian</del> <b>Library Director</b>	Executive
<del>Police Lieutenant</del>	Executive
Superintendent of Electric Production	Executive
Superintendent of Public Works and Utilities	Executive

**Sec. 14.100. Employee Benefits. (Amended by Res. 2008-50, 6/3/08).**

In order to remain a competitive and equitable employer and to comply with applicable laws, the City offers a total compensation plan consisting not only of pay but also of substantial employee benefits. The Personnel Officer shall make information available concerning current benefits, some of which may be provided at an employee's option, in whole or in part at his or her expense, and /or only to certain categories of employees. It is the responsibility of the employee to notify the personnel office and the plan administrators of changes in the employee status, change in beneficiaries, marriage, additions to households, etc.

The following are the principal employee benefits which are offered prorata on the basis of a 40 hour week to all regular, full-time employees ~~hired to work 35 hours or more a week~~ after completing necessary waiting periods:

(a) Health and Major Medical Insurance:

PPO program with a maximum major medical expense benefit of \$2,000,000. Deductibles are ~~\$350~~ **\$1,000** for single and ~~\$700~~ **\$2,000** for family coverage in the PPO. The employer is self-insuring (80/20) a ~~\$5,000~~ **\$3,200** deductible for single and a ~~\$10,000~~ **\$6,400** deductible for family after meeting either one or two ~~\$350~~ **\$1,000** deductibles. An eligible employee qualifies on the first day of the month following 30 days of continuous employment. The City pays 97.5% of the premium for single employee; 90% for family coverage. The employee pays 2.5% of the premium for single coverage; 10% for family coverage. **Beginning January 1, 2015, city employee's spouses that are employed elsewhere and are eligible to participate in group health plan coverage where they are employed are not eligible to**

**participate in the City of Wayne Group Health Insurance Plan.**

As an incentive for the employee and family to reduce the deductible to **\$500** for single and **\$1,000** for family coverage in the PPO, the following must be met:

- Employee must be a non-tobacco user. The City reserves the right to verify this by nicotine blood test; and
- Employee and spouse must have annual physical as provided in the plan.

The Employer will self-insure vision benefits as follows:

Vision:           \$10 co-pay per exam  
                      30% discount for eyeglasses at member facilities  
                      15% discount for contacts  
  
                      \$100 for Safety Glasses

~~Any permanent part-time employee working 30 hours or more per week is eligible to participate in the health insurance plan by having 100% of the premium deducted through payroll deduction on a bi-weekly basis.~~

(b) Life Insurance:

The City pays for group life insurance. The amount of insurance generally equals one times (1x) annual salary to the next highest \$1,000.

(c) Disability Insurance:

A tailored program of coverage paid by the City for short term disability for up to 52 weeks of weekly benefit starting after a 30 day period, and long term disability with a monthly benefit starting after twelve months of short term disability. The plan generally pays employees 60% of their gross pay subject to certain maximums for qualifying conditions.

(d) Retirement:

The City of Wayne provides a deferred compensation retirement savings plan to eligible employees and a 401(a) Money Purchase Plan. An eligible full-time employee may participate in the retirement plan from their date of hire. However, the City will start contributions after one (1) year of employment and upon finishing probationary period for eligible employees. At that time, the employee must contribute 1% of their annual wage but not more than 19%. The City will contribute 6% of their annual base salary to the 401(a) Money Purchase Plan.

An eligible regular part-time employee working 30 or more hours per week may participate with unmatched contributions in the retirement plan from their date of hire.

According to State Statute and Civil Service requirements, sworn police officers

receive pension ~~benefits~~ **contributions from the City** immediately at a rate of ~~6%~~ **6.5%** employee, ~~6%~~ **6.5%** employer. The deferred compensation retirement savings plan may be used by sworn police officers, as well; however, the City will not match any employee contributions. The sworn police officers shall be fully vested in the retirement plan upon completion of seven years of employment with the City.

(e) Flexible Employee Benefit Plan:

The Flex Plus Plan was developed to allow eligible employees to use before-tax earnings to purchase benefits under the Plan; examples of flexible spending account benefits include child care, unreimbursed medical expenses, health and accident insurance premium, etc.; Federal, State and Social Security taxes do not apply to these benefits.

An employee may participate in the Plan as of the first day of the month after completing the first day of employment. Prior to the date of being eligible to participate in the Plan, an employee is required to fill out an election form.

(f) Paid holidays, personal days, and leave for vacation, illness or other designated purposes.

**(g) Educational Scholarships for Full-Time Employees**

**Providing that scholarship funds for this program are budgeted and available, any employee regularly scheduled to work 40 hours per week or more is eligible to apply for up to \$150 in scholarship funds per calendar year for tuition and/or books for an approved trade or educational course related to his or her job description at an approved two or four-year degree institution. The course, the educational institution, and the application must be pre-approved by the department head.**



1707 Dakota Avenue South Sioux City, NE 68776

**CERTIFICATE OF PAYMENT NO. 3**

**Date of Issuance:** December 3, 2013

**Project No.** 012-2523

**Project:** CHIEF'S WAY SANITARY SEWER & WATER EXTENSIONS, WAYNE, NEBRASKA, 2013

**Contractor:** ROBERT WOehler & SONS CONSTRUCTION, INC., 123 FAIRGROUNDS AVE., WAYNE, NE 68787

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		
PLEASE REMIT PAYMENT TO: ROBERT WOehler & SONS CONSTRUCTION, INC.		

Value of Work Stored & Completed: \$230,124.15

Original Contract Cost:	\$284,476.00
Approved Change Orders:	
No. 1	\$29,135.65
No. 2	_____
No. 3	_____
No. 4	_____
No.	_____
Total Contract Cost:	\$313,611.65

Value of completed work and materials stored .....	\$230,124.15
Less retained percentage ( 10%) .....	\$23,012.42
Net amount due including this estimate .....	\$207,111.73

Less: Estimates previously approved:

No. 1	\$83,529.68	No. 6	\$0.00
No. 2	\$100,944.73	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: \$184,474.41

**NET AMOUNT DUE THIS ESTIMATE:** \$22,637.32

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: Robert Woehler & Sons Construction, Inc.  
Project File

OLSSON ASSOCIATES  
By \_\_\_\_\_

CHIEF'S WAY SANITARY SEWER & WATER EXTENSIONS  
 WAYNE, SASKATCHEWAN  
 012-223  
 ROBERT WOEBLER & SONS CONSTRUCTION, INC.

No.	Unit	Description	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Total Amount Completed	Amount Stored Remaining	Total Amount Completed + Stored Remaining	90% Due Contractor	10.0% Retainage	Am't. Paid Prev. Est.	Total Due This Est.
1	MOBILIZATION												
2	TRAFFIC CONTROL												
3	INSTALL TYPE B HYDROSEEDING - RESIDENTIAL		1	\$10,000.00	\$10,000.00	1	\$10,000.00	\$0.00	\$10,000.00	\$9,000.00	\$1,000.00	\$9,000.00	\$0.00
4	RELOCATE AND REPLACE MAILBOX		1	\$2,000.00	\$2,000.00	1	\$2,000.00	\$0.00	\$2,000.00	\$1,800.00	\$200.00	\$1,800.00	\$0.00
5	REMOVE PAVEMENT		0	\$250.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	BUILD 3" CONCRETE PAVEMENT 478-3500		223	\$4.00	\$892.00	223	\$892.00	\$0.00	\$892.00	\$892.00	\$0.00	\$892.00	\$486.00
7	INSTALL AGGREGATE FOUNDATION, CAT		0	\$13,300.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8	INSTALL GRAVEL SURFACING, CAB		0	\$28.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9	INSTALL SANITARY SEWER MANHOLE (H=6)		1	\$17,000.00	\$17,000.00	1	\$17,000.00	\$4,500.00	\$12,500.00	\$11,500.00	\$1,000.00	\$11,500.00	\$70.00
10	BUILD SANITARY SEWER MANHOLE (H=6)		6	\$6,340.00	\$38,040.00	6	\$38,040.00	\$0.00	\$38,040.00	\$38,040.00	\$0.00	\$38,040.00	\$0.00
11	INSTALL 6" PVC SANITARY SEWER - SOR26		1642	\$18.00	\$29,556.00	1642	\$29,556.00	\$3,803.80	\$33,359.80	\$30,555.98	\$2,803.82	\$33,359.80	\$1,857.30
12	INSTALL 6" PVC SANITARY SEWER - SOR26		71	\$27.00	\$1,917.00	71	\$1,917.00	\$0.00	\$1,917.00	\$1,847.54	\$69.46	\$1,917.00	\$15,112.17
13	INSTALL SANITARY SEWER SELECT BEDDING, FAT		1713	\$2.00	\$3,426.00	1713	\$3,426.00	\$0.00	\$3,426.00	\$3,426.00	\$0.00	\$3,426.00	\$0.00
14	INSTALL SANITARY SEWER SERVICE		2	\$2,400.00	\$4,800.00	2	\$4,800.00	\$0.00	\$4,800.00	\$4,800.00	\$0.00	\$4,800.00	\$2,574.80
15	INSTALL 6" PVC CAP		0	\$50.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
16	UNCRACK & BORE 8" PVC SANITARY SEWER W/ 20' DIA X D 240' W.T. STEEL PIPE CASING		1	\$50.00	\$50.00	1	\$50.00	\$0.00	\$50.00	\$50.00	\$0.00	\$50.00	\$0.00
17	INSTALL 8" PVC WATER MAIN		282	\$249.00	\$69,828.00	282	\$69,828.00	\$0.00	\$69,828.00	\$68,714.20	\$1,113.80	\$68,714.20	\$45.00
18	INSTALL 8" PVC WATER MAIN		415	\$15.00	\$6,225.00	415	\$6,225.00	\$0.00	\$6,225.00	\$6,225.00	\$0.00	\$6,225.00	\$0.00
19	INSTALL WATER MAIN SELECT BEDDINGS, FAT		633	\$13,926.00	\$8,806.00	633	\$13,926.00	\$0.00	\$13,926.00	\$14,553.40	\$627.40	\$14,553.40	\$0.00
20	INSTALL 8" HDPE DIPS WATER MAIN W/D CASING		263	\$2.00	\$526.00	263	\$526.00	\$0.00	\$526.00	\$526.00	\$0.00	\$526.00	\$0.00
21	INSTALL 8" X 8" DRILL B HOPE DIPS WATER MAIN		57	\$84.00	\$4,771.00	57	\$4,771.00	\$0.00	\$4,771.00	\$4,771.00	\$0.00	\$4,771.00	\$0.00
22	INSTALL 8" X 8" LIVE TAP WITH GATE VALVE		465	\$84.00	\$39,060.00	465	\$39,060.00	\$0.00	\$39,060.00	\$39,060.00	\$0.00	\$39,060.00	\$0.00
23	INSTALL 8" PVC (RHD M.)		2	\$250.00	\$500.00	2	\$500.00	\$0.00	\$500.00	\$500.00	\$0.00	\$500.00	\$0.00
24	INSTALL 8" X 8" TEE M.J.		1	\$300.00	\$300.00	1	\$300.00	\$0.00	\$300.00	\$300.00	\$0.00	\$300.00	\$0.00
25	INSTALL 8" X 8" TEE M.J.		1	\$275.00	\$275.00	1	\$275.00	\$0.00	\$275.00	\$275.00	\$0.00	\$275.00	\$0.00
26	INSTALL 8" HDPE USED REDUCER		1	\$500.00	\$500.00	1	\$500.00	\$0.00	\$500.00	\$500.00	\$0.00	\$500.00	\$0.00
27	INSTALL GATE VALVE M.J.		1	\$1,800.00	\$1,800.00	1	\$1,800.00	\$0.00	\$1,800.00	\$1,800.00	\$0.00	\$1,800.00	\$0.00
28	INSTALL VALVE STATION		1	\$2,500.00	\$2,500.00	1	\$2,500.00	\$0.00	\$2,500.00	\$2,500.00	\$0.00	\$2,500.00	\$0.00
29	INSTALL 8" PILE STATION		1	\$200.00	\$200.00	1	\$200.00	\$0.00	\$200.00	\$200.00	\$0.00	\$200.00	\$0.00
30	INSTALL 8" PILE STATION		1	\$75.00	\$75.00	1	\$75.00	\$0.00	\$75.00	\$75.00	\$0.00	\$75.00	\$0.00
31	INSTALL 8" HDPE DIERS M.J. X USED ADAPTER		2	\$500.00	\$1,000.00	2	\$1,000.00	\$0.00	\$1,000.00	\$800.00	\$200.00	\$800.00	\$0.00
32	INSTALL 8" HDPE DIERS M.J. X USED ADAPTER		1	\$500.00	\$500.00	1	\$500.00	\$0.00	\$500.00	\$450.00	\$50.00	\$450.00	\$0.00
33	INSTALL TYPE IV FIRE HYDRANT ASSEMBLY (H=6)		1	\$3,500.00	\$3,500.00	1	\$3,500.00	\$0.00	\$3,500.00	\$3,150.00	\$350.00	\$3,150.00	\$0.00
34	INSTALL TYPE IV FIRE HYDRANT ASSEMBLY (H=6)		1	\$3,500.00	\$3,500.00	1	\$3,500.00	\$0.00	\$3,500.00	\$3,150.00	\$350.00	\$3,150.00	\$0.00
35	INSTALL 2" WATER SERVICE CONNECTION WITH CURB STOP		1	\$750.00	\$750.00	1	\$750.00	\$0.00	\$750.00	\$750.00	\$0.00	\$750.00	\$0.00
36	INSTALL 2" WATER SERVICE CONNECTION WITH CURB STOP		0	\$80.00	\$0.00	0	\$0.00	\$565.75	\$565.75	\$565.75	\$0.00	\$565.75	\$0.00
37	AIRPORT FIRE HYDRANT MONITOR STATIONS		1	\$800.00	\$800.00	1	\$800.00	\$0.00	\$800.00	\$720.00	\$80.00	\$720.00	\$0.00
38	INSTALL TYPE VI FIRE HYDRANT ASSEMBLY (H=6)		1	\$4,300.00	\$4,300.00	1	\$4,300.00	\$0.00	\$4,300.00	\$4,300.00	\$0.00	\$4,300.00	\$0.00
39	CONNECT TO EXISTING WATER MAIN		0	\$2,000.00	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
40	ADDITIONAL BOND AND INSURANCE		0	\$1,382.65	\$0.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
41	Total Bid Section		1	\$1,382.65	\$1,382.65	0	\$0.00	\$10,357.15	\$20,124.15	\$20,124.15	\$23,012.41	\$184,474.41	\$22,637.32

## PURCHASE AGREEMENT

This agreement is made and entered into by and between **The City of Wayne, Nebraska, a political subdivision**, PO Box 8, Wayne, Nebraska 68787, hereinafter referred to as "Seller", and **County of Wayne, Nebraska, a political subdivision**, 510 Pearl Street, Wayne, Nebraska 68787, hereinafter referred to as "Buyer".

Seller and Buyer agree as follows:

1. **Property Purchased.** Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, the following described property, to-wit:

A tract of land located in the Northeast Quarter of the Southeast Quarter of Section 13, Township 26 North, Range 3 East of the 6<sup>th</sup> P.M., Wayne County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of Lot 6, Block 27, Original Town of Wayne, Wayne County, Nebraska; thence S 00°00'00" E on an assumed bearing on the Southerly extension of the East side of Lincoln Street, 227.96 feet to the point of intersection with the South Right-Of-Way line of the Chicago and Northwestern Transportation Company (now abandoned), said point being the Southeast Corner of a tract surveyed by Duane H. Upton, R.L.S. #317, dated April 27<sup>th</sup>, 1978; thence S 61°16'37" W on said South Right-Of-Way line, 223.16 feet to the Southwest corner of said surveyed tract; thence N 28°43'32" W on the West line of said tract, 100.00 feet to the Northwest corner of said surveyed tract, said point being on the North Right-Of-Way line; thence N 61°16'44" E on said North Right-Of-Way line, 14.79 feet to the intersection of said North line and the Southerly extension of the East line of the North-South Alley of Block 26, Original Town of Wayne; thence N 00°09'38" E on said East line, 241.05 feet to the Southwest corner of Lot 7, said Block 26; thence S 89°50'22" E on the South line of said Block 26, 230.12 feet to the point of beginning, containing 1.51 acres.

including the building and appurtenances attached to the property. The only personal property included is: None.

2. **Purchase Price.** Buyer agrees to pay to Seller, as full consideration for the above described premises, the sum of **\$50,000.00**, to be paid in full at time of closing. All payments are to be made in cash, money order, or certified bank draft.

3. **Title.** Seller shall provide proof of marketable title in fee simple and furnish to Buyer a commitment for title insurance insuring merchantability. The cost of such title insurance policy shall be split equally between the Buyer and the Seller. Buyer agrees that should a valid defect exist, Seller shall have a reasonable time to correct said defect, not to exceed 30 days from the date of the title commitment. If there are defects that cannot be reasonably corrected within 30 days, this agreement shall be null and void and any earnest money paid upon execution shall be refunded.

4. **Deed.** Seller agrees to convey to Buyer, or Buyer's nominee, by warranty deed, free and clear of all liens and encumbrances, special assessments, levied or assessed, except any

special assessments resulting from assessments from districts that may be created or ordered constructed subsequent to the date of acceptance of this purchase agreement, and subject to all easements and restrictions of record and any applicable zoning regulations.

5. **Taxes.** Seller shall pay all real estate taxes up to and including for the calendar year of 2013. Taxes for the calendar year of 2014 and thereafter to be paid by Buyer.

6. **Buyer's Inspection.** This offer is based upon the Buyer's personal inspection or investigation of the premises and not upon any representation or warranty of condition by Seller. Buyer agrees that the property is being sold in its present condition.

7. **Risk of Loss.** This agreement shall in no manner be construed to convey the property or to give any right of possession. Risk of loss or damage to the property prior to date of closing shall rest with the Seller. Prior to closing, if the structures on the property are materially damaged by fire, explosion, or any other cause, either party may have the right to rescind this agreement and Seller shall then refund to Buyer, the earnest money.

8. **Closing and Possession.** The Parties agree to close the purchase on or about December 15, 2013. Possession of the property shall be given to Buyer on or before June 1, 2006 and upon payment of the full purchase price herein.

9. **Miscellaneous.**

a. **Contingency.** This agreement is contingent upon the approval of the Wayne City Council and the running of any applicable remonstrance period without a proper remonstrance being filed. In the event this agreement is not approved by the City Council or a lawful remonstrance is filed then this agreement shall be null and void.

b. This agreement is contingent upon and subject to the approval by the Board of Commissioners or Wayne County, Nebraska. In the event said board does not approve the agreement, then this agreement shall be null and void.

10. **Hold Harmless.** Seller agrees to indemnify and hold harmless Buyer from any and all liability, claims, expenses or damages resulting from toxic or hazardous substances including polychlorinated biphenyls, commonly referred to as PCBs, which may be located on the property as a result of Sellers use of the property. Seller agrees to execute an indemnification and hold harmless agreement at time of closing.

11. **Binding Agreement.** This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each party.

12. **Original Counterparts.** This agreement may be executed in one or more counterparts. Each such counterpart shall be considered an original and all of such counterparts shall constitute a single agreement binding all the parties as if all had signed a single document.

In witness whereof, the parties have hereunto set their hands on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

City of Wayne, Nebraska,  
a Political Subdivision, SELLER

BY \_\_\_\_\_  
Ken Chamberlain, Mayor

WAYNE COUNTY BOARD OF  
COMMISSIONERS, BUYER:

By: \_\_\_\_\_  
Dean Burbach, Chairman