

(Amended: 3/3/14)

AGENDA  
CITY COUNCIL MEETING  
March 4, 2014

1. Approval of Minutes – February 18, 2014

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. Proclamation: March as “Problem Gambling Awareness Month”

4. Action on Change Order No. 2 in the Amount of \$3,723.50 for the Chief’s Way Sanitary Sewer Project – Robert Woehler & Sons Construction

**Background:** Woehler and Sons is the general contractor for the gravity flow sanitary sewer extension project that runs across Highway 35 and then west along Chief’s Way. The design and construction bid documents called for the sewer to be bored north and south under Highway 35, but the bid documents prepared by the engineer failed to show an east/west high pressure natural gas transmission line on the south side of Highway 35. In the pre-construction meeting no representative of the gas company attended and no mention by the engineer or anyone else of the presence of the natural gas line are shown in the engineer’s official minutes of that meeting.

When Woehlers called Underground Hotline to have all the utilities located at the start of construction, the natural gas line was marked by the gas company and became known to Woehlers. The gas company was unable to determine the depth of the gas transmission line because it had been bored very deep under Logan Creek, and the “as-built” plans for the gas line installation were not detailed enough to determine the depth at the site of crossing of the sewer line.

The engineer did not consider the presence of the natural gas line in the design or bidding out of the gravity flow sewer. The boring contractor hired by Woehlers to install the sewer line under the highway wouldn’t and couldn’t bore the hole until they knew where the existing high pressure gas line was located, so they had to “pot-hole” a hole down at the site where the sewer line and gas line crossed. They found the gas line down 15 feet. By luck, the sewer line was determined to just miss the gas line and be slightly above. The importance of that luck is demonstrated by the old saying that it flows down hill. We simply can’t make low spot or a hot spot in the construction of a continuous grade gravity flow sewer, or raw sewage will always stop there.

Woehlers submitted Change Order No. 2 as a request to be compensated for the unexpected cost to “pot-hole” the site to make sure the sewer would miss the gas line. Olsson Associates, the engineer, rejected CO #2 on the basis that doing locates during construction is a normal cost. Because of the OA rejection of CO#2, it was never brought to the Council agenda for action.

Woehlers have argued that the specific cost to “pot-hole” for the gas line was an unexpected cost to find an unknown depth that would have been added to the bid by every contractor if the presence of the gas line had been made known in the bid documents. Contractors rely on the bid documents to show the presence of all utilities so the contractor knows to allow for cost when bidding. If depth is in question, then it should be noted in the bid document that “pot-holing” is the responsibility of the contractor and all bidders can bid accordingly.

Our construction contract with Woehler and Sons provides for the contractor to demand mandatory arbitration of disputes if there is an impasse and the City must enter into arbitration and choose an outside attorney from a list of selected neutral attorneys for the arbitration process. Woehlers have exercised that option to require mandatory arbitration, and we have received notice that we must comply.

**Recommendation:** The recommendation of Amy Miller, City Attorney, and Lowell Johnson, City Administrator, is to approve payment of Change Order No. 2 for the following reasons:

- 1.) To avoid the legal cost of arbitration which would significantly be higher than \$3,723.50.
- 2.) The City would have paid some cost to “pot-hole” to locate the gas line either way, whether it was properly noted in the bid document as a cost of construction or after the fact as it is being presented now.
- 3.) The design engineer also has some responsibility in this issue from its failure to discover the gas line and include it in the design and bid documents which may have resulted in a lesser cost, and we will submit an invoice for partial reimbursement from them.

5. [Action on Change Order No. 3 in the Amount of \\$2,710.05 for the Chief's Way Sanitary Sewer Project – Robert Woehler & Sons Construction](#)

**Background:** The design and construction bid documents called for the sewer to be bored north and south parallel to Industrial Road on the north side of the highway, but the bid documents prepared by the engineer failed to show the existence of an underground American Broadband line that the sewer had to cross. In the preconstruction meeting, there was no mention by the engineer or anyone else of the presence of the ABB line as shown in the engineer’s official minutes of that meeting.

Woehlers called Underground Hotline to have all of the utilities located at the start of construction. A Century Link phone line was marked in the area by the Century Link locator who also mentioned the presence of a nearby ABB line. Woehlers contacted ABB to do a special locate, but ABB was not immediately

aware of the presence of their line. ABB requested the contractor to stop work while they located their line. ABB locators verified the presence of their phone line there, but were not able to get a reliable locate, so ABB told the contractor to bore through and ABB would stand the cost if their phone line was hit. The boring machine missed the ABB line, but the boring contractor, Horizontal Boring, has billed Woehlers \$2,031 for unexpected down time due to ABB's request to stop work and the inability of the phone company to locate their line.

**Recommendation:** The recommendation of Amy Miller, City Attorney, and Lowell Johnson, City Administrator, is to approve payment of Change Order No. 3 to avoid the legal cost of arbitration, which would be significantly higher than \$2,031. None of this is a legitimate cost of the City of Wayne, and we are confident we would prevail in the arbitration process. However, it will be less costly to submit to ABB and Horizontal for reimbursement directly.

6. [Action on Recommendation from the LB840 Sales Tax Advisory Committee on a Request by Ken Jorgensen for a \\$250,000 Loan to Build a Sports Bar and Bottle Shop](#)

**Recommendation:** The loan request details are attached as considered by the Sales Tax Advisory Committee. The recommendation of the Committee is to approve the loan.

7. [Action on Recommendation from the LB840 Sales Tax Advisory Committee on a Request by Pat Garvin \(Innovative Protectives, Inc.\) for a \\$40,000 Loan to Rebuild a Shop and Storage Building Destroyed by the Tornado](#)

**Recommendation:** The loan request details are attached as considered by the Sales Tax Advisory Committee. The recommendation of the Committee is to approve the loan.

8. [Adjourn as Mayor and City Council and Reconvene as Board of Equalization](#)

9. [Public Hearing: Assessments for Street Improvement District No. 2013-1 \(Milo Drive\) Advertised Time: 5:30 p.m.](#)

**Background:** The City of Wayne created the Milo Drive Street Improvement District to construct the street and install the utilities at the request of the developers. The developers (the property owners abutting the Milo Drive right-of-way) had 30 days to object to the district creation and kill the district. They did not object, an engineer was hired, and the project was designed and built according to the specifications approved and bid out by the City Council. The costs of the intersection and water and sewer connections under the highway were determined to be costs of the City by agreement. The costs of the paving, water and sewer along the fronts of the lots are assessable to the property owners. The Street Improvement District created by the City of Wayne is a separate legal entity from the City and stands on its own to budget for funding, construction, and reimbursement through assessments to the lots.

This hearing provides an opportunity for the public and for the abutting property owners to question or object to the allocation of the costs to the lots and to the City by the engineer. Attached is the allocation of construction costs for your review.

10. [Resolution 2014-20: Approving Assessments in Street Improvement District No. 2013-1 \(Milo Drive\)](#)

**Recommendation:** The recommendation of the project engineer is to approve the assessments as presented. The recommendation of Lowell Johnson, City Administrator, is to approve the same, with the exception of Line 33X. My recommendation is to reduce the total \$5,805 allocation down to \$2,902.50 to the property owners for extra construction work to re-excavate the sewer main and install four wyes after they failed to be included in the bid documents which created an extra cost. The engineer paid the remobilization cost for the contractor to come back to the site to dig up and install the wyes to connect to the lots. However the property owners have challenged the amount of the cost still being billed to them, and my recommendation is to allocate half of the \$5,805 extra cost to the engineer and collect it through the City.

11. [Adjourn as Board of Equalization and Reconvene as Mayor and City Council](#)

12. [Resolution 2014-21: Accepting Bid and Awarding Contract on the “Highway 15 & 10<sup>th</sup> Street Intersection Project” \(Subject to the Project being approved by the Nebraska Department of Roads\)](#)

**Background:** This work will complete the 10<sup>th</sup> Street Project by widening Highway 15 and 10<sup>th</sup> Street to three lanes as they approach the intersection. The apparent low bidder is Woehler and Sons.

**Recommendation:** One lane of the project is on the State highway. Due to a timing issue with the Nebraska Department of Roads review process, they will likely take longer than the next Council meeting to approve the apparent low bidder. The Recommendation of Joel Hansen, Street Superintendent, and Lowell Johnson, City Administrator, is to approve the apparent low bidder, subject to final approval by the Nebraska Department of Roads

13. [Resolution 2014-22: Accepting Bid and Awarding Contract on the Relocation of Ball Fields, the Reconstruction of the Infields and the Creation of Common Space between the Fields at the Summer Sports Complex Project](#)

**Background:** Alex Koch and Nancy Braden have been working with EMC, our insurance carrier, to restore the sports complex after the tornado damage. As the original fields were laid out, there was no safety clearance area for foul balls between the north and south fields as there was between the east and west fields. This additional alternative work would spread the fields north and south.

**Recommendation:** This concept was discussed earlier by the Mayor and Council, and after review, was designed, bid out and is recommended by the Wayne Recreation and Leisure Services Commission. The bid information is in this packet for your review.

14. [Update on Summer Sports Complex Project](#)

**Background:** There is a lot more work to do at the complex, and I have asked Alex to update you again about what he and the Recreation Commission and the baseball and softball associations are planning.

15. [Resolution 2014-11: Approving the Giese Second Addition Preliminary and Final Plat](#)

**Background:** This action is required for us to carry out the Council's commitment to a TIF agreement with Mid Plains Grain to consolidate the former Michael Foods' grain elevators into one site with expanded capacity and to provide the legal description to sell two parcels of city-owned property south of Hank Overin Field to Mid Plains for the expansion. This action was tabled at the last Council meeting because three Councilmembers were absent and a fourth declared a conflict of interest, thereby leaving an insufficient number of votes to approve.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to approve the Resolution to help mitigate the costs of this demolition and consolidation project.

16. [Ordinance 2014-5: Restructuring the Community Development Agency to a Community Redevelopment Authority \(Second Reading\)](#)

**Background:** This action harmonizes the appointments of the new CRA board to the Nebraska Statutes. The CRA meets in the City Council room at 4:00 p.m. every last Tuesday of the month.

17. [Ordinance 2014-6: 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](#)

**Background:** This Ordinance failed to pass by a 4 to 5 vote at the last Council meeting. This Ordinance is placed back on the agenda by the Mayor at the request of a Councilmember who voted in the majority at the last meeting. It must be introduced by a motion to reconsider the Ordinance. Annexation of this area, with or without the Pacific Coast property, is required before Items # 21 and #22 on this agenda can be considered.

18. [Ordinance 2014-7: Annexing Herman Commercial Subdivision](#)

**Background:** We have received a request from the developer to annex this subdivision which abuts the Wayne city limits at Prime Stop on Centennial

Road North. City Code and State Statutes require only Council action when there is a request to annex by the developer.

19. [Ordinance 2014-8: Amending Wayne Municipal Code Sec. 2-232 Establishing Annual Salary for Mayor and Councilmembers](#)

**Background:** Current compensation for elected officials is \$4,500 annually for Mayor and \$3,000 annually for each Councilmember. Any change in compensation cannot take effect for that Council approving the change, and cannot take effect until after the next general election. The Mayor's intent is to review the option to keep the base the same and add a per diem of \$25/hr ( 3/hr a day limit) for anything outside of council meetings, budget sessions, and retreats, or just a flat change in the base, or a combination of both.

**Recommendation:** This is the discretion of the elected officials, and there is no staff recommendation

20. [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](#)

**Background:** This study was completed to be prepared to offer Tax Increment Financing incentives to Pacific Coast or a subsequent business that may locate on the property. The area in the blight study also includes the Woehler and Sons' property that has a recommendation below from the CDA to approve a TIF MOU to enter into negotiations for a TIF redevelopment agreement.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to approve the blight study to preserve for the Community Redevelopment Authority and for this Council and future Councils the option to offer Tax Increment Financing to prospective companies recruited to locate on the PFC property and also to assist a local company in a business relocation to resolve a neighborhood conflict at their current location.

21. [Resolution 2014-5: Approving Memorandum of Understanding with Robert Woehler & Sons, Inc., to Enter into a Tax Increment Financing Agreement for Site Preparation and New Construction](#)

**Background:** This agreement has been requested by Woehler and Sons to help defray the cost of relocating their existing business and extensive site grading.

**Recommendation:** The recommendation of the Community Development Agency is to approve the Memorandum of Understanding.

22. [Ordinance 2014-2: Amending Section 78-126 Prohibited Parking; Northeast Quadrant of the City; Section 78-128 Prohibited Parking; Northwest Quadrant of the City; Section 78-130 Prohibited Parking; Southeast Quadrant of the](#)

[City; and Section 78-132; Prohibited Parking; Southwest Quadrant of the City \(Third and Final Reading\)](#)

**Background:** This action only harmonizes the existing street signage with existing city parking ordinances. Future on-street parking proposals will be considered at later Council meetings.

**23. [Resolution 2014-23: Approving Memorandum of understanding with Southwest Renewables, Wakefield, Northeast Public Power, and South Sioux to authorize the City Administrator to negotiate a contract for production and delivery of power from a 25 MW renewable fuel plant to be constructed in Dakota County](#)**

**Background:** One of the advantages of the Big Rivers Contract for wholesale power is that we reserved the option to buy up to 15% of our wholesale power each year (this is in addition to the 17% of hydro power we already contract from WAPA – the federal Western Area Power Administration that owns the power dams on the Missouri River) from a renewable source. We have been looking at two main options to purchase renewable power from:

- Southwest Renewables, which is proposing a 25MW power plant in Dakota County that would burn pelletized garbage; and
- NextEra Energy which generates wind turbine power.

South Sioux, Northeast Nebraska PPD, Wakefield and Wayne are discussing a power purchase agreement with Southwest for renewable energy generated at a Dakota County renewable fuel generator. Southwest has asked us to sign the attached MOU to indicate interest by the elected officials and not just the staff before they retain engineering services to develop details of the proposal. The purpose of the MOU is to find out who is interested in moving forward in the discovery process, but is not binding and does not create a cost obligation for the City of Wayne.

This Southwest proposal would fill the 15% renewable energy allowed in our Big Rivers Contract so we continue to explore both this proposal and the wind turbine proposal below, but in the end, we can only contract with one because of the Big Rivers limitation. When the Big Rivers contract ends in 2026, we will be able to contract for any amount of renewables or other power source we want, without restriction, while using our power plant as backup.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, is to approve the MOU if you are interested in continuing to explore this option.

**24. [Action to authorize the City Administrator to Negotiate a 25-year Power Purchase Agreement for Production and Delivery of Wind Power](#)**

**Background:** This is a follow-up of the wind turbine proposals we looked at last November and delayed during the deliberations on giving notice to reduce to NPPD. Our contract with Big Rivers allows Wayne to purchase up to 15% of

our wholesale power each year from renewable resources. Todd Hegwer and I have been working with NextEra on a Power Purchase Agreement with a 25 year fixed price guarantee.

The proposed price range is better than both NPPD and Big Rivers current pricing and can still be locked in for 25 years. I have reached a point in the discovery and negotiations process that I need approval from the Mayor and Council before continuing. Further negotiations will likely require us to sign a non-disclosure agreement to proceed and an agreement with Todd for his professional services to evaluate the contract on our behalf. That professional services agreement would require Council action to approve.

The actual wind power price is still under discussion and is requested to be kept confidential by city staff and elected officials, but it is significantly less than the power cost in the Wayne Wind LLC PPA approved a few years ago.

**Recommendation:** The recommendation is to authorize staff to continue to negotiate a draft PPA if you are interested in pursuing this option.

- 25. Resolution 2014-24: Approving Memorandum of Understanding with Pollina Corporate Real Estate Inc., to Solicit Investors for the Development of the Renewable Fuel Plant to be constructed in Dakota County**

26. Adjourn

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

February 18, 2014

The Wayne City Council met in regular session at City Hall on Tuesday, February 18, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jon Haase, Jennifer Sievers, Nick Muir and Matt Eischeid; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Rod Greve, Kaki Ley and Jill Brodersen.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 6, 2014, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of February 4, 2014, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Ley and Brodersen who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** CITY EMPLOYEE, RE, 12.39; AMAZON.COM, SU, 238.91; AMERITAS, SE, 1887.59; APPEARA, SE, 158.35; BAKER & TAYLOR BOOKS, SU, 567.01; BANK FIRST, FE, 120.00; BERT GURNEY & ASSOCIATES, SU, 4659.10; BIG T ENTERPRISES, SU, 610.75; CENTURYLINK, SE, 443.30; CHARTWELLS, SE, 6313.28; CHILD SUPPORT, RE, 100.00; CITY OF NORFOLK, SE, 41.34; CITY OF WAYNE, RE, 40.00; CITY OF WAYNE, PY, 58103.03; CITY OF WAYNE, RE, 1128.30; COMMUNITY DEVELOPMENT, RE, 114759.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SU, 38.50; DAKOTA BUSINESS SYSTEMS, SE, 104.50;

DANKO EMERGENCY EQUIPMENT, SU, 589.53; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEMCO, SU, 86.19; CITY EMPLOYEE, RE, 135.93; DUTTON-LAINSON, SU, 47.40; EMPLOYERS MUTUAL CASUALTY, RE, 357.87; FIRST SOURCE TITLE&ESCROW, SE, 200.00; FLOOR MAINTENANCE, SU, 115.44; FREDRICKSON OIL, SE, 14.00; GEMPLER'S, SU, 129.65; GROSSENBURG IMPLEMENT, SU, 159.72; HANSEN, THOMAS, SE, 2800.00; HARDING & SHULTZ, SE, 79.50; HD DIRECT, SU, 649.90; HERITAGE MFG, SU, 32.80; ICMA, SE, 6837.93; INGRAM BOOK COMPANY, SU, 577.90; INTERSTATE ALL BATTERY, SU, 108.00; IRS, TX, 21665.40; CITY EMPLOYEE, RE, 143.42; JOHNSON HARDWARE, SU, 54.82; JOSEPH BALDWIN, RE, 475.83; KIRKHAM MICHAEL, SE, 3680.00; KNOEPFLER CHEVROLET, SE, 9.95; KTCH, SE, 817.00; LUTT OIL, SU, 5214.06; MANDY BENSCOTER - OLSON, RE, 25000.00; MARCO, SE, 1025.00; MARK EVETOVICH, SE, 120.00; MATHESON TRI-GAS, SU, 218.89; MIDWEST LABORATORIES, SE, 241.40; MILO MEYER CONSTRUCTION, SE, 16020.00; MSC INDUSTRIAL, SU, 467.99; N.E. NEB ECONOMIC DEV DIS, SE, 180.00; NE DEPT OF REVENUE, TX, 3055.39; NE HARVESTORE, SU, 169.07; NE SAFETY COUNCIL, SE, 8.89; NE SALT & GRAIN, SU, 1633.17; NEMAHA LANDSCAPE CONST., RE, 1451.07; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 13185.52; NORTHWEST ELECTRIC, SU, 1093.54; ORIENTAL TRADING CO, SU, 69.74; QUALITY 1 GRAPHICS, SU, 80.00; RANDOM HOUSE, SU, 131.25; RANSOM G. ROMAN, SE, 3000.00; ROBERTSON IMPLEMENT, SU, 484.52; SHOPKO, SU, 151.53; SOLOMON CORP, SU, 11029.16; SOOLAND BOBCAT, SU, 99.00; S DAKOTA MUNICIPAL LEAGUE, SE, 50.00; SPARKLING KLEAN, SE, 1430.57; STADIUM SPORTING GOODS, SU, 907.00; STATE NEBRASKA BANK, SE, 59.92; DAVE'S DRY CLEANING, SE, 69.00; TRI AIR TESTING, SE, 474.00; UNITED RENTALS, SU, 199.15; UNITED WAY, RE, 12.40; VAKOC CONSTRUCTION, SU, 18.99; WAYNE AUTO PARTS, SU, 708.33; WAYNE BASEBALL ASSOCIATION, FE, 270.00; WAYNE COUNTY CLERK, SE, 190.00; WAYNE COUNTY COURT, RE, 620.06; WAYNE GROCERY, SU, 8.40; WAYNE HERALD, SE, 359.00; WAYNE VETERINARY CLINIC, SE, 98.00; WBDA, RE, 240.00; WAPA, SE, 33269.84; WESTERN IOWA TECH, SE, 525.00; WIGMAN COMPANY, SE, 236.25; ZAC BRAUN, FE, 40.00; ZACH HEATING & COOLING, SU, 27.50; AMAZON, SU, 147.50; AMERICAN PUBLIC POWER, FE, 1156.41; BACKFLOW APPARATUS, SU, 212.35; CITY OF NORFOLK, SE, 125.30; CUMING CO. COURT, RE, 399.00; DEARBORN NATIONAL LIFE, SE, 1911.87; FLOOR MAINTENANCE, SU, 389.38; HEWLETT-PACKARD, SU, 881.09; JEO CONSULTING GROUP, SE, 2240.00; MSC INDUSTRIAL, SE, 259.42; NE LIBRARY ASSOCIATION, FE, 235.00; OLSSON ASSOCIATES, SE, 5246.13; PITNEY BOWES, SE, 648.00; PRESTO X, SE, 145.70; PROVIDENCE MEDICAL CENTER, SE, 60.00; QUILL, SU, 141.28; RICHARD A BROWN, RE, 754.13; STATE FARM INSURANCE, SE, 563.00; STATE NEBRASKA BANK, RE, 300.00;

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll

call being all Yeas, with the exception of Councilmembers Greve, Ley and Brodersen who were absent, the Mayor declared the motion carried.

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

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

Councilmember Eischeid introduced Resolution 2014-9, and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2014-9

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

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

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

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

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

Mayor Chamberlain advised the Council that agenda item no. 5 - Action on the reallocation of LB840 Tornado Relief Funds to the City of Wayne for the Summer Sports Complex Restoration was being pulled from the agenda. He wanted to bring this matter before the LB840 Sales Tax Advisory Committee first before Council takes any action on it.

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

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

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

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>
M-617(92)	2014	Windom Street from 645' N of Fairground Ave to E. 7 <sup>th</sup> – 1,750' Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$590,000
M-617(110)	2014	Hillside Drive from East 7 <sup>th</sup> St. to 70' S of E. 7 <sup>th</sup> St. – 70' Construct Concrete Paving, Curb & Gutter, Storm Drainage and Sidewalks	\$80,000
M-617(111)	2014	East 10 <sup>th</sup> Street & Main Street Intersection Install turn lanes and ADA Sidewalk	\$70,000
M-617(105)	2014	Tomar Drive & E. 4 <sup>th</sup> St. to the Summer Sports Complex – 1,800' Construct Concrete Paving	\$400,000
M-617(91)	2014	Trail & Pedestrian Underpass on W. 7 <sup>th</sup> Street Located between CAC and Oak Drive	\$566,000
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M-617(107)	2015	Clark Street & S. Pearl Street . – 745' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$180,000
*****			
M-617(89)	2016	Lage Subdivision – South of Fairgrounds Avenue – 900' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 175,000
*****			
M-617(104)	2017	S. Lincoln Street from W. 1 <sup>st</sup> St. to 300' S. of W. 1 <sup>st</sup> St. Construct Concrete Paving, Curb & Gutter	\$ 80,000
*****			
M-617(98)	2018	Sherman Street from W. 5 <sup>th</sup> St. to W. 6 <sup>th</sup> St. – 300' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 80,000
*****			
M-617(112)	2019	Lagoon Streets – 2,500' Construct Concrete Paving	\$550,000

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

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

Councilmember Sievers introduced Resolution 2014-10 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-10

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

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Ley and Brodersen who were absent, 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 regarding the Preliminary and Final Plat for the Giese Second Addition.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the Preliminary and Final Plat for the Giese Second Addition 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, and staff's recommendation.

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.

Because Councilmember Giese had to abstain on this matter, there was not enough Councilmembers present to pass Resolution 2014-11. The same will be brought forward at the next meeting for approval.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Preliminary and Final Plat for Angel Estates Subdivision.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the Preliminary and Final Plat for Angel Estates Subdivision 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, and staff's recommendation.

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 Resolution 2014-12, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2014-12

#### A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR ANGEL ESTATES SUBDIVISION.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Ley and Brodersen who were absent, 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 regarding the Preliminary and Final Plat for the Herman Commercial Subdivision.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the Preliminary and Final Plat for Herman Commercial Subdivision 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, and staff's recommendation.

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

Kelby Herman was present to answer questions. He was agreeable with the Subdivision Agreement as written.

The request to annex this property was received via email from Mr. Herman.

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

Councilmember Eischeid introduced Resolution 2014-13, and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2014-13

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR THE HERMAN COMMERCIAL SUBDIVISION AND AUTHORIZING THE EXECUTION OF THE SUBDIVISION AGREEMENT.

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

Mayor Chamberlain declared the time was at hand for the public hearing on the land acquisition from the Wayne Community Development Agency. The addresses of the properties to be purchased are 939 Main Street and 109 E. 10<sup>th</sup> Street. The purchase price is \$112,000. The lots are legally described as follows:

The West 75' of Lot 5 and the West 75' of the North 5' of Lot 4, Block 1, Spahr's Addition to the City of Wayne, Wayne County, Nebraska (939 Main Street); and

The East 75' of Lot 5 and the East 75' of the North 5' of Lot 4, Block 1, Spahr's Addition to the City of Wayne, Wayne County, Nebraska (109 E. 10<sup>th</sup> Street).

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 Resolution 2014-14, and moved for its approval; Councilmember Eischeid seconded.

#### RESOLUTION NO. 2014-14

A RESOLUTION APPROVING THE ACQUISITION OF THE WEST 75' OF LOT 5 AND THE WEST 75' OF THE NORTH 5' OF LOT 4, BLOCK 1, SPAHR'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA (939 MAIN STREET), AND THE EAST 75' OF LOT 5 AND THE EAST 75' OF THE NORTH 5' OF LOT 4, BLOCK 1, SPAHR'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA (109 E. 10<sup>th</sup> STREET).

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

Councilmember Giese introduced Ordinance 2013-50, and moved for approval of the third and final reading thereof; Councilmember Muir 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 Greve, Ley, and Brodersen who were absent, and Councilmember Eischeid who voted Nay, the Mayor declared the motion failed.

Because the third and final reading of Ordinance No. 2013-50 failed, no action could be taken on 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, or on Resolution 2014-5 approving Memorandum of Understanding with Robert Woehler & Sons, Inc., to enter into a tax increment financing agreement for site preparation and new construction.

Councilmember Muir introduced Ordinance No. 2014-4 and moved for approval of the second reading thereof; Councilmember Eischeid seconded.

#### ORDINANCE NO. 2014-4

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 90-710 PARKING REGULATIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Ley and Brodersen who were absent, and Councilmember Sievers who voted Nay, the Mayor declared the motion failed.

Mayor Chamberlain stated the following Ordinance would restructure the “Community Development Agency” as a “Community Redevelopment Authority.” This is being done pursuant to Attorney Mike Bacon’s recommendation.

In addition, the term limits of the Members needed to be changed as well. Mayor Chamberlain recommended the following: Mayor – one year (end December 2014); Councilmember Giese and Jon Meyer – 2 years (end December 2015); Councilmember Muir and Corby Schweers – 3 years (end December 2016); Wayne County Commissioner Randy Larson – 4 years (end December 2017); and Wayne School Superintendent Mark Lenihan – 5 years (end December 2018).

Councilmember Giese introduced Ordinance 2014-5, and moved for approval thereof, and setting the terms of those members as follows: Mayor - one year, Councilmembers Giese and Jon Meyer - two years, Councilmember Muir and Corby Schweers - three years, County Commissioner Randy Larson - four years, and Wayne School Superintendent Mark Lenihan - 5 years; Councilmember Sievers seconded.

#### ORDINANCE NO. 2014-5

AN ORDINANCE AMENDING ORDINANCE NO. 2014-3 BY CHANGING THE AGENCY KNOWN AS THE "COMMUNITY DEVELOPMENT AGENCY" TO THE "COMMUNITY REDEVELOPMENT AUTHORITY" AND PROVIDING FOR THE FUNCTIONING AND POWERS OF SUCH AGENCY.

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

Lowell Heggemeyer of the Public Works Department advised the Council that three bids were received for a commercial deck mower that has been budgeted for in the Parks and Street Departments (\$13,000). His recommendation was to purchase the John Deere mower from Grossenburg Implement for \$8,750 (with trade-in). This bid is approximately \$356 higher than the lowest bid, however he stated that being able to get parts and assistance locally will more than cover the additional cost during the time that the City will own the mower. In addition, this mower has the safety features that were specified, including an auto shutdown if the engine overheats and hand control mounted kill switches for the operator.

Councilmember Giese introduced Resolution No. 2014-15 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-15

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE PURCHASE OF A COMMERCIAL DECK MOWER FOR THE PARKS AND PUBLIC WORKS DEPARTMENTS – JOHN DEERE FROM GROSSENBURG IMPLEMENT FOR \$8,750.

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

Joel Hansen, Street Superintendent, stated the following Ordinance corrects those areas of streets where the signage is inconsistent with the existing code.

Councilmember Muir introduced Ordinance 2014-2 and moved for approval of the second reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2014-2

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE: SECTION 78-126 RELATING TO PARKING; PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY; SECTION 78-130 PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY; AND SECTION 78-132 PROHIBITED PARKING, SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Administrator Johnson stated the following two Resolutions pertain to new requirements of the Nebraska Department of Economic Development for all future Community Development Block Grant applications.

Councilmember Giese introduced Resolution No. 2014-16 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-16

A RESOLUTION ADOPTING THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT CITIZEN PARTICIPATION PLAN.

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

Councilmember Muir introduced Resolution No. 2014-17 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-17

A RESOLUTION ADOPTING THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT STATEMENT OF ASSURANCES AND CERTIFICATIONS.

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

Administrator Johnson stated the following Resolution would set the Board of Equalization hearing on Street Improvement District No. 2013-1 (Milo Drive) for March 4, 2014, at or about 5:30 p.m.

Councilmember Sievers introduced Resolution No. 2014-18 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-18

A RESOLUTION ORDERING PUBLICATION AND SETTING THE BOARD OF EQUALIZATION HEARING DATE REGARDING STREET IMPROVEMENT DISTRICT NO. 2013-1 (MILO DRIVE).

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

Administrator Johnson stated the following Resolution would approve a “Memorandum of Understanding” between the City and the Wayne Basketball Development Association (WBDA). This action would bring the organization back under the City’s recreation program and allow them to be covered under the City’s liability insurance policy, which would allow them to use the basketball courts at Wayne State College for their tournament this weekend. In the past, the WBDA has purchased insurance coverage for this event; however, staff has been advised that they have not purchased said coverage the past couple of years.

Councilmember Muir introduced Resolution No. 2014-19 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-19

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND THE WAYNE BASKETBALL DEVELOPMENT ASSOCIATION (WBDA).

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

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Ley and Brodersen who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:13 p.m.

[Back to Top](#)

CLAIMS LISTING MARCH 4, 2014

AMERICAN BROADBAND	FIBER LINE LEASE	2,327.59
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,125.71
APPEARA	LINEN & MAT SERVICE	213.20
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	120.00
BARNES & NOBLE, INC.	BOOK	15.19
BLACK HILLS ENERGY	GAS BILLS	2,111.50
BLUE DEVIL BOOSTER CLUB	SPORTS PROGRAM AD	50.00
BOMGAARS	TAPE/TRAPS/BUCKET/HOSE/PAINT ETC	834.44
CENTURYLINK	TELEPHONE CHARGES	313.49
CHEMQUEST, INC.	COOLING WATER TREATMENT	3,245.00
CHILD SUPPORT	PAYROLL DEDUCTION	100.00
CITY OF WAYNE	PARKING TICKET OVERPAYMENT	5.00
CITY OF WAYNE	PAYROLL	69,963.74
CLEAN TO A T	LIBRARY JANITORIAL SERVICE	1,300.00
COMMUNITY HEALTH	PAYROLL DEDUCTION	4.00
COOPORTUNITY HEALTH	HEALTH INSURANCE PREMIUM	30,942.44
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER MAINTENANCE	77.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	92.88
DEMCO INC	LAMINATE/MARKERS	106.96
DGR & ASSOCIATES CO	MAPPING SERVICES	178.00
DUTTON-LAINSON COMPANY	QUICK PATCH	138.99
CITY EMPLOYEE	HEALTH REIMBURSEMENT	39.44
FIRST CONCORD GROUP LLC	FLEX/ADMIN FEES	3,863.94
FLOOR MAINTENANCE	BLEACH/DETERGENT	131.55
GEMPLER'S INC	VALVES/HOSE/WALL MOUNT	103.30
H.K. SCHOLZ COMPANY	REPAIRS TO GENERATOR 7 & 8	4,170.36
HEWLETT-PACKARD	2 COMPUTERS	2,724.52
HILLYARD/SIOUX FALLS	DUST PADS	165.62
HOLIDAY INN OF KEARNEY	LODGING-B LOBERG	99.72
HOMETOWN LEASING	POLICE COPIER CONTRACT	73.51
HTM SALES INC	REPAIR LIFT STATION PUMP	1,567.87
ICMA RETIREMENT TRUST	RETIREMENT	7,292.49
IRS	FEDERAL WITHHOLDING	25,702.79
JEO CONSULTING GROUP	SLUDGE TREATMENT/DISPOSAL	1,225.00
CITY EMPLOYEE	VISION REIMBURSEMENT	77.40
KRIZ-DAVIS COMPANY	LED PHOTO CELL/METERS/PAINT	1,582.36
MIRIAN AGUIRRE	TRANSLATION	150.00
MSC INDUSTRIAL	VOLTAGE TESTERS	364.29
CITY EMPLOYEE	HEALTH REIMBURSEMENT	218.27
NE AIR FILTER	AIR FILTERS	220.48
NE DEPT OF HEALTH	SWIMMING/WADING POOL PERMITS	80.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,632.76
NE PUBLIC HEALTH	POLICE SERVICES/COLIFORM TESTING	1,042.00
NEBR PUBLIC POWER DIST	ELECTRICITY	303,796.97

NORFOLK WINNELSON CO	BASE STOOL	105.20
NOVELTY MACHINE & SUPPLY	BLADE	73.15
OVERDRIVE, INC.	ELECTRONIC BOOKS	225.79
OVERHEAD DOOR COMPANY	TRANSFER STATION DOOR REPAIR	311.10
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,281.20
QUILL CORPORATION	OFFICE SUPPLIES	236.16
SINCLAIR/DAYLIGHT DONUT	CONCESSIONS-GATORADE/CANDY	344.80
STATE FARM INSURANCE	SURETY BOND-N BRADEN	563.00
STATE NEBRASKA BANK	LIBRARY PETTY CASH	98.15
TASTE OF HOME BOOKS	MAGAZINE	31.98
THE GLASS EDGE, INC.	THERMAL WINDOW & FRAME REPAIR	6,007.00
TYLER TECHNOLOGIES	MONTHLY ONLINE BILL PAY	200.00
UTILITIES SECTION	ELECTRIC METER SCHOOL	225.00
VERIZON WIRELESS SERVICES	CELL PHONES	287.06
VIAERO	CELL PHONES	244.97
WAYNE AIRPORT	DUE TO AIRPORT	24,710.00
WAYNE AREA ECONOMIC DEVEL	LB 840 MARKETING/AMBASSADOR DUES	5,070.00
WAYNE COMMUNITY SCHOOLS	PARKING TICKET REMITS	2,608.25
WESCO DISTRIBUTION INC	PROGRAM METER/STARTERS	313.12
WISNER WEST	GASOLINE-FD	104.50

CITY OF WAYNE  
OFFICE OF THE MAYOR

# Proclamation

WHEREAS, our community is home to individuals and families adversely affected by problem gambling; and

WHEREAS, compulsive gambling is often hidden from family members, social services and mental health professionals; and

WHEREAS, compulsive gambling often occurs in combination with other disorders such as chemical dependency and depression; and

WHEREAS, it is important to raise awareness of the warning signs of compulsive gamblers and connect them with professional help.

NOW, THEREFORE, I, Ken Chamberlain, Mayor of Wayne, Nebraska, do hereby proclaim March, 2014, as “**Problem Gambling Awareness Month**” and urge citizens to learn more about the consequences of gambling.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Ken Chamberlain, Mayor

ATTEST:

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

[Back to Top](#)

**From:** BJ Woehler <b\_j\_woehler@hotmail.com>  
**To:** "cityadmin@cityofwayne.org" <cityadmin@cityofwayne.org>  
**CC:** Betty McGuire <betty@cityofwayne.org>  
**Date:** 02/14/2014 2:02 PM  
**Subject:** FW: RW Sons Wayne Chiefs Way Change Order # 2 Potholing South  
**Attachments:** RWSonsWCWCo2South1-9-14.pdf

Lowell

Attached is the Charge Order request for \$3,723.50 for the potholing Horizontal Boring did to find the Black Hills main gas line that was not on the plans and ended up being around 18' in the ground and electrical lines on the South side of Hwy 35 In Industrial Rd in Wayne.

Let me know when it will be on the agenda.

Thanks  
Bj Woehler

Robert Woehler & Sons Construction, Inc.  
402-369-0049

# HORIZONTAL BORING & TUNNELING CO.

505 S. RIVER AVENUE  
P.O. BOX 429  
EXETER, NE 68351-0429  
PHONE: 402-266-5347  
FAX: 402-266-5377

## Invoice 4772-02

<b>Bill to:</b> ROBERT WOEHLE & SONS 123 FAIRGROUNDS AVE. WAYNE, NE 68787  (402) 375-3744	<b>Job:</b> 4772 WAYNE NE - ROBERT WOEHLE CHIEF'S WAY SANITARY SEWER & WATER EXTENSIONS WAYNE, NE  Contract Number: Contractor's Project #:
<b>Invoice #:</b> 4772-02 <b>Date:</b> 10/08/13 <b>Payment Terms:</b> SEE BELOW	<b>Customer P.O. #:</b> Customer Code: ROBWOE

Remarks: WORK COMPLETED 10/04/13

Quantity	Description	U/M	Unit Price	Extension
5.50	POTHOLING UTILITIES	HRS	\$677.00	\$3,723.50
			<b>Subtotal:</b>	<b>\$3,723.50</b>
			<b>Total:</b>	<b>\$3,723.50</b>

Contractor to pay within 7 Days after receipt of payment from Owner, not to exceed 45 days from invoice date. We reserve the right to charge a finance charge of 18% APR from the date of the invoice, if terms are not met.

- NET 30 DAYS. Finance charge will accrue on all accounts beginning on the 31st day from the date of invoice at 18% APR.
- Includes all applicable taxes
- Tax Exempt.

**Betty McGuire - RE: RW Sons Wayne Chiefs Way CO 3 for ABB Delay**

---

**From:** BJ Woehler <b\_j\_woehler@hotmail.com>  
**To:** "cityadmin@cityofwayne.org" <cityadmin@cityofwayne.org>  
**Date:** 02/24/2014 3:12 PM  
**Subject:** RE: RW Sons Wayne Chiefs Way CO 3 for ABB Delay  
**CC:** Betty McGuire <betty@cityofwayne.org>, Wayne Law Mike Pieper <waynelaw@h...>

---

Lowell

Here is the full Change Order #3 as requested

\$2,031.00	HB invoice
<u>    \$550.00</u>	RW Sons Downtime cost (\$135 + \$65= \$200 an hour /2 (Half Rate) \$100 x 5.5)
\$2,581.00	Sub Total
<u>    \$129.05</u>	5% Markup for Bonding and Insurance.
<b>\$2,710.05</b>	Total

RW Sons Portion \$679.05

I would like to touch base on this later this week to see what you and Amy are thinking about taking to council.

Let me know if you have any questions

Bj

---

From: b\_j\_woehler@hotmail.com  
To: cityadmin@cityofwayne.org  
CC: betty@cityofwayne.org  
Subject: FW: RW Sons Wayne Chiefs Way CO 3 for ABB Delay  
Date: Fri, 14 Feb 2014 20:03:06 +0000

Lowell

Attached is the Charge Order request #3 for \$2,031.00 for the potholing and delay Horizontal Boring had to find the American Broad Bands Fiber that was not on the plans and couldn't positively locate and electrical lines on the North side of Hwy 35 In Industrial Rd in Wayne.

Let me know when it will be on the agenda.

Thanks  
Bj Woehler

Robert Woehler & Sons Construction, Inc.  
402-369-0049

# HORIZONTAL BORING & TUNNELING CO.

505 S. RIVER AVENUE  
P.O. BOX 429  
EXETER, NE 68351-0429  
PHONE: 402-266-5347  
FAX: 402-266-5377

## Invoice 4772-03

<b>Bill to:</b> ROBERT WOehler & SONS 123 FAIRGROUNDS AVE. WAYNE, NE 68787  (402) 375-3744	<b>Job:</b> 4772 WAYNE NE - ROBERT WOehler CHIEF'S WAY SANITARY SEWER & WATER EXTENSIONS WAYNE, NE  Contract Number: Contractor's Project #:
Invoice #: 4772-03      Date: 10/08/13 Payment Terms: SEE BELOW	Customer P.O. #: Customer Code: ROBWOE

Remarks: WORK COMPLETED 10/04/13

Quantity	Description	U/M	Unit Price	Extension
3.00	DOWNTIME WAITING FOR AMERICAN BROADBAND TO SIGN OFF ON UTILITY UNDERGROUND AGREEMENT	HRS	\$677.00	\$2,031.00
<b>Subtotal:</b>				<b>\$2,031.00</b>
<b>Total:</b>				<b>\$2,031.00</b>

Contractor to pay within 7 Days after receipt of payment from Owner, not to exceed 45 days from invoice date. We reserve the right to charge a finance charge of 18% APR from the date of the invoice, if terms are not met.

NET 30 DAYS. Finance charge will accrue on all accounts beginning on the 31st day from the date of invoice at 18% APR.

Includes all applicable taxes

Tax Exempt.



Economic Development  
Chamber • Main Street

February 14, 2014

Lowell Johnson  
City Administrator  
306 Pearl Street  
Wayne, NE 68787

RE: Sales Tax Advisory Committee – recommendations for Ken Jorgensen (\$250,000); Pat Garvin (\$40,000)

Dear Lowell,

The Sales Tax Advisory Committee met on February 13 and reviewed two applications to Wayne's Economic Development Program fund.

The committee recommended approving a request by Ken Jorgensen (4<sup>th</sup> Jug Sports Bar and The Jug Store) for a \$250,000 loan to build sports bar and bottle shop. With 5 members of the Committee present, the vote to recommend a \$250,000 loan for 15 years at 0% interest was unanimous.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: *Doesn't Meet* scored 9; *Doesn't Meet/Somewhat Meets* scored 0; *Somewhat Meets* scored 4; *Somewhat Meets/Meets* scored 2; and *Meets* scored 42. This scoring is used for deliberation only. The committee does not use a raw number threshold to recommend projects to the City Council.

The committee also recommended approving the request by Pat Garvin (Innovative Protectives, Inc.) for a \$40,000 loan to rebuild a shop and storage building destroyed by the tornado. With 5 members of the Committee present, the vote to recommend a \$40,000 loan for 15 years at 0% interest was unanimous.

Using its "LB 840 Application Review" matrix, the committee scored the project with the following: *Doesn't Meet* scored 23; *Doesn't Meet/Somewhat Meets* scored 1; *Somewhat Meets* scored 17; *Somewhat Meets/Meets* scored 6; and *Meets* scored 11. This scoring is used for deliberation only. The committee does not use a raw number threshold to recommend projects to the City Council.

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

Sincerely,

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

Wes Blecke  
Executive Director

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

Application Number:
Date Received Feb 6, 2014

LB840 (form approved 07/31/09) 2014

**PART I. GENERAL INFORMATION**

*TYPE OR PRINT ALL INFORMATION*

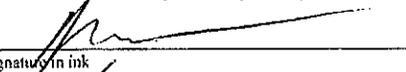
1. APPLICANT IDENTIFICATION	2. PERSON PREPARING APPLICATION
Applicant Name: <u>Ken Jorgensen</u>	Name/Business: <u>Ken Jorgensen</u>
Mailing Address: <u>411 Sherman St</u>	Address: <u>411 Sherman St</u>
<u>Wayne</u> NE <u>68787</u> (City) (State) (ZIP)	<u>Wayne</u> NE <u>68787</u> (City) (State) (Zip)
Telephone Number: <u>402 369 0966</u>	Telephone Number: <u>402 369 0966</u>
Fax Number: _____	Federal Tax ID # / SS#: _____
Federal Tax ID Number: <u>47-0593691</u>	
Email Address: <u>Ken.jorgensen@Holmva</u>	Email Address: <u>Ken.jorgensen@Holmva</u>
3. BUSINESS TYPE	5. FUNDING SOURCES
<input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other _____	WEDP Funds Requested: \$ <u>250,000<sup>00</sup></u> Matching Funds Bank: \$ <u>900,000<sup>00</sup></u> Other Funds: \$ <u>650,000<sup>00</sup></u> Total Project Funds: \$ <u>1,800,000<sup>00</sup></u> <i>(Round amounts to the nearest hundred dollars.)</i>
4. ASSISTANCE TYPE REQUESTED	
<input checked="" type="checkbox"/> Low interest loan <input type="checkbox"/> Interest buy down <input checked="" type="checkbox"/> Performance-based loan <input type="checkbox"/> Grant <input type="checkbox"/> Other _____	

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

Sports Bar - Liquor Store - restaurant - outside entertainment  
 x \$125,000<sup>00</sup> 0% interest  
 x \$125,000<sup>00</sup> performance based

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

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

	<u>Ken Jorgensen Owner</u>	<u>10-23-2013</u>
Signature in ink	Typed Name and Title	Date Signed
	<u>Wes Blecke</u>	<u>2/6/14</u>
Attest	Typed Name and Title	Date Signed

**SUBMIT THE ORIGINAL AND ONE COPY (UNBOUND) OF THE ENTIRE APPLICATION TO:**

Wayne Area Economic Development  
 Wayne Economic Development Program Fund  
 108 W 3<sup>rd</sup> St  
 Wayne, NE 68787  
 (402) 375-2240 Fax (402) 375-2246

**PART II. FUNDING SUMMARY**  
**(Round amounts to the nearest hundred dollars.)**

Eligible Activities	WEDP Funds	Matching Funds	Other Funds	Total Funds	Sources of Matching or Other Funds
The purchase of real estate, options for such purchases, the renewal or extension of such options, and public works improvements					
Payments for salaries and support of City staff to implement the Program or for contracting of an outside entity to implement any part of the Program.					
Expenses for business and industry recruitment activities to locate or relocate a qualifying business into the area and for equity investment in a qualifying business.					
The authority to issue bonds pursuant to the act subject to City Council approval.					
Grants or agreements for job training.					900K bank
Small business and microenterprise development including expansion of existing businesses.	250,000	900,000	650,000	1,800,000	150K equity 225K TIF
Interest buy down agreements.					175K RLF City 100K NENEED RLF
Expand and promote Wayne through marketing, workforce attraction, and tourism related activities.					
Development of housing related programs to foster population growth.					
Activities to revitalize and encourage growth in the downtown area.					
May contribute to or create a revolving loan fund from which low interest or performance based loans will be made to qualifying entities on a match basis.					
Other approved activity					
<b>TOTAL PROGRAM COSTS</b>					

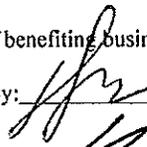
**APPLICANT CERTIFICATIONS**

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

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

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

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

By:  \_\_\_\_\_ Date: 2/6/14

Attest



Wes Blecker  
 Typed Name/Title

2/6/14  
 Date

February 11, 2014

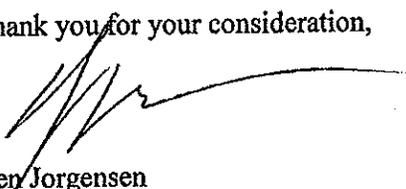
LB840 Loan Committee, Revolving Loan Committee & Wayne City Council,

After many years of planning, 2014 will be the year that "The 4<sup>th</sup> Jug Sports Bar & The Jug Store" will be built! The 4<sup>th</sup> Jug Sports Bar is a 10,000 square foot sports bar that includes Keno, 2-PGA Gold Simulators, sand volleyball courts, an archery range and basketball courts. The facility will be constructed on a 4.5 acre site located along highway 35, east and south of McDonalds. The facility is expected to create 8-full-time positions and 26-part-time positions. The facility has been designed with attractions that will serve the entertainment desires of residents and visitors year-round. The strategic location along highway 35, along with its' proximity to the "Newly Renovated Summer Sports Complex" and hotels, will give visitors a convenient destination to spend their "meal & entertainment dollars" right here in Wayne.

The Jug Store, named after my father, will be a 2000 square foot bottle shop. The bottle shop will feature an enormous variety of bottled beverages and accessories. With rising energy costs and the environment in mind, The Jug Store will be equipped with the newest refrigeration and lighting technology. The Jug Store is expected to create 2-full-time positions and 4-part-time positions. The Jug Store entrance will face east. The Jug Store will be a separate entity from The 4<sup>th</sup> Jug Sports Bar.

I am requesting the use of the Revolving Loan Fund as well as LB840 Economic Development Funding. Please give careful consideration to my request for 0% or reduced interest rate loans as well as the performance based grant/loan portion of my request. This project has been years in the making and with your help these facilities will begin to attract consumers to our city as well as provide a family friendly entertainment outlet right here in Wayne.

Thank you for your consideration,



Ken Jorgensen

Owner-The 4<sup>th</sup> Jug Sports Bar, The Jug Store & The Max

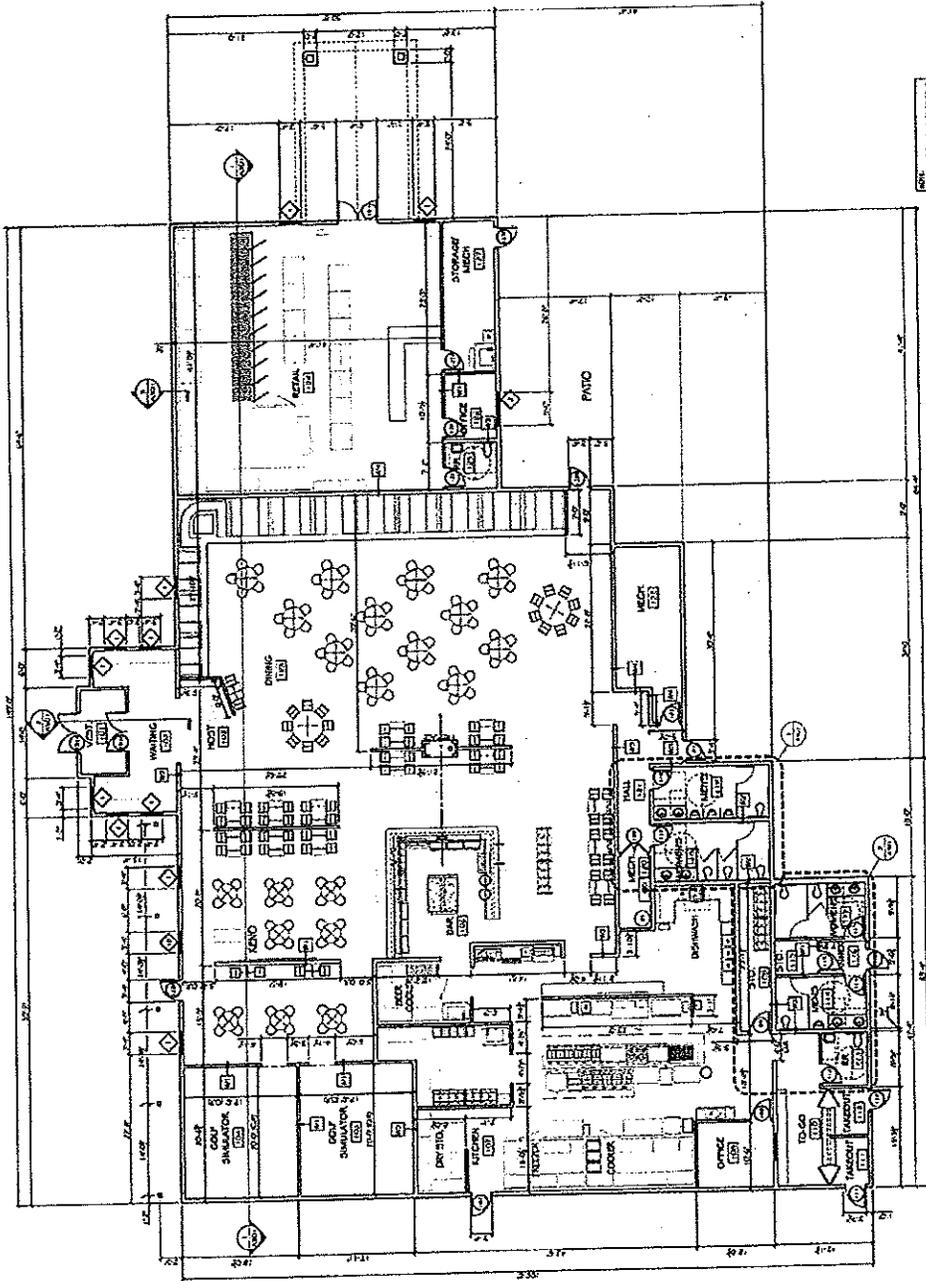




The Max Steakhouse  
Highway 36  
Wayne, Nebraska 68187

Floor Plan

A101



SEE MECHANICAL AND ELECTRICAL PLANS FOR  
LOCATION OF ALL MECHANICAL AND ELECTRICAL  
EQUIPMENT

FLOOR PLAN  
2011.10.10



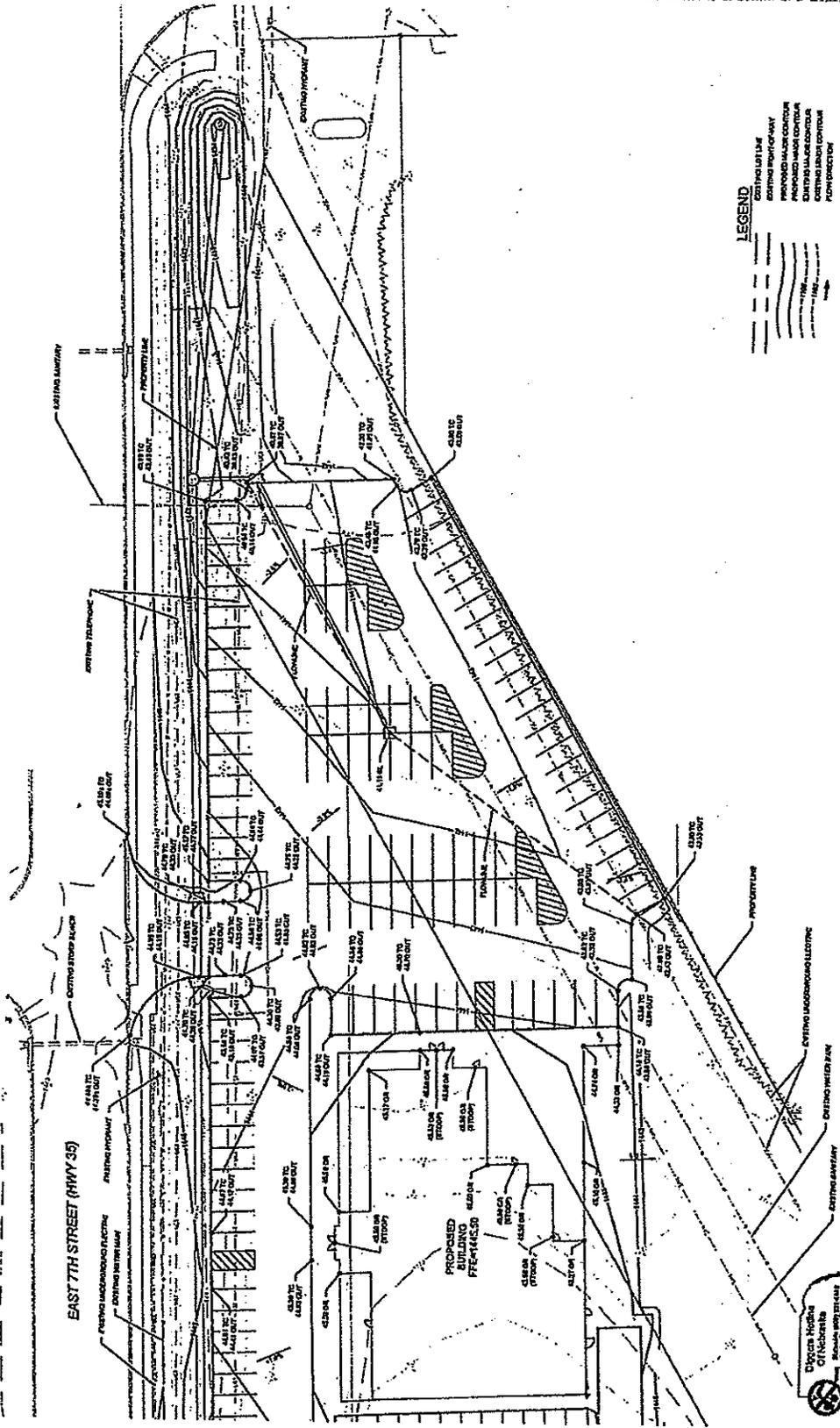


2013  
 THE MAX STEAKHOUSE  
 WAYNE, NEBRASKA

GRADING PLAN  
 EAST

NOT FOR CONSTRUCTION  
 DATE: 02/27/2014  
 PROJECT: THE MAX STEAKHOUSE  
 SHEET: GRADING PLAN EAST  
 DRAWN BY: J.E. ENGINEERING & CONSTRUCTION, INC.  
 CHECKED BY: J.E. ENGINEERING & CONSTRUCTION, INC.  
 PROJECT LOCATION: WAYNE, NEBRASKA  
 SHEET NO.: 101  
 TOTAL SHEETS: 101  
 SCALE: AS SHOWN  
 PROJECT NO.: 13-001  
 CLIENT: J.E. ENGINEERING & CONSTRUCTION, INC.

C481



LEGEND

- EXISTING LOT LINE
- EXISTING RIGHT OF WAY
- PROPOSED MAJOR CORNER
- PROPOSED MAJOR CENTER
- PROPOSED MINOR CORNER
- PROPOSED MINOR CENTER
- FLOW DIRECTION
- TOP OF RETAINMENT WALL
- BOTTOM OF GRADE BEHIND RETAINMENT WALL
- TOP OF EXISTING SURFACE ELEVATION
- TOP OF PROPOSED SURFACE ELEVATION
- TOP OF PAVEMENT SURFACE ELEVATION
- TOP OF CURB OR SURFACE ELEVATION

**Diana Hobbs**  
 Of Nebraska  
 Registered Professional Engineer  
 License No. 0000000000

NOT TO BE USED FOR CONSTRUCTION WITHOUT THE SIGNATURE OF THE REGISTERED PROFESSIONAL ENGINEER. ANY CHANGES TO THIS PLAN SHALL BE MADE BY THE REGISTERED PROFESSIONAL ENGINEER. THIS PLAN IS THE PROPERTY OF J.E. ENGINEERING & CONSTRUCTION, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF J.E. ENGINEERING & CONSTRUCTION, INC.





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

Application Number:

Date Received

1/22/14

LB840 (form approved 073109)

20

### PART I. GENERAL INFORMATION

*TYPE OR PRINT ALL INFORMATION*

1. APPLICANT IDENTIFICATION	2. PERSON PREPARING APPLICATION
Applicant Name: <b>PAT GARVIN</b>	Name/Business: <b>Innovative Protectives, Inc.</b>
Mailing Address: <b>Box 93</b>	Address: <b>1602 Chief's Way</b>
<b>Wayne NE 68787</b>	<b>Same</b>
(City) (State) (ZIP)	(City) (State) (Zip)
Telephone Number: <b>402-375-8795</b>	Telephone Number: <b>Same</b>
Fax Number: <b>402-375-3219</b>	Federal Tax ID # / SS#: <span style="background-color: black; color: black;">XXXXXXXXXX</span>
Federal Tax ID Number: <b>47-0782264</b>	
Email Address: <b>lnproinc@hotmail.com</b>	Email Address:
3. BUSINESS TYPE	5. FUNDING SOURCES
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other _____	WEDP Funds Requested: \$ <b>40,000</b> Matching Funds: \$ <b>30,000</b> Other Funds: \$ <b>305,000</b> Total Project Funds: \$ <b>\$375,000</b> <i>(Round amounts to the nearest hundred dollars.)</i>
4. ASSISTANCE TYPE REQUESTED	
<input checked="" type="checkbox"/> Low interest loan <input type="checkbox"/> Interest buy down <input type="checkbox"/> Performance-based loan <input type="checkbox"/> Grant <input type="checkbox"/> Other _____	

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

*Rebuild existing shop/storage building. Have 3000 sq. ft. less than before the tornado.*

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

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

Signature in ink 	Typed Name and Title <b>Mrs Blecke</b>	Date Signed <b>1/22/14</b>
Attest	Typed Name and Title	Date Signed

**SUBMIT THE ORIGINAL AND ONE COPY (UNBOUND) OF THE ENTIRE APPLICATION TO:**

Wayne Area Economic Development  
Wayne Economic Development Program Fund  
108 W 3<sup>rd</sup> St  
Wayne, NE 68787  
(402) 375-2240 Fax (402) 375-2246

**PART II. FUNDING SUMMARY**

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

Eligible Activities	WEDP Funds	Matching Funds	Other Funds	Total Funds	Sources of Matching or Other Funds
The purchase of real estate, options for such purchases, the renewal or extension of such options, and public works improvements	48840 40,000	30,000	305,000	375,000	Ins = \$305K \$30K equity, etc
Payments for salaries and support of City staff to implement the Program or for contracting of an outside entity to implement any part of the Program.					
Expenses for business and industry recruitment activities to locate or relocate a qualifying business into the area and for equity investment in a qualifying business.					
The authority to issue bonds pursuant to the act subject to City Council approval.					
Grants or agreements for job training.					
Small business and microenterprise development including expansion of existing businesses.					
Interest buy down agreements.					
Expand and promote Wayne through marketing, workforce attraction, and tourism related activities.					
Development of housing related programs to foster population growth.					
Activities to revitalize and encourage growth in the downtown area.					
May contribute to or create a revolving loan fund from which low interest or performance based loans will be made to qualifying entities on a match basis.					
Other approved activity					
<b>TOTAL PROGRAM COSTS</b>					

**APPLICANT CERTIFICATIONS**

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

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

By: Patrick Z. Garvin Date: 1/22/14

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

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

Michelle Haden Michelle Haden, CPA 1/22/14  
Attest Typed Name/Title Date

**PART III. PROJECT DESCRIPTION AND IMPACT**

On separate sheets of paper, provide any additional information (such as jobs to be created, collateral assignments, community impact, etc.) and enclose with this application form.

Submit the original and one copy of the application form and all application materials.

DO NOT BIND, FOLD, OR STAPLE

<sup>shared</sup> ~~the~~ The shop portion of this building will be  
~~used~~ by Murray Construction of Wayne.

The storage portion will be used to  
store business inventory and equipment.

Insurance paid \$305,000 for the destroyed  
buildings. The rebuild cost is at least \$375,000.

I am applying this as Pat Garvin, not the  
corporation.

**RESOLUTION NO. 2014-20**

**A RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2013-1 (MILO DRIVE).**

WHEREAS, Notice has been published as provided by law concerning the levy of special assessments in Street Improvement District No. 2013-1 in the Wayne Herald Newspaper on February 20 and 27, 2014, and a copy of said Notice has been mailed to all resident and non-resident owners of property in each of said Districts as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said Districts proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described; and

BE IT FURTHER RESOLVED, that the special assessments are adjusted as follows: None

BE IT FURTHER RESOLVED, that the said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements;

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without interest, but if not so paid, to bear interest thereafter at the rate of \_\_\_\_\_ percent (\_\_\_%) per annum from the date of this Resolution until delinquent; such assessments shall become delinquent as follows:

One-fifteenth of the total amount shall become delinquent fifty days after such levy; one-fifteenth in one year; one-fifteenth in two years; one-fifteenth in three years; one-fifteenth in four years; one-fifteenth in five years; one-fifteenth in six years; one-fifteenth in seven years; one-fifteenth in eight years; one-fifteenth in nine years; one-fifteenth in ten years; one-fifteenth in eleven years; one-fifteenth in twelve years; one-fifteenth in thirteen years; and one-fifteenth in fourteen years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at anytime at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedules be filed by the City Clerk with the City Treasurer and with the County Treasurer and the County Clerk of Wayne County, as provided by law.

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

---

City Clerk

ENGINEERS PRELIMINARY OPINION OF COSTS						
NO.	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	EXTENSION	
1	MOBILIZATION	LS	1	\$ 5,500.00	\$ 5,500.00	
2	TRAFFIC CONTROL	LS	1	\$ 5,500.00	\$ 5,500.00	
3	EARTHWORK	LS	1	\$ 8,400.00	\$ 8,400.00	
4	REMOVE 9" SHOULDER	SY	131	\$ 12.00	\$ 1,572.00	
5	BUILD 8" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	1005	\$ 44.00	\$ 44,220.00	
6	BUILD 9" CONCRETE PAVEMENT	SY	428	\$ 47.25	\$ 20,223.00	
7	SUBGRADE PREPARATION	SY	1455	\$ 3.00	\$ 4,365.00	
8	BUILD CONCRETE HEADER	LF	0	\$ 15.00	\$ -	
9	BUILD STORM SEWER MANHOLE	EA	1	\$ 2,145.00	\$ 2,145.00	
10	BUILD STORM SEWER CURB INLET	EA	2	\$ 2,025.00	\$ 4,050.00	
11	36" ARCH RCP FLARED END SECTION	EA	2	\$ 1,545.00	\$ 3,090.00	
12	18" RCP STORM SEWER PIPE	LF	61	\$ 45.75	\$ 2,790.75	
13	36" ARCH RCP STORM SEWER PIPE	LF	85	\$ 125.00	\$ 10,625.00	
14	REMOVE 24" CMP STORM SEWER PIPE	LF	79	\$ 12.00	\$ 948.00	
15	REMOVE FLARED END SECTION	EA	2	\$ 200.00	\$ 400.00	
16	BUILD SANITARY SEWER MANHOLE	EA	2	\$ 3,125.00	\$ 6,250.00	
17	8" CAP, PVC	EA	1	\$ 100.00	\$ 100.00	
18	CONNECT TO EXISTING SANITARY MANHOLE	EA	1	\$ 550.00	\$ 550.00	
19	JACK & BORE W/ CASING PVC SANITARY SEWER PIPE	LF	145	\$ 210.00	\$ 30,450.00	
20	8" PVC SANITARY SEWER PIPE	LF	345	\$ 34.25	\$ 11,816.25	
21	8" PVC WATER MAIN	LF	347	\$ 21.25	\$ 7,373.75	
22	8" X 6" TEE, M.J.	EA	1	\$ 315.00	\$ 315.00	
23	8" X 8" TEE M.J.	EA	1	\$ 345.00	\$ 345.00	
24	8" PLUG M.J.	EA	1	\$ 115.00	\$ 115.00	
25	8" GATE VALVE M.J.	EA	1	\$ 1,225.00	\$ 1,225.00	
26	FIRE HYDRANT ASSEMBLY	EA	1	\$ 3,125.00	\$ 3,125.00	
27	CONNECT TO EXISTING WATER MAIN	EA	1	\$ 750.00	\$ 750.00	
28	BEDDING, TYPE FAL	LF	701	\$ 2.00	\$ 1,402.00	
29	SILT FENCE	LF	292	\$ 2.75	\$ 803.00	
30	SEEDING (TYPE B)	AC	0.26	\$ 2,000.00	\$ 520.00	
31	STORM WATER POLLUTION PREVENTION PLAN	LS	1	\$ 1,500.00	\$ 1,500.00	
32X	MOBILIZATION FOR ADDITIONAL SANITARY SEWER SERVICE	LS	1	\$ 450.00	\$ 450.00	
33X	ADDITIONAL SANITARY SEWER SERVICES	LS	1	\$ 5,805.00	\$ 5,805.00	

Contractor Construction Costs	\$ 186,723.75
Terminate Sign Lease	\$ 7,500.00
DOR ROW Permit	\$ 2,000.00
DOR Utility Permit	\$ 500.00
Publications	\$ 227.28
Construction Subtotal	\$ 196,951.03
Engineering Costs	\$ 36,355.01
<b>TOTAL CONSTRUCTION COST</b>	<b>\$ 233,306.04</b>

Percent of Construction	
Contractor Construction Costs	80.3%
Engineering Costs	15.6%
<b>TOTAL CONSTRUCTION COST</b>	<b>100.0%</b>

City	East side	West side	Notes
\$ 2,535.37	\$ 1,482.31	\$ 1,482.31	Based on % of Construction
\$ 5,500.00			Work in intersection
923.31	3738.35	3738.35	113 CY in Intersection
\$ 1,572.00			Work in intersection
\$ 5,527.50	\$ 19,346.250	\$ 19,346.250	City pays for 1 extra inch of pavement
\$ 20,223.00			Work in intersection
\$ 975.00	\$ 1,695.00	\$ 1,695.000	325 SY in intersection
\$ -	\$ -	\$ -	
\$ 2,145.00			Work in intersection
\$ 2,025.00	\$ 2,025.00	\$ 2,025.00	
\$ 3,090.00			Work in intersection
\$ 274.50	\$ 1,258.125	\$ 1,258.125	6 LF in intersection
\$ 10,625.00			Work in intersection
\$ 948.00			Work in intersection
\$ 400.00			Work in intersection
\$ 3,125.00	\$ 3,125.00	\$ 3,125.00	
\$ 50.00	\$ 50.00	\$ 50.00	
\$ 550.00			Work in intersection
\$ 30,450.00			Work in intersection
\$ 5,908.13	\$ 5,908.13	\$ 5,908.13	
\$ 3,612.500	\$ 3,612.500	\$ 3,612.500	7 LF in intersection
\$ 157.50	\$ 157.50	\$ 157.50	
\$ 345.00			Work in intersection
\$ 57.50	\$ 57.50	\$ 57.50	
\$ 612.50	\$ 612.50	\$ 612.50	
\$ 1,562.50	\$ 1,562.50	\$ 1,562.50	
\$ 750.00			Work in intersection
\$ 14.00	\$ 694.000	\$ 694.000	7 LF in intersection
\$ 115.50	\$ 343.750	\$ 343.750	42 LF in intersection
\$ 36.40	\$ 241.800	\$ 241.800	0.07 acres in intersection
\$ 691.46	\$ 404.27	\$ 404.27	
\$ 450.00	\$ 2,902.50	\$ 2,902.50	Based on % of Construction
			Credited out of engineering fees
			2 services to each side
\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	
\$ 2,000.00			
\$ 500.00	\$ 113.64	\$ 113.64	
\$ 90,789.79	\$ 53,080.62	\$ 53,080.62	
\$ 16,758.80	\$ 9,798.10	\$ 9,798.10	
\$ 107,548.60	\$ 62,878.72	\$ 62,878.72	
46.09765%	26.95118%	26.95118%	
46.09765%	26.95118%	26.95118%	

TOTAL ASSESSMENTS	\$ 107,548.60	\$ 62,878.72	\$ 62,878.72
City Assessment	\$ 107,548.60	\$ 62,878.72	
Eastside Assessment			\$ 3,493.17
Westside Assessment			\$ 47,157.73
			\$ 12,227.83
Lot 58 (20 Feet)			\$ 3,493.17
Lot 5A-1 (270 Feet)			\$ 47,157.73
Lot 5A-2 (70.01 Feet)			\$ 12,227.83
City Assessment	\$ 107,548.60		
Owners of Record - Lot C			
Pick, Victoria C & Steven B & Cynthia J Meyer & Mark & Lona Meyer			
1002 Industrial Drive			
Wayne, NE 68787			
Lot 5C		\$ 3,493.26	
Owners of Record - Lot D			
Pick, Victoria C & Steven B & Cynthia J Meyer & Mark & Lona Meyer			
1002 Industrial Drive			
Wayne, NE 68787			
Lot 5D		\$ 59,385.46	
Owners of Record - Lot B			
Pick, Victoria C & Steven B & Cynthia J Meyer & Mark & Lona Meyer			
1002 Industrial Drive			
Wayne, NE 68787			
Lot 5B (20 Feet)			\$ 3,493.17
Owner of Record - Lot 5A-1			
Tipton Holdings LLC			
13356 Metcalf Ave			
Overland Park, KS 66213			
Lot 5A-1 (270 Feet)			\$ 47,157.73
Owner of Record - Lot 5A-2			
TSODG Surplus I LLC			
13356 Metcalf Ave			
Overland Park, KS 66213			
Lot 5A-2 (70.01 Feet)			\$ 12,227.83
	\$ 107,548.60	\$ 62,878.72	\$ 62,878.72

**RESOLUTION NO. 2014-21**

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "HIGHWAY 15 & 10<sup>TH</sup> STREET INTERSECTION PROJECT."**

WHEREAS, three bids were received on February 26, 2014, on the "Highway 15 & 10<sup>th</sup> Street Intersection Project"; and

WHEREAS, the bids have been reviewed by the City's engineer on the project, Advanced Consulting Engineering Services; and

WHEREAS, Advanced Consulting Engineering Services is recommending that the contract be awarded to Robert Woehler & Sons Construction, Inc., in the amount of \$73,760.00, subject to the same being approved by the Nebraska Department of Roads.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the "Highway 15 & 10<sup>th</sup> Street Intersection Project", as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount</u>
Robert Woehler & Sons Construction, Inc. Wayne, NE 68787	\$73,760.00

BE IT FURTHER RESOLVED, that the bid, as set forth and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor be, and he is hereby instructed and authorized to enter into a contract on behalf of the City of Wayne, Nebraska, with the contractor for the above project, and the City Administrator is authorized to approve and execute change orders in amounts not to exceed five percent of the contract amount.

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



# ADVANCED CONSULTING ENGINEERING SERVICES

133 W. Washington Street • P.O. Box 218  
West Point, NE 68788  
Office: 402-372-1923 • Fax: 402-372-6960

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

February 27, 2014

RE: Tenth Street, Main to Windom Improvement Project – City of Wayne, Nebraska  
ACES # 617-006 E/A Project # Y07183

Enclosed are copies of the bids, bid bonds, and bid tab for the above referenced project. We are still waiting on approval of the project from NDOR. Once approval is received, ACES will send you a recommendation of award.

If you have any questions please contact our office at 402-372-1923, or via email at [aes001@neb.rr.com](mailto:aes001@neb.rr.com).

Sincerely

A handwritten signature in cursive script that reads "Jen Kreikemeier".

Jen Kreikemeier, Office Manager  
Advanced Consulting Engineering Services

Enclosures

10th AND MAIN STREET INTERSECTION PAVING  
 CITY OF WAYNE, NEBRASKA  
 DATE: 2/26/2014

		BID BOND: 5%		BID BOND: 5%		BID BOND: 5%	
		Woehler and Son Construction 123 Fairgrounds Ave Wayne, NE 68787	Elkhorn Paving 702 W. Benjamin Ave. Norfolk, NE 68701	Gill Construction PO Box 86 Jackson, NE 68743			
DIVISION II - WATER IMPROVEMENTS		UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1.	10" CONCRETE PAVING NDOR TYPE 47B-3625	608	S.Y.	\$75.00	\$45,600.00	\$79.95	\$48,609.60
2.	SUBGRADE PREPARATION	750	S.Y.	\$5.00	\$3,750.00	\$3.00	\$2,250.00
3.	4" CONCRETE WALK NDOR TYPE 47B-SG-3000	156	S.Y.	\$36.00	\$5,616.00	\$36.95	\$5,764.20
4.	CONSTRUCT HANDICAP RAMP	2	EACH	\$1,500.00	\$3,000.00	\$350.00	\$700.00
5.	PAINT STRIPING	1	LUMP SUM	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00
6.	SAW CONCRETE	576	L.F.	\$5.00	\$2,880.00	\$4.50	\$2,592.00
7.	REMOVE CONCRETE PAVING	168	S.Y.	\$5.00	\$840.00	\$8.00	\$1,344.00
8.	REMOVE CONCRETE DRIVE	99	S.Y.	\$4.00	\$396.00	\$8.00	\$792.00
9.	REMOVE CONCRETE WALK	66	S.Y.	\$3.00	\$198.00	\$8.00	\$528.00
10.	BARRICADING	1	LUMP SUM	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00
11.	SEEDING	0.12	ACRE	\$4,000.00	\$480.00	\$8,000.00	\$960.00
12.	SWPPP/EROSION CONTROL	1	LUMP SUM	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00
13.	EARTHWORK	1	LUMP SUM	\$2,000.00	\$2,000.00	\$4,725.00	\$4,725.00
14.	MOBILIZATION	1	LUMP SUM	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00
TOTAL BID PRICE DIVISION II - ITEMS 1 THRU 12 INCLUSIVE				\$73,760.00		\$79,764.80	
CONTRACTORS ANTICIPATED START DATE				May 19, 2014		June 23, 2014	
CONTRACTORS ANTICIPATED COMPLETION DATE				August 1, 2014		August 1, 2014	
							\$96,754.10

**RESOLUTION NO. 2014-22**

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "SUMMER SPORTS COMPLEX FIELD RELOCATION PROJECT."**

WHEREAS, one bid was received on February 25, 2014, on the "Summer Sports Complex Field Relocation Project"; and

WHEREAS, the bid has been reviewed by city staff; and

WHEREAS, staff is recommending that the contract be awarded to Odeys in the amount of \$71,500.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the "Summer Sports Complex Field Relocation Project", as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount</u>
Odeys Omaha, NE 68108	\$71,500.00

BE IT FURTHER RESOLVED, that the bid, as set forth and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor be, and he is hereby instructed and authorized to enter into a contract on behalf of the City of Wayne, Nebraska, with the contractor for the above project, and the City Administrator is authorized to approve and execute change orders in amounts not to exceed five percent of the contract amount.

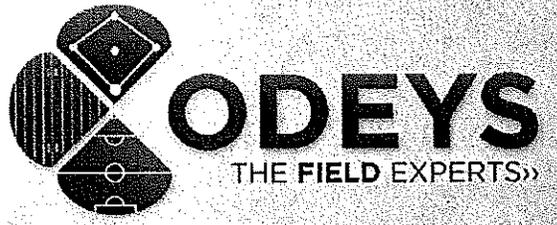
PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA,

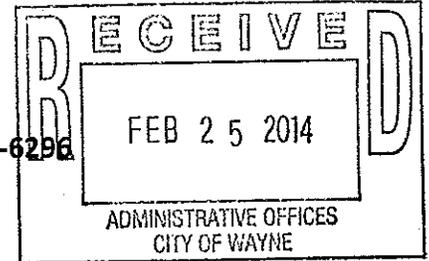
By \_\_\_\_\_  
Mayor

ATTEST:

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



911 South 20th Street Omaha, NE 68108 402-597-6296  
Visit us at [www.odeys.com](http://www.odeys.com)



## City of Wayne Field Relocations Bid by Odeys Field Experts

Odeys Field Experts bid is to relocate the two softball fields exactly as stated in the recommended specifications as issued by the City of Wayne.

**Odeys Field Experts Bid Amount: \$71,500.00**

### Bidders are to supply the following information with their bid.

#### Common Area:

- 1) Square footage of agrilime to be removed. (9,000 square feet)
- 2) Square footage of common area created, graded and sodded. (24,000 square feet)

#### Northwest Field:

- 1) Square footage of infield playing surface. (19,000 square feet)
- 2) Square footage of agrilime to remain on infield. (10,500 square feet)
- 3) Square footage of soil to be stripped, removed and replaced with agrilime. (10,000 square feet)
- 4) Square footage of outfield turf to be stripped, graded and sodded. (12,000 square feet)

#### Northeast Field:

- 1) Square footage of infield playing surface. (14,000 square feet)
- 2) Square footage of agrilime to be removed. (11,000 square feet)
- 3) Square footage of soil to be stripped and removed for infield surface. (3,000 square feet)
- 4) Cubic yards of soil to be supplied by the City of Wayne for infield surface. (300 – 400 cubic yards)

### References

Skutt Catholic High School  
Omaha, Ne  
Keith Engelkmap  
402-672-7711

Bennington Public Schools  
Bennington, NE  
Rob Loptin  
402-676-7884

Gross Catholic High School  
Bellevue, NE  
Mike Dempsey  
402-734-2001

Council Bluffs Public School  
Council Bluffs, IA  
Mark Dillehay  
402-980-3413

Harlan Little League  
Harlan, IA  
Jeff Moser  
712-579-5095

Patrick O'Donnell

Odeys Field Experts  
February 21, 2014



**ARDENT**  
Lighting Group, L.L.C.

1378 118th Place\*\*Knoxville, Iowa 50138\*\*Office 641-828-8831\*\*Fax 641 842-3691  
[www.ardentlightinggroup.com](http://www.ardentlightinggroup.com)

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Alex Koch  
City of Wayne, Nebraska  
901 W. Seventh Street  
Wayne, Nebraska 68787

Ardent Lighting would like to thank you and the City of Wayne for allowing us to be part of your upgrade and repairs to the city ballparks.

1. Due to an increase in size of existing damaged fields from 280ft to 305ft there will be an extra 4 fixtures added to the damaged fields.

**Price:** **\$ 9600.00**

2. Due to an increase in size of existing damaged fields from 280ft to 305ft there will be an addition of wiring for each field.

a) SE field-305ft

**Price:** **\$ 8199.25**

b) SW field-305ft

**Price:** **\$ 8521.25**

3. Electrical upgrades for additional fields.

c) NE field-200ft

**Price:** **\$ 7739.25**

d) NW field-305ft

**Price:** **\$ 7536.60**

4. New stand, new feeder, Hoffman enclosure, panel, new 400amp 240/480v 1phase breaker and control system for addition of additional fields.

**Price:** **\$ 19,286.34**

5. NW field-305ft

e) Installation of 40 Qualite Sports Lighting fixtures with addition of 2-68ft Stresscrete concrete poles ready for electric.

Price: \$ 56,608.00

6. NE field-200ft

f) Installation of 22 Qualite Sports Lighting fixtures with addition of 1-68ft Stresscrete concrete pole and 1-79ft Stresscrete concrete pole ready for electric.

Price: \$39,618.00

Please circle the numbers and the amounts that you would like to proceed on sign below and we will place the order.

Should you have any questions please us know.

Sales tax not included.

\_\_\_\_\_  
City of Wayne

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ardent Lighting Group L.L.C.

\_\_\_\_\_  
Date



**RESOLUTION NO. 2014-11**

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

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

A tract of land located in the Northwest Quarter of Section 18, Township 26 North, Range 4 East of the 6<sup>th</sup> P.M., Wayne County, Nebraska, more particularly described as follows: Beginning at the northwest corner of Block 2 of Fletcher and Feeder's Subdivision to the City of Wayne; thence N02°28'24"W (assumed bearing) a distance of 23.76 feet; thence N30°54'38"W, a distance of 203.87 feet; thence N16°52'34"W, a distance of 44.67 feet; thence N57°26'41"E, a distance of 635.09 feet; thence S02°21'32"E, a distance of 551.38 feet to the northeast corner of Block 2 of Fletcher and Feeder's Subdivision; thence S85°48'12"W on the north line of said subdivision, a distance of 440.46 feet to the point of beginning, containing 4.73 acres, more or less; and

on February 3, 2014, recommended approval thereof, based upon the following "Findings of Fact": Consistency with the Comprehensive Plan and the current and future land use map and staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Preliminary and Final Plat of Giese Second Addition be approved subject to the recommendations of the Planning Commission and the foregoing "Findings of Fact."

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2014-5**

**AN ORDINANCE AMENDING ORDINANCE NO. 2014-3 BY CHANGING THE AGENCY KNOWN AS THE "COMMUNITY DEVELOPMENT AGENCY" TO THE "COMMUNITY REDEVELOPMENT AUTHORITY" AND PROVIDING FOR THE FUNCTIONING AND POWERS OF SUCH AUTHORITY.**

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

Section 1. The Mayor and Council hereby find and determine that it is necessary and desirable for purpose of providing for the redevelopment and general welfare of the City that the city's community development agency be restructured as a community redevelopment authority pursuant to Section 18-2102.01 R.R.S. Neb. 1943.

Section 2. There shall be and there is hereby ordered created in and for the City of Wayne, Nebraska, an agency to be known as the "Community Redevelopment Authority of the City of Wayne." In accordance with Neb. Rev. Stat. 18-2102.01, this agency shall consist of seven members: the Mayor, two Councilmembers, Superintendent of Wayne Community Schools, one Wayne County Commissioner, and two at-large citizens. All members shall be appointed by the Mayor. The first members of the Community Redevelopment Authority shall serve the following staggered terms: one shall serve for one year; two shall serve for two years; two shall serve for three years; one shall serve for four years; and one shall serve for five years. Thereafter, the Mayor, with the approval of the Council, shall appoint or reappoint a member of the authority for a term of five years to succeed the member whose term expires. Vacancies shall be filled for any unexpired term in the same manner as the original appointment. Members of the authority so appointed shall hold office until their successors have been appointed and qualified.

Section 3. The authority shall elect one of its members chairperson, and another vice-chairperson.

Section 4. The authority may validly and effectively act on all matters requiring a resolution or other official action by the concurrence of four members present and voting at a meeting of the authority.

Section 5. The authority shall function by the rules, and may exercise all of the power and authority, provided for in Sections 18-2101 to 18-2144 and 18-2144 to 18-2153, R.R.S. Neb. 1943, as now existing, as amended, and as hereafter amended.

Section 6. This Ordinance shall be in full force and take effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2014-6**

**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.**

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

Section 1. The City of Wayne does hereby find and declare that the following described real estate:

The boundary for land proposed for annexation is described as: Commencing at the southwest corner of Lot 1 of Kardell Industrial Park No. 2 Subdivision; thence northerly along the west line of Lot 1 of Kardell Industrial Park No. 2 Subdivision to the north side of Summerfield Drive; thence easterly along the north side of Summerfield Drive to the northwest corner of Lot 2 of Kardell Industrial Park No. 2 Subdivision; thence easterly along the north line of Lot 2 of Kardell Industrial Park No. 2 Subdivision to the west line of Lot 3 of Kardell Industrial Park No. 2 Subdivision; thence northerly along the west line of Lot 3 of Kardell Industrial Park No. 2 Subdivision to the northwest corner of Lot 3 of Kardell Industrial Park No. 2 Subdivision; thence easterly along the north line of Lot 3 of Kardell Industrial Park No. 2 Subdivision to the centerline of the Logan Creek; thence northerly and easterly along the centerline of the Logan Creek to the north line of Section 8, T26N, R4E; thence easterly along the north line of Section 8, T26N, R4E, to the northeast corner of Section 8, T26N, R4E; thence southerly along the east line of Section 8, T26N, R4E to the northeast corner of Section 17, T26N, R4E; thence southerly along the east line of Section 17, T26N, R4E, to the south side of State Highway 35; thence westerly along the south side of State Highway 35 to a point perpendicular to the centerline of Highway 35 that is adjacent to the southeast corner of Tax Lot 14 in the SW $\frac{1}{4}$  of Section 8, T26N, R4E; thence northerly along the east side of Tax Lot 14 in the SW $\frac{1}{4}$  of Section 8, T26N, R4E, to the northeast corner of Tax Lot 14 in the SW $\frac{1}{4}$  of Section 8, T26N, R4E; thence northerly to the southeast corner of Tax Lot 11 in the SW $\frac{1}{4}$  of Section 8, T26N, R4E; thence northerly along the east side of Tax Lot 11 in the SW $\frac{1}{4}$  of Section 8, T26N, R4E to the northeast corner of Tax Lot 11 in the SW $\frac{1}{4}$  of Section 8, T26N, R4E; thence northerly and westerly along the west side of Industrial Drive to the southeast corner of Lot 1 of 2<sup>nd</sup> Replat of Tompkins Industrial Tract #1 Subdivision; thence westerly along the south line of Lot 1 of 2<sup>nd</sup> Replat of Tompkins Industrial Tract #1 Subdivision to the southwest corner of Lot 1 of 2<sup>nd</sup> Replat of Tompkins Industrial Tract #1 Subdivision; thence northerly along the west line of Lot 1 of 2<sup>nd</sup> Replat of Tompkins Industrial Tract #1 Subdivision to the northwest corner of Lot 1 of 2<sup>nd</sup> Replat of Tompkins Industrial Tract #1 Subdivision; thence southerly along the east side of Lot 1 of Kardell Industrial Park No. 2 Subdivision to the southeast corner of Lot 1 of Kardell Industrial Park No. 2 Subdivision; thence westerly to the point of

beginning at the southwest corner of Lot 1 of Kardell Industrial Park No. 2 Subdivision.

is immediately adjoining and contiguous to the corporate limits of the City of Wayne, Nebraska.

Section 2. The above described real estate is annexed to the City of Wayne, Nebraska, and is declared to be within the corporate limits of the City of Wayne, Nebraska, pursuant to Section 19-916 (R.R.S. 1943).

Section 3. The corporate limits of the City of Wayne, Nebraska, are hereby extended to include said real estate.

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

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

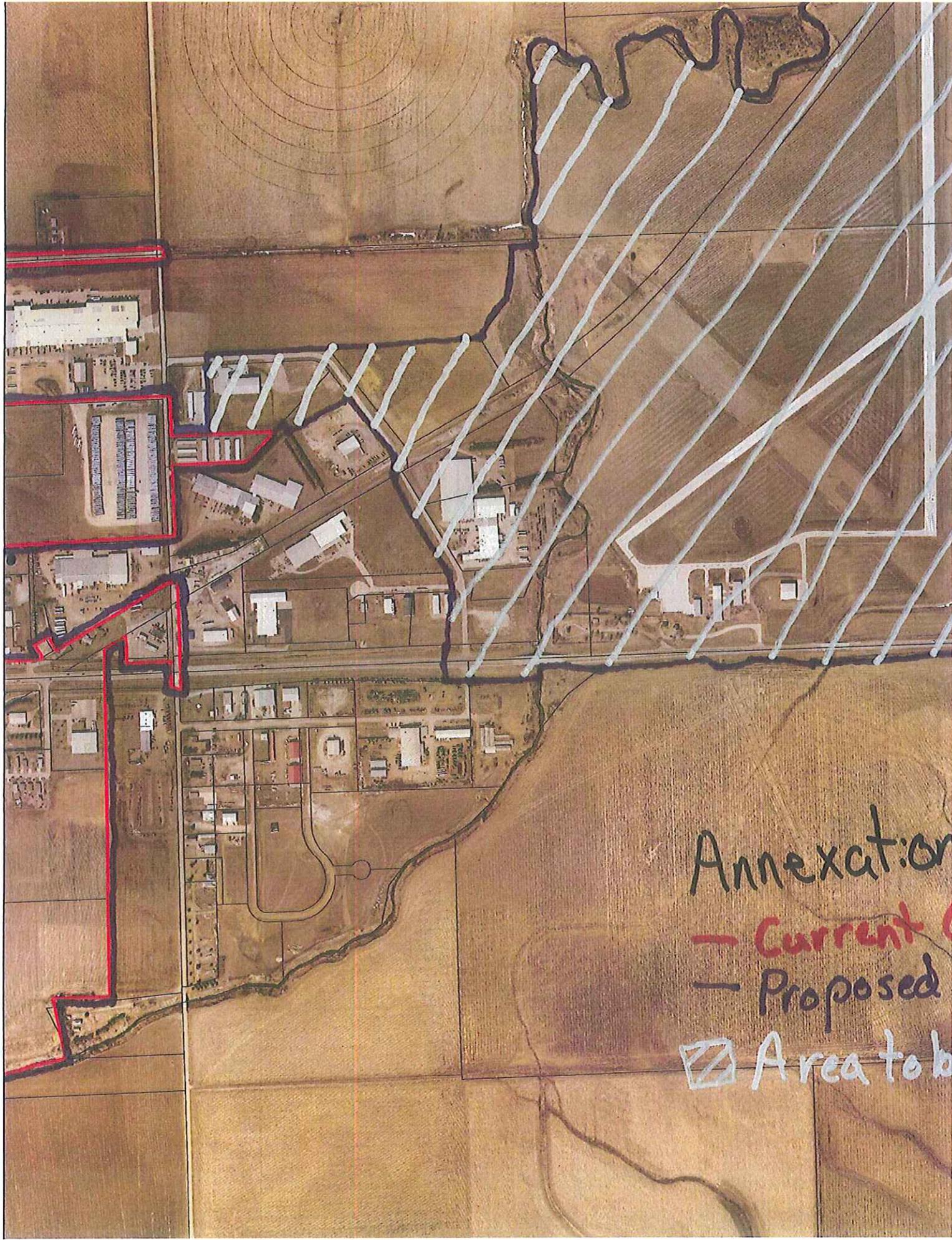
PASSED AND APPROVED this \_\_\_\_\_ day of March, 2014.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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



Annexation  
— Current  
— Proposed  
▨ Area to be

**ORDINANCE NO. 2014-7**

**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.**

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

Section 1. The City of Wayne does hereby find and declare that the following described real estate:

A tract of land located in the Southwest Quarter of the Southwest Quarter of Section 8, Township 26 North, Range 4 East of the 6<sup>th</sup> P.M., Wayne County, Nebraska, more particularly described as follows:

Commencing at the Southwest corner of Lot 1 of Herman Commercial Subdivision; thence north on the West line of Lots 1,2,3, and 4 of Herman Commercial Subdivision to the Northwest corner of Lot 4 of Herman Commercial Subdivision, thence bearing N59°02'53"E along the North line of Lot 4 of Herman Commercial Subdivision to the northeast corner of Lot 4 of Herman Commercial Subdivision, thence south along the East line of Herman Commercial Subdivision to the southeast corner of Lot 5 of Herman Commercial Subdivision, thence S02°31'40"E on an assumed bearing to the North line of Lot 3 of Logan Valley Industrial Park, thence westerly along the North line of Logan Valley Industrial park to the Northwest corner of Lot 1 of Logan Valley Industrial Park thence north to the point of beginning, containing 6.52 acres, more or less,

is immediately adjoining and contiguous to the corporate limits of the City of Wayne, Nebraska.

Section 2. The above described real estate is annexed to the City of Wayne, Nebraska, and is declared to be within the corporate limits of the City of Wayne, Nebraska, pursuant to Section 19-916 (R.R.S. 1943).

Section 3. The corporate limits of the City of Wayne, Nebraska, are hereby extended to include said real estate.

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

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

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

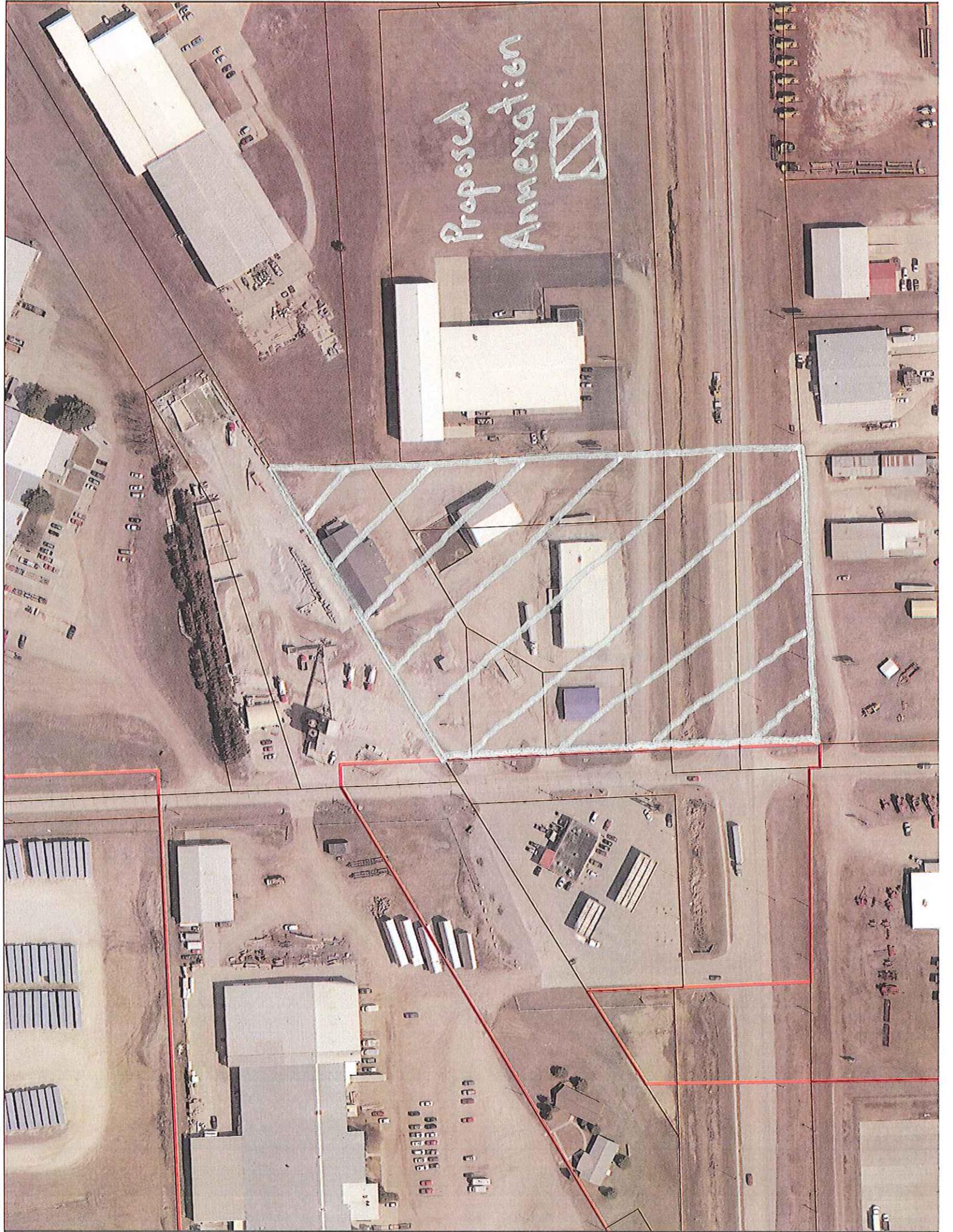
THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

Proposed  
Annexation



**ORDINANCE NO. 2014-8**

**AN ORDINANCE ESTABLISHING ANNUAL SALARY FOR  
MAYOR AND CITY COUNCILMEMBERS, REPEALING  
CONFLICTING ORDINANCES, AND ESTABLISHING AN  
EFFECTIVE DATE.**

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

Section 1. Pursuant to Section 2-232 of the Wayne Municipal Code the salary of the Mayor shall be \$\_\_\_\_\_ 4,500 per year and the salary of each Councilmember shall be \$\_\_\_\_\_ 3,000 per year, each respectively being payable in quarterly installments. The salaries herein fixed shall not preclude the additional payment of mileage and expenses, if and when claims are duly filed, authorized, and allowed therefore.

Section 2. That any ordinance or section passed and approved prior to the passage, approval, publication, and effective date of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance should take effect and be in full force from and after December 3, 2014, only upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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 4<sup>th</sup> day of March, 2014.

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



## 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.



**RESOLUTION NO. 2014-5**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND WOehler & SONS, LLC, TO COMPLETE A TAX INCREMENT FINANCING AGREEMENT.**

WHEREAS, the Wayne City Council is desirous of entering into a Memorandum of Understanding with Woehler & Sons, LLC, a Limited Liability Corporation, to complete a tax increment financing agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Memorandum of Understanding between the City of Wayne and Woehler & Sons, LLC, be accepted as recommended, and the Mayor is authorized and directed to execute said Memorandum of Understanding on behalf of the City.

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

## MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** (the “**MOU**”) is made and entered into this \_\_\_\_\_ day of March, 2014, among the City of Wayne, Nebraska (the “**City**”), the Community Development Agency (the “**Agency**”) of the City, and Robert Woehler & Sons, Inc. (the “**Developer**”).

**WHEREAS**, the Developer has indicated an interest in developing certain real property to be annexed to the City legally described on Exhibit A (the “**Property**”) by purchasing land and constructing a phased commercial development and operating a business thereon (the “**Project**”);

**WHEREAS**, upon completion, the Developer intends to operate the Project and will do business on the Property;

**WHEREAS**, prior to making additional financial commitments and continuing due diligence, the Developer desires to have an indication of interest from the City and the Agency with regard to certain financing and other assistance necessary to redevelop the Project pursuant to the Nebraska Community Development Law (the “**Act**”);

**WHEREAS**, the City and the Agency find it in the public interest to cooperate with the Developer to promote the development of business activity in the City and development of the Project on the Property; and

**WHEREAS**, the parties desire to set forth their understandings and obligations to bring about the accomplishment of the foregoing recitals, all in accordance with the terms set forth in this MOU.

**NOW, THEREFORE**, in consideration of the foregoing recitals (which are specifically incorporated herein by this reference), the mutual covenants and agreements contained herein, and other good and valuable consideration, the parties hereby agree as follows:

1. *Definitions.* Capitalized terms used in this MOU shall have the meanings assigned herein.
2. *Developer's Obligations.* Upon execution of this MOU, the Developer may proceed with the following actions:
  - a. *Development of Project.* The Developer agrees to use its best efforts to acquire the Property and commence construction of the Project no later than May 1, 2015.
  - b. *Creation of Jobs.* The Developer intends to purchase land and construct a phased commercial development on the Property and create jobs as a result thereof.
  - c. *Indemnification.* The Developer agrees to indemnify and hold the Agency and the City, their employees, agents, independent contractors and consultants harmless from and against any and all suits, claims, costs of defense, damages, injuries, liabilities, costs and/or expenses, including court costs and attorney's fees, resulting from, arising out of, or in any way connected with this MOU or the Project.
3. *City and Agency's Obligations.* In order to induce the Developer to construct and operate the Project on the Property, the Agency shall use its best reasonable efforts consistent with applicable law to work in good faith to consider any application for tax increment financing, community development

debt or grants, or other financial incentives which might be available to promote the Developer's economic development of the Project in the City. Specifically, the Agency and City shall consider the following:

a. *Annexation of Property.* The City will consider, pursuant to law, an application for annexation and the adoption of an ordinance of annexation of the Property.

b. *Blight and Substandard Declaration.* The City will consider, after notice and hearing pursuant to the Act, adopting a resolution declaring the Property as blighted and substandard.

c. *TIF Revenue Funds.* The Agency shall consider a grant in the maximum amount Tax Increment Revenue Funds to pay costs eligible for reimbursement as redevelopment project costs as defined by Neb. Rev. Stat. 18-2103(12). Such grant shall be payable only from Agency funds generated by the Property pursuant to Neb. Rev. Stat. 18-2147(1)(b).

4. *Economic Feasibility.* Neb. Rev. Stat. 18-2116(1) requires the City to make findings as follows if a TIF application requests the use of funds as described in Section 3 above: (i) the Project would not be economically feasible without the use of tax-increment financing, (ii) the Project would not occur in the City without the use of tax-increment financing. Due to the proposed construction schedule of the Project and the impact of weather concerns on such schedule, the Developer desires to begin construction of the Project immediately. If the Developer does begin construction, the Agency and the City will analyze the economic feasibility of the Project and the likelihood the Project would occur in the City as of the time prior to the commencement of construction.

5. *Redevelopment Contract.* The Agency and the Developer shall use their best reasonable efforts to negotiate and enter into a redevelopment contract in accordance with any timelines required by applicable law, subject to Section 3. The redevelopment contract shall outline the obligations and agreements with regard to the financing matters set forth in Section 3 above, including, without limitation, the amount of any tax increment revenue financing proceeds to be granted to the Developer, along with any other agreements deemed necessary. Upon execution of the redevelopment contract, this MOU shall be deemed superseded and of no further force and effect.

6. *Intent of MOU.* The undersigned parties each acknowledge and agree that the Developer would be unwilling to pursue any further discussions with regard to rehabilitating the Project in the City without execution of this MOU. The Developer acknowledges and agrees that, until the Agency and the City act in accordance with law with regard to each parties' obligations as outlined in this MOU (i.e., following all notice and hearing requirements, etc.), any obligations set forth in this MOU for the Agency and the City are nonbinding. This MOU does not approve or create an obligation to approve any subsequent TIF application submitted by the Developer. The Agency and the City retain full legislative Agency to approve or deny any TIF application submitted by the Developer.

7. *Counterparts.* This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument. The parties may execute this MOU and all other agreements, certificates, instruments and other documents contemplated by this MOU and exchange the counterparts of such documents by means of facsimile transmission. The parties agree that the receipt of such executed counterpart shall be binding on such parties and shall be construed as originals.

8. *Time.* This MOU and all obligations contained herein shall terminate March 1, 2016.

9. *Governing Law.* This MOU shall be governed by the laws of the State of Nebraska.

**COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF WAYNE, NEBRASKA**

By: \_\_\_\_\_  
Chair

**CITY OF WAYNE, NEBRASKA**

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

**ROBERT WOehler & SONS, INC.**

\_\_\_\_\_

ORDINANCE NO. 2014-2

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE: SECTION 78-126 RELATING TO PARKING; PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY; SECTION 78-130 PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY; AND SECTION 78-132 PROHIBITED PARKING, SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 78, Article III, Section 78-126 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-126 PARKING; PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY OF WAYNE.

(a) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:

~~1. The south side of the center line of east 14th Street from the west line of Walnut Street west to the College campus.~~

~~2. The north side of the center line of east 13th Street from the west line of Walnut Street west to the College campus.~~

~~3. The south side of the center line of east 13th Street from the west line of Walnut Street west to the College campus.~~

~~4. The north side of the center line of east 12th Street from the west line of Walnut Street to the College campus.~~

~~5. The south side of the center line of east 12th Street from the west line of Walnut Street to the College campus.~~

1. The south side of the centerline of Hillcrest Road from the east line of Walnut Street east to the point where Hillcrest Road turns south and then on the east side of the centerline to the north line of east 10th Street.

2. The north side of the centerline of East 10th Street from the east line of Main Street east to the west line of Logan Street.

3. The north side of the centerline of East 10th Street from the **east line north-south alley between Walnut Street** ~~of~~ and Windom Street to the west line of Walnut Street.

4. The south side of the centerline of East 10th Street from the east line of Main Street east to the west line of Hillside Drive.
5. The south side of the centerline of East 9th Street from the east line of Main Street east to the west line of Pine Heights Road.
6. The south side of the centerline of East 8th Street from the east line of Main Street to the north-south alley east of Windom Street.
7. The east side of the centerline of Logan Street from the north line of East 7th Street north to the south line of East 10th Street.
8. The east side of the centerline of Nebraska Street from the north line of East 7th Street north to the south line of East 10th Street.
9. The east side of the centerline of Windom Street from the north line of East 7th Street north to the south line of East 10th Street.
10. The east side of the centerline of Walnut Drive from the north line of East 7th Street north to the south line of East 9th Street.
11. **The west side of the centerline of Walnut Drive from the north line of East 7<sup>th</sup> Street north for a distance of 190 feet.**
12. The east side of the centerline of Walnut Street from the north line of east 9th Street north to the south line of Lindahl Drive.
13. The east side of the centerline of the north-south alley **between west of** Walnut Street **and the College campus** from the north line of East 10th Street north **to the south line of east 14th Street** a distance of 150 feet.
14. **The west side of the centerline of the north-south alley west of Walnut Street from the north line of East 10<sup>th</sup> Street north for a distance of 150 feet.**
15. The west side of the centerline of Circle Drive from the north line of East 9th Street north to the circle and the entire circle.
16. The east side of the centerline of Pine Heights Road from the north line of East 7th Street north to the south line of East 10th Street.
17. The east side of the centerline of Lilac Lane from the north line of East 10th Street north to the south line of Hillcrest Road.
18. The east side of the centerline of Providence Road from the north line of East 7th Street north to the south line of East 14th Street.
19. The west side of the centerline of Providence Road from the north line of East 7th Street north to the south line of east 14th Street.
20. The south side of the centerline of East 14th Street from the east line of Providence Road east to the City limits.

21. The east side of the centerline of Claycomb Road from the north line of East 14th Street north to the south line of East 21<sup>st</sup> Street.
22. The east side of the centerline of Linden Street from the north line of East 14th Street north to the south line of Aspen Street.
23. The south side of the centerline of Aspen Street from the east line of Claycomb R Road east to the City limits.
- ~~27. The north side of the centerline of east 14th Street from the west line of Walnut Street west to the College campus.~~
24. The west side of the centerline of Logan Street from the north line of East 7th Street north for a distance of 150 feet.
25. The north side of the centerline of East 7th Street from the east line of Main Street east to the City limits.
26. The east side of the centerline of Main Street from the north line of East 7th Street north to the south line of East 14th Street.
27. The east side of the centerline of Hillside Drive from the north line of East 7th Street north to the City limits.
28. The south side of the centerline of Poplar Street from the west line of Hillside Drive to the east line of Eastview Drive.
29. The south side of the centerline of Sunnyview Drive from the west line of Hillside Drive west to the east line of Providence Road.
- ~~34. The east side of the centerline of Providence Road from the north line of east 7th Street north to the south line of east 10th Street.~~
- ~~35. The west side of the centerline of Providence Road from the north line of east 7th Street north to the south line of east 10th Street.~~
30. The east side of the centerline of Eastview Drive from the north line of Poplar Street north to the south line of Sycamore Street.
31. The west side of the centerline of Pine Heights Road from the north line of East 7th Street north for a distance of 25 feet.
32. The south side of the centerline of Sycamore Street from the west line of Hillside Drive west to the east line of Eastview Drive.
33. The east side of the centerline of Vintage Hill Drive from the north line of East 14th Street north ~~of the City limits~~ to a point 125 feet north of the north line of Adam Drive.
34. The south side of the centerline of Brooke Drive from the east line of Claycomb Road east to the City limits.

35. All of Lloyd Court from the southerly line of Brooke Drive south to and including the entire circle.
36. The south side of the centerline of Sunnyview Drive from the west line of Providence Road west to the east line of Ada Drive.
37. The east side of the centerline of Ada Drive from the south line of Sunnyview Drive south to the north line of Poplar Street.
38. The south side of the centerline of Poplar Street from the west line of Ada Drive east to the west line of Providence Road.
39. The west side of the centerline of Walnut Street from the north line of East 10<sup>th</sup> Street north to the south line of J. G. Lewis Drive.
40. The north side of the centerline of East 14<sup>th</sup> Street between the east boundary of the Wayne State College Technology Building Lot on the quarter section line east to Claycomb Road.
- ~~49. The south side of the centerline of 14<sup>th</sup> Street from Providence Road east to Claycomb Road.~~
41. The west side of Claycomb Road from the north line of East 14<sup>th</sup> Street going north a distance of 104 feet.

Appropriate signs shall be placed to advise the public of these prohibited parking regulations.

Section 2. That Chapter 78, Article III, Section 78-128 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-128 PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY.

- (a) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:
  1. The south side of the centerline of Westwood Road from the west line of Sherman Street west to the city limits.
  2. The north side of the centerline of Crescent Drive from the west line of Sherman Street west to the point where Crescent Drive turns north and then on the east side of the centerline north to the south line of Westwood Road.
  3. The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits.
  4. The east side of the centerline of Meadow Lane from the north line of Westwood Road north to the city limits.

5. The east side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road.
6. The east side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road.
7. The north side of the centerline of West 13<sup>th</sup> Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
8. The south side of the centerline of West 13<sup>th</sup> Street from the west line of Main Street west to the east line of Lincoln Street.
9. The north side of the centerline of West 12<sup>th</sup> Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
10. The south side of the centerline of West 12<sup>th</sup> Street from the west line of Main Street west to the east line of Sherman Street.
11. The north side of the centerline of West 11<sup>th</sup> Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
12. The south side of the centerline of West 11<sup>th</sup> Street from the west line of Main Street to the east line of Sherman Street.
13. The south side of the centerline of West 10<sup>th</sup> Street from the west line of Main Street west to the east line of Sherman Street.
14. The south side of the centerline of West 9<sup>th</sup> Street from the west line of Main Street west to the east line of Lincoln Street; thence from the west line of Douglas Street west to the east line of Sherman Street.
15. The south side of the centerline of West 8<sup>th</sup> Street from the west line of Main Street to the east line of Sherman Street.
16. The north side of the centerline of West 7<sup>th</sup> Street from the west line of Main Street west to the city limits.
17. The east side of the centerline of Sherman Street from the north line of West 7<sup>th</sup> Street north to the ~~south line of West 13<sup>th</sup> Street~~ city limits.
18. The east side of the centerline of Douglas Street from the north line of West 7<sup>th</sup> Street north to the south line of ~~West 13<sup>th</sup> Street~~ Park Street.
19. **The west side of the centerline of Douglas Street from the north line of Park Street south to the north line of West 13<sup>th</sup> Street.**
20. The east side of the centerline of Lincoln Street from the north line of West 7<sup>th</sup> Street to the ~~south~~ north line of ~~West 13<sup>th</sup>~~ Park Street.

21. The west side of the centerline of Lincoln Street from the south line of ~~West 13th~~ Park Street south to a ~~distance of~~ point 150 feet south of the south line of West 13<sup>th</sup> Street.
22. The east side of the centerline of Pearl Street from the north line of West 7<sup>th</sup> Street north to the south line of West 13th Street.
23. The north side of the centerline of Park Street from the ~~west~~ east line of Lincoln Street west to the ~~east~~ west line of Douglas Street.
24. The south side of the centerline of Park Street from the west line of Lincoln Street west to the east line of Douglas Street.
25. The south side of the centerline of West 13th Street from the west line of Douglas Street west to the east line of Sherman Street.
26. The west side of the centerline of Main Street from the north line of East 7<sup>th</sup> Street north to the south line of East 14th Street.
27. The west side of the centerline of Sherman Street from the north line of West 7<sup>th</sup> Street north for a distance of 100 feet.

~~28. The north side of the centerline of West 13<sup>th</sup> Street from the west line of Main Street to the East line of Lincoln Street.~~

~~29. The south side of the centerline of West 13<sup>th</sup> Street from the west line of Main Street to the East line of Lincoln Street.~~

Appropriate signs shall be placed to advise the public of these prohibited parking regulations.

Section 3. That Chapter 78, Article III, Section 78-130 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-130 PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY.

(a) No person shall, at any time, park a motor vehicle upon the following described streets:

1. The south side of the centerline of East 6<sup>th</sup> Street from the north-south alley between Main Street and Logan Street east to the west line of Tomar Drive.
2. The south side of the centerline of East 7<sup>th</sup> Street from the east line of Main Street east to the city limits.
3. The south side of the centerline of East 5<sup>th</sup> Street from the north-south alley between Main Street and Logan Street east to Valley Drive.
4. The south side of the centerline of Valley Drive from the east line of Wayside Lane east to the point where Valley Drive turns north and then on the east side of the centerline north to the south line of East 7<sup>th</sup> Street.
5. The east side of the centerline of Wayside Lane from the north line of Valley Drive north to the south line of East 6<sup>th</sup> Street.

6. The east side of the centerline of Tomar Drive from the south line of East 7<sup>th</sup> Street south 600 feet.
7. The south side of the centerline of East 4<sup>th</sup> Street from the north-south alley between Main Street and Logan Street east to the city limits.
8. The south side of the centerline of East 3<sup>rd</sup> Street from the east line of Logan Street east to the west line of Windom Street.
9. The south side of the centerline of Fairgrounds Avenue from the east line of South Nebraska Street east to the east line of Windom Street.
10. The south side of the centerline of Folk Street from the east line of South Nebraska Street east to the west line of South Windom Street.
11. The east side of the centerline of Logan Street from the north line of East 4<sup>th</sup> Street north to the south line of East 7<sup>th</sup> Street.
12. **The west side of the centerline of Logan Street from the north line of East 5<sup>th</sup> Street north to the south line of East 7<sup>th</sup> Street.**
13. The east side of the centerline of Nebraska Street from the north line of East 2<sup>nd</sup> Street north to the south line of East 7<sup>th</sup> Street.
14. The east side of the centerline of Windom Street from the north line of East 3<sup>rd</sup> Street north to the south line of East 7<sup>th</sup> Street.
15. The west side of the centerline of Windom Street from the north line of East 3<sup>rd</sup> Street north ~~to the south line of East Fourth Street~~ **a distance of 150 feet.**
16. The east side of the centerline of South Windom Street from the north line of Fairgrounds Avenue north to the south line of East 3<sup>rd</sup> Street.
17. The east side of the centerline of Walnut Street from the north line of East 4<sup>th</sup> Street north to the south line of East 7<sup>th</sup> Street.
18. The east side of the centerline of Dearborn Street from the north line of East 5<sup>th</sup> Street north to the south line of East 7<sup>th</sup> Street.
19. **The east side of the centerline of Dearborn Street from the north line of East 4<sup>th</sup> Street south to the north line of East 4<sup>th</sup> Street.**
20. The east side of the centerline of South Nebraska Street from the south line of Fairgrounds Avenue south to the city limits.
21. The east side of the centerline of South Windom Street from the south line of Fairgrounds Avenue south to the city limits.
22. The east side of the centerline of Main Street from **75' north of** the north line of ~~Sixth~~ 4<sup>th</sup> Street to the south line of 7<sup>th</sup> Street.
23. The west side of the centerline of Windom Street from the south line of East 7<sup>th</sup> Street south for a distance of 25 feet.
24. The west side of the centerline of Tomar Drive from the south line of East 7<sup>th</sup> Street south 600 feet.

(b) Appropriate signs shall be placed to advise the public of these prohibited parking regulations.

Section 4. That Chapter 78, Article III, Section 78-132 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY.

(a) No person shall, at any time, park a motor vehicle upon the following described streets:

1. The south side of the centerline of West 7<sup>th</sup> Street from the west line of Main Street west to the city limits.
2. The south side of the centerline of West 6<sup>th</sup> Street from the **north-south alley between ~~west line of~~ Main Street and Pearl Street** west to the east line of Sherman Street.
3. The south side of the centerline of West 5<sup>th</sup> Street from the west line of **Pearl ~~Main~~ Street** west to the east line of Schoolview Drive.
4. The south side of the centerline of West 4<sup>th</sup> Street from the west line of Pearl Street west to the east line of Schoolview Drive.
5. The south side of the centerline of West 3<sup>rd</sup> Street from the **north-south alley between ~~west line of~~ Pearl Street and Lincoln Street** west to the east line of Oak Drive.
6. The south side of the centerline of West 2<sup>nd</sup> Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Blaine Street.
7. The south side of the centerline of West 1<sup>st</sup> Street from the **north-south alley between ~~west line of~~ Pearl Street and Lincoln Street** west to the east line of Wilcliff Drive.
8. The south side of the centerline of 1<sup>st</sup> Avenue from the west line of Maple Street west to the east line of Birch Street.
9. The north side of the centerline of 2<sup>nd</sup> Avenue from the west line of Maple Street west to the east line of Birch Street.
10. The south side of the centerline of Grainland Road from the west line of Sherman Street west to the city limits.
11. The west side of the centerline of Birch Street from the north line of 1<sup>st</sup> Avenue north to the south line of 2<sup>nd</sup> Avenue.
12. The south side of the centerline of 3<sup>rd</sup> Avenue from the west line of Oak Drive west to the city limits.
13. The east side of the centerline of Oak Drive from the north line of 2<sup>nd</sup> Avenue north to the south line of West 7<sup>th</sup> Street.
14. The east side of the centerline of Maple Street from the north line of Grainland Road north to the south line of 2<sup>nd</sup> Avenue.
15. The east side of the centerline of Wilcliff Drive from the north line of West 1<sup>st</sup> Street north to the south line of West 3<sup>rd</sup> Street.
16. The east side of the centerline of Blaine Street from the north line of Grainland Road north to the south line of West 3<sup>rd</sup> Street.
17. The east side of the centerline of Sherman Street from the south line of West 7<sup>th</sup> Street south to the north line of West 4<sup>th</sup> Street and from the south line of West 3<sup>rd</sup> Street south to the north line of Grainland Road.
18. The east side of the centerline of Douglas Street from the south line of West 7<sup>th</sup> Street south to the city limits.

19. The east side of the centerline of Lincoln Street from the south line of West 7<sup>th</sup> Street south to the city limits.
20. The east side of the centerline of Pearl Street from the north line of West 5<sup>th</sup> Street north to the south line of West 7<sup>th</sup> Street.
21. The west side of the centerline of Pearl Street from the north line of 6<sup>th</sup> Street north to the south line of West 7<sup>th</sup> Street.
22. The south side of the centerline of Clark Street from the west line of Main Street west to the east line of Pearl Street.
23. The west side of the centerline of Main Street from the north line of 4<sup>th</sup> West 6<sup>th</sup> Street north to the south line of 7<sup>th</sup> Street.
24. The north side of the centerline of West 6<sup>th</sup> Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
25. The east side of the center line of Donner Pass from the south line of West 7<sup>th</sup> Street south to the south ~~line end~~ of ~~Nathan Drive Donner Pass.~~.
26. The south side of the center line of Nathan Drive from the west line of Donner Pass west to the city limits.
- ~~27. West of the centerline of Main Street beginning 65' north of the centerline of the 100 block of West 1st Street, south to the intersection of Main and West 1st Street. Said curb shall be painted yellow to clearly designate this restricted parking area.~~
28. The west side of the centerline of Sherman Street from the south line of West 4<sup>th</sup> Street south to the north line of West 3<sup>rd</sup> Street.

(b) Appropriate signs shall be placed to advise the public of these prohibited parking regulations

Section 5. Any and all provisions of the Wayne Municipal Code in conflict with this Ordinance are hereby repealed.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**RESOLUTION NO. 2014-23**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF WAYNE, WAKEFIELD, SOUTH SIOUX CITY, AND NORTHEAST NEBRASKA PUBLIC POWER DISTRICT AND SOUTHWEST RENEWABLE RESOURCES.**

WHEREAS, the Wayne City Council is desirous of entering into a Memorandum of Understanding, which includes the cities of Wakefield, South Sioux City, and Northeast Nebraska Public Power District (herein referred to as "Public Entities"), and Southwest Renewable Resources, a renewable energy resources company (herein referred to as "SRR"), to work together through the use of green energy and cogeneration to create electricity for the Public Entities.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Memorandum of Understanding, of which a copy is attached hereto and incorporated herein by reference, between the Public Entities and SRR be accepted as recommended, and the Mayor is authorized and directed to execute said Memorandum of Understanding on behalf of the City of Wayne

PASSED AND APPROVED this 4<sup>th</sup> day of March, 2014.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM made and entered into this 19<sup>th</sup> day of January, 2014, by and between by and between THE CITIES OF SOUTH SIOUX CITY, WAKEFIELD, WAYNE and NORTHEAST PUBLIC POWER DISTRICT, all of NEBRASKA, (here in referred to as "PUBLIC ENTITIES") and SOUTHWEST RENEWABLE RESOURCES, a renewable energy resource company (here in referred to as "SRR"), WITNESSTH:

WHEREAS, the PUBLIC ENTITIES and SRR desire to work together through the use of green energy (biomass) and cogeneration to create electricity for the cities and North East Public Power.

WHEREAS, this Memorandum is intended to set forth the negotiations between all parties to work towards a winning solution through a variety of potential scenarios to create green power through the use of reusable raw materials for all parties involved and to provide general terms for proposed agreements to be entered into subsequent thereto.

WHEREAS, it is also the intent based off of the time frame receiving pertinent required information from all interested parties and information outside the realm of the interested parties control to provide an agreeable scenario for all parties involved within 6 months, if such information is not obtainable in a timely fashion it should be noted and additional time should be allotted based off of such an interruptions.

WHEREAS, NOW THERE FOR, IT IS AGREED by and between the parties:

1. SRR will work with all parties based off of information provided to them from all interested parties to create scenarios that meet the needs of all parties mentioned.
2. SRR Agrees:
  - a) It will work with the Public Entities to determine the amount of energy that can be reduced from its purchases from Nebraska Public Power.
  - b) It will help determine the size of the co generation unit to be built based off of the Public Entities public power electric needs.
  - c) It will help the city and Big Rivers sell the excess of energy into the electric market
  - d) It will help determine where to deliver the Public Entities energy at mutually agreed locations.
  - e) It will retain rights to the energy technology regarding the creation of the SRR biomass.
  - f) It will work with the Public Entities through the contract stage to include all associated cost in the production and delivery of power. And to work towards a cost of \$34.00 dollars per mega watt during the contract stage reviewing different options to achieve this ultimate goal. SRR will be responsible for submitting to the Southwest Power Pool transmission study request. The Public Entities will retain capacity and renewable energy rights to the energy delivered to its delivery point or points.
  - g) It will also provide research alternative scenarios to help reduce the cost of power through other uses of raw materials through public private partnerships and these potential profits..
  - h) It will work towards locating of the biomass/cogeneration plant close to other sources of power in case of times of emergency.
  - i) It will help research solutions to help control outages that may create business interruptions in the market place.
  - j) It will help all interested parties work towards agreements within the realm of interested parties for agreements which are satisfactory for all interested parties. Including title of ownership.
  - k) It will work within the realms of all possible financing mechanisms made available to provide the best terms and rates available to help control the cost of power created.

3. SRR understands the need to work towards a scenario during the 6 month process to identifying controlling cost and amount of power that can be produced based off of existing agreements now in place.
4. SRR also understands that this is only a Memorandum of Understanding to work towards a goal which is favorable for all parties, but does not obligate any interested parties to engage into a formal agreement.
5. SRR will provide and over see design and construction and provide management around the clock for the production of renewable biomass, electricity.
6. SRR will work with Public Entities and Big River towards establishing letters of intent to purchase any excess power before implementing the final contract.
7. It is anticipated that this Memorandum of Understanding will be replaced by all required, necessary legal documents required to meet the needs as required in this Memorandum of Understanding including terms and conditions. This Memorandum is intended to set forth the negotiations between the parties, and is not included to be binding or considered evidence that the parties are in agreement and that a contract exists before formal written and signed agreements, deeds and related documents are executed.

Dated the day and year first above written.

CITIES OF SOUTH SIOUX CITY, WAKEFIELD, WAYNE, NORTHEAST PUBLIC POWER, Public Entities of the State of Nebraska.

City of South Sioux City

By: William I. McLarty

Printed: William I. McLarty

Title: Mayor

City of Wayne

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

Printed: \_\_\_\_\_

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

City of Wakefield

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

Printed: \_\_\_\_\_

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

Northeast Public Power

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

Printed: \_\_\_\_\_

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

SOUTHWEST RENEWABLE RESOURCES,

By: Taney Wilson

Printed: Taney Wilson

(Title) Sp. Director