

**AGENDA
CITY COUNCIL MEETING
June 3, 2014**

1. Approval of Minutes – May 20, 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 — June 9-15, 2014 as “Men’s Health Week”

4. Demonstration of New Police Car Cameras — Marlen Chinn, Police Chief

Background: We have been installing new digital cameras in the patrol cars. These cameras also record audio through body microphones. We have used budgeted funds and funds provided by the County Attorney’s office to purchase and install this equipment. Marlen will show you some of the capabilities and the quality of the recordings.

5. Public Hearing: Application for Class D Liquor License – Lutt Oil & Service, LLC d/b/a “Lutt Oil & Service” (Advertised Time: 5:30 p.m.)

Background: Lutt Oil & Service is making application for a Class D Liquor License – Off Sale Beer Wine and Distilled Spirits. A public hearing is required to be held on liquor license applications, with the recommendation forwarded to the Nebraska Liquor Commission. Per this application, Rod Lutt will be the manager.

6. Resolution 2014-45: Approving Application for Class D Liquor License — Lutt Oil & Service, LLC d/b/a “Lutt Oil & Service”

7. Public Hearing: Redevelopment Plan Amendment for Lots 1 and 19 of Benscoter Addition Planned Unit Development Replat 2 of the City of Wayne, Wayne County, Nebraska (Advertised Time: 5:30 p.m.)

Background: This is the annual addition of lots proposed in the original TIF agreement that have been built on since last year. The new property taxes generated by the new construction will be forwarded by the County to help pay off the original TIF bond in the redevelopment agreement.

8. [Resolution 2014-46: Consideration and Adoption of the Mayor and Council of the City of Wayne, Nebraska, approving Redevelopment Plan Amendment and Related Matters](#)

Recommendation: There is no staff recommendation as this action is part of the original agreement to add houses each year as they are built.

9. Public Hearing: Redevelopment Plan Amendment for Western Ridge Single-Family Residential Planned Unit Development Project (Advertised Time: 5:30 p.m.)

Background: This is the annual addition of lots proposed in the original TIF agreement that have been built on since last year. The new property taxes generated by the new construction will be forwarded by the County to help pay off the original TIF bond in the redevelopment agreement.

10. [Resolution 2014-47: Consideration and Adoption of the Mayor and Council of the City of Wayne, Nebraska, approving Redevelopment Plan Amendment and Related Matters](#)

Recommendation: There is no staff recommendation as this action is part of the original agreement to add houses each year as they are built.

11. [Resolution 2014-37: Approving Interlocal Agreement to Share Law Enforcement Resources between the City of Wayne and the Board of Trustees of the Nebraska State Colleges, d/b/a Wayne State College](#)

Background: This action will renew the Wayne Police Department contract with the Nebraska State College Board for one year to provide a fixed schedule of police coverage on the Wayne State College WSC campus during the fall and spring semester. Wayne PD will provide 22 hours of coverage on campus per week for a fee of \$30,000 per year. The rest of the Wayne PD officer's time who is assigned to cover this contract will be scheduled with the regular city coverage.

Recommendation: Recommendation of Marlen Chinn, Chief of Police, is to renew the contract as attached.

12. [Resolution 2014-48: Rejecting Bids on the "Windom Street Storm Sewer Improvement Project"](#)

Background: Three bids were received today on the above project. After review of the same, the recommendation of Lowell Johnson, City Administrator, and Joel Hansen, Street Superintendent, is to reject these bids and rebid the project at a later date.

13. [Resolution 2014-49: Accepting Bid and Awarding Contract on the "13th Street Sanitary Sewer Extension Project"](#)

Background: This is a small project that will provide sanitary sewer access to the lot where Tom Jacobson is building the new apartments on the former Carhart property on the north side of 13th Street. The existing sewer line was never extended north under 13th Street because, as the area developed, nothing was ever built there. This will install a shallow manhole on the north side of 13th Street to serve the lots on that side and connect the manhole with the existing sanitary sewer line. Only one bid was received.

Recommendation: The recommendation of John Zwingman, Project Engineer for Advanced Consulting Engineering Services in West Point, is to accept the low bid from Robert Woehler & Sons Construction, Inc., in the amount of \$18,444.50, plus a contingency of \$2,500 to lower the existing water main if necessary.

14. [Resolution 2014-50: Approving the Plans, Specifications and Estimate of Cost for the “Hillside Drive and Trail Relocation Project” and Directing the City Clerk to Advertise for Bids](#)

Background: This action is for “The Jug Store” (Ken Jorgensen) restaurant project. Council action is needed to approve the design and authorize staff to bid out the work. The engineer on this project is JEO. A cost estimate of the project will be available at meeting time.

15. [Ordinance 2014-12: Amending Wayne Municipal Code Section 90-753 Nonconforming Structures \(Third and Final Reading\)](#)
16. [Ordinance 2014-14: Amending Wayne Municipal Code, Section 90-10 Definitions – “Townhouse” \(Second Reading\)](#)
17. [Ordinance 2014-15: Amending Wayne Municipal Code Sec 90-10 Definitions – “Attached” \(Second Reading\)](#)
18. [Ordinance 2014-16: Amending Wayne Municipal Code Section 90-10 Definitions – “Breezeway” \(Second Reading\)](#)
19. [Ordinance 2014-17: Amending Wayne Municipal Code, Section 78-129 - Restricted Parking 12:00 Midnight to 5:00 a.m.; Northwest Quadrant of the City \(Second Reading\)](#)
20. [Ordinance 2014-18: Amending Wayne Municipal Code, Section 78-127 - Restricted Parking 12:00 Midnight to 5:00 a.m.; Northeast Quadrant of the City \(Second Reading\)](#)
21. [Ordinance 2014-21: Amending Wayne Municipal Code, Section 78-126 Prohibited Parking; Northeast Quadrant of the City of Wayne](#)

Background: This will limit parking to one side of the street in the new Angel Acres Subdivision. This has been requested by the developer.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, is to approve the amendment to restrict parking as requested.

22. [Ordinance 2014-22: Amending Wayne Municipal Code, Section 78-130 Prohibited Parking; Southeast Quadrant of the City of Wayne](#)

Background: This will limit parking to one side of the street in the new Bencoter Subdivision. This has also been requested by the developer.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, is to approve the amendment to restrict parking as requested.

23. [Ordinance 2014-23: Annexing Pacific Coast Feather Property now owned by the Community Redevelopment Authority](#)

Background: This property was destroyed by the tornado and has been purchased by the Wayne Community Redevelopment Authority. The CRA has made a request to the City Council to annex the property into the city limits.

Recommendation: The recommendation of the CRA is to annex the property as requested.

24. [Action on Liquor License Manager Application in Connection with the Shopko Hometown 670, Wayne, NE—James E. Larson](#)

25. [Action on Change Order No. 2 in the amount of \\$8,261.00 for the Chief's Way Sanitary Sewer & Water Project \(Additional Work for the Lion's Club Park\)](#)

Background: This Change Order adds the rebuilding of the Lion's Club park water system to the current project extending the water main to the airport and connecting the buildings. This will begin the process to restore the camping area. The other option to this is to bid the work out separately. Change Order No. 1 was approved November 5, 2013.

Recommendation: The recommendation of Rod Hansen, Project Engineer with Olsson Associates, is to approve the Change Order if we want to include this with the current Chief's Way Water and Sewer Project.

26. [Action on Application Cycle for Planning Grants \(Comprehensive Plan Grant\)](#)

Background: One of the goals of the 2104 annual retreat is to update our Comprehensive Plan because of all the new development and because the current plan will soon be 10 years old. A rough estimate of the cost to write a new Comprehensive Plan and amend the zoning section of the city code to harmonize with the new Comp Plan is \$40,000. We will seek requests for proposals from qualified zoning consultants to select one to do the work. In the past, we applied for a 75% cost-share planning grant from the Nebraska Department of Economic Development and were successful.

To be eligible again for a planning grant, we must show that 51% or more of the Wayne population has a household income at or less than the low and moderate income level for Wayne County. In the 2010 US Census, the City of Wayne was shown to have 46% of its households with low or moderate incomes or lower. That makes Wayne ineligible to apply. An option available to Wayne is to conduct a third party survey of random Wayne households by mail to see if the results show that more than 51% of the households have LMI incomes or lower. We have had Northeast Nebraska Economic Development District do that in the past, and it was successful. If successful, it will save significant funds, but will delay the start by one year if we get funded. It will delay the start by about 5 months to just complete the income survey results whether we are successful or not. I have asked Alyssa Silhacek with Northeast to comment on our chances. Her comments are as follows:

“Usually, when a community has a HUD estimate of LMI at 45% or above, I encourage them to try the income survey. There’s been some success with this, but it is not a perfect method. For example, I’ve worked with a couple of communities that have had an LMI estimate comparable to Wayne’s. One community was estimated to be about 50% LMI according to HUD and ended up being about 56% LMI according to an income survey. Another community was estimated to be 48% LMI but was closer to 45% after the income survey. Both of these surveys were conducted in FY2013.

Communities that have seen major demographic changes since the 2000 Census (which is the Census HUD still uses to generate LMI estimates) have also had success with income surveys. The City of Schuyler is perhaps the best example of this. HUD estimates them to be 40% LMI, but the City’s income survey produced an estimate well above the 51% CDBG requirement. Based solely on the demographic data I’ve reviewed for both Wayne and Schuyler, I think that Wayne’s LMI estimate would increase after the income survey, but probably not to the same extent as Schuyler’s.

When do you want the survey to go out? With the student population, it probably would be best to wait until August. If you’re looking to apply for planning grant funds in October, then I don’t know that there would be enough time to finish the survey.

The April cycle would be more feasible. The downside of waiting until April is that the project wouldn’t be awarded until May or June, which means the planning contract could not be signed until after release of funds in July or August. What is the timeline for this project?”

Recommendation: There is no staff recommendation at this time. We are bringing this to you for your consideration.

27. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

May 20, 2014

The Wayne City Council met in regular session at City Hall on Tuesday, May 20, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 8, 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 Ley, whereas, the Clerk has prepared copies of the Minutes of the meeting of May 6, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMAZON.COM, SU, 703.20; AMERITAS, SE, 1971.61; APPEARA, SE, 100.23; BANK FIRST, FE, 105.00; BOMGAARS, SU, 883.49; CARHART LUMBER, SU, 1121.92; CENTRAL STATES GROUP, SU, 529.07; CENTURLINK, SE, 313.51; CHILD SUPPORT, RE, 100.00; CITY OF NORFOLK, SE, 211.40; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 72213.14; CITY OF WAYNE, RE, 508.12; COMMERCIAL TURF SERVICES, SE, 3970.00; COMMUNITY HEALTH, RE, 4.00; CREDIT BUREAU SERVICES, RE, 45.64; DEARBORN NATIONAL LIFE, SE, 1839.21; DIAMOND VOGEL PAINTS, SU, 247.64; EAKES OFFICE PLUS, SE, 559.96; CITY EMPLOYEE, RE, 63.38; ED. M FELD EQUIPMENT, SU, 302.00; EMPLOYERS MUTUAL CASUALTY, RE, 1177.64; FIVE STAR ENTERPRISES, SU, 13.00; FLOOR MAINTENANCE, SU, 269.14; GEOCOMM, SE, 1985.00; GERHOLD

CONCRETE, SU, 262.50; GROSSENBURG IMPLEMENT, SU, 16184.06; CITY EMPLOYEE, RE, 47.17; HARDING & SHULTZ, SE, 3630.80; HD SUPPLY WATERWORKS, SU, 1156.58; HEWLETT-PACKARD, SU, 451.87; ICMA, SE, 7090.93; IMLA, FE, 480.00; IRS, TX, 26875.67; JACK'S UNIFORMS, SU, 405.60; JACOB STENKA, RE, 550.00; JOHN'S WELDING AND TOOL, SE, 189.00; CITY EMPLOYEE, RE, 199.42; KRIZ-DAVIS, SU, 5058.74; KTCH, SE, 625.00; LUTT OIL, SU, 5928.38; MIDSTATES ERECTORS, SU, 12723.00; MIDWEST LABORATORIES, SE, 526.35; N.E. NEB ECONOMIC DEV DIS, FE, 7022.12; NE DEPT OF REVENUE, TX, 3662.33; NE SAFETY COUNCIL, SE, 8.93; NE STATEWIDE ARBORETUM, FE, 100.00; N.E. NE AMERICAN RED CROSS, RE, 59.24; OVERDRIVE, INC., SU, 186.96; PEPSI, SU, 201.60; SALT CREEK SOFTWARE, SU, 2450.60; SANTA FE SYSTEMS, SU, 247.63; SIOUXLAND TURF PRODUCTS, SU, 2149.50; SPARKLING KLEAN, SU, 2538.99; STADIUM SPORTING GOODS, SE, 36.00; TIEDTKE CONSTRUCTION, SE, 5347.00; UNITED WAY, RE, 12.40; USA BLUE BOOK, SU, 155.51; WAED, RE, 14433.32; WAYNE AUTO PARTS, SU, 342.16; WAYNE HERALD, SE, 1948.32; WESCO, SU, 523.98; ZEE MEDICAL SERVICE, SU, 95.57; APPEARA, SE, 194.60; BARONE SECURITY SYSTEMS, SE, 125.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 390.99; CITY OF WAYNE, RE, 2879.38; CLASSEN FABRICATION, SU, 1461.00; CLAUSSEN & SONS IRRIG., SE, 113.65; COOPORTUNITY HEALTH, SE, 30203.83; DAKTRONICS, SU, 29498.00; DAVE'S UNIFORM CLEANING, SE, 63.00; DIAMOND VOGEL PAINTS, SU, 161.97; DUTTON-LAINSON, SU, 4845.75; ECHO GROUP, SU, 1256.14; FASTENAL, SU, 342.52; GERHOLD CONCRETE, SU, 3745.58; GRAPHIC CONTROLS, SU, 488.74; HAWKINS, INC, SU, 1068.87; HEWLETT-PACKARD, SU, 1043.00; IRS, TX, 115.09; JEO CONSULTING GROUP, SE, 5183.00; KELLY SUPPLY, SU, 546.51; KRIZ-DAVIS, SU, 679.48; NE DEPT OF REVENUE, TX, 10.91; NPPD, SE, 246585.27; OLSSON ASSOCIATES, SE, 2319.20; PIEPER & MILLER, SE, 5117.80; PITNEY BOWES, SU, 648.00; QUILL, SU, 891.61; RON'S RADIO, SU, 204.20; SKARSHAUG TESTING LAB, SE, 143.15; STADIUM SPORTING GOODS, SU, 583.50; TYLER TECHNOLOGIES, SE, 2359.96; VAN DIEST SUPPLY, SU, 416.00; VERIZON, SE, 146.48; WATCHGUARD VIDEO, SU, 315.00; WAYNE RUGBY CLUB, RE, 1000.00; WAPA, SE, 31954.81; WISNER WEST, SU, 121.82

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

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the City Auditorium 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.

Cap Peterson of Northeast Nebraska Insurance Agency, the city's property and casualty insurance carrier, presented the City with a dividend check in the amount of \$1,377.61. This is the 16th dividend paid by the Company out of the past 20 years

Phil Monahan advised the Council that he was again appointed as the Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. Todd Hoeman and Brandon Ziska will be the First and Second Assistants respectively.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving the appointment of Phil Monahan as Fire Chief. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Friday, July 11th, the Committee is requesting the closure of the following streets from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not including the Pearl and Logan Street intersections.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, approving the request of the Chicken Show Committee to close the following streets on Friday, July 11th from 2:30 p.m. until 2:00 a.m. for the Annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from Pearl Street to Logan Street; and 3rd Street from Pearl Street to Logan Street, not

including the Pearl and Logan Street intersections. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 12th, the Committee is requesting the closure of the following streets from 6:00 a.m. until 5:00 p.m., for the Annual Chicken Show Celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and Douglas Street from 8th Street to 10th Street. The intersections at 10th and Douglas and 10th and Lincoln Streets are also requested to be closed.

Councilmember Muir made a motion, which was seconded by Councilmember Ley approving the request of the Chicken Show Committee to close the following streets on Saturday, July 12th from 6:00 a.m. until 5:00 p.m. for the annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; Douglas Street from 8th Street to 10th Street; and the intersections at 10th and Douglas and 10th and Lincoln Streets. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, representing Wayne Area Economic Development, Inc., and on behalf of the Chicken Show Committee, was requesting the following streets be closed during the Chicken Show activities:

- ❖ On Saturday, July 12th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Lincoln Street from 10th Street to 7th Street will also be used for the parade.

Councilmember Ley made a motion, which was seconded by Councilmember Eischeid approving the request of the Chicken Show Committee to close the following streets on Saturday, July 12th for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Resolution No. 2014-36 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-36

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS' REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Councilmember Sievers introduced Ordinance No. 2014-12 and moved for approval of the second reading thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IX. NONCONFORMING USES BY AMENDING SECTION 90-753 NONCONFORMING STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Administrator Johnson stated in his memo that on April 22nd, a five year old boy was bitten by a dog on a leash. Because of the seriousness of the injury from the dog bite and prior history of the dog actions at the Wayne Vet Clinic, the Police Department impounded the dog and declared it to be “vicious” under the descriptions in the City Code.

Marlen Chinn, Police Chief, stated that on April 22nd, they were notified by Providence Medical Center hospital staff about a dog bite victim that came into the hospital. He then reviewed the information that was gathered by the investigating officer. The injury required both internal and external stitches. Police Chief Chinn, upon review of the City Code, deemed the dog to be “vicious” pursuant to the following definitions:

Vicious dog means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;
2. Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this article;
3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;

The dog was then impounded, and the owners were given a copy of the ordinance so that they knew the steps and procedures they could take regarding their dog.

It was noted that the Council can uphold the findings of the Wayne Police Department and declare this dog as “vicious,” and then follow what is required by the City Code, or Council can amend the code to change the definition of a vicious dog and/or change what happens to a dog that is declared vicious. If the Council does not

agree with the Wayne Police Department's findings and they don't believe this is a "vicious" dog, they can overrule the same. The appeal today is just whether or not this is a "vicious" dog by definition of the City Code. It was noted that the City Code differs from State Statutes.

Attorney Miller stated she talked to the parents of the boy, and they just want to make sure that this doesn't happen again.

Josh Calkin, the owner of the dog, has made a written request to the Council to repeal the decision of the Wayne Police Department to declare their dog as a vicious animal. They have never had an incident where the dog has lashed out at anyone, including family, friends and children thereof. They believe the dog was startled. The muzzling at the vet clinic began when they brought him on a visit for an injury to his rear leg. They are planning on fencing their property, and the dog will always be leashed and muzzled when off their premises.

There was some indecision as to whether the injury was the result of a dog bite or clawing because of the scratch marks underneath and around the incision.

Mayor Chamberlain did not agree with overturning the Police Department's decision.

Wayne Veterinarian Lauri Zink spoke and stated a fence and basket muzzle would be a good resolution in this situation.

Councilmember Eischeid did not think this dog was vicious. He felt the decision should be overturned and the dog should be released to the owners. The owners are taking measures to insure this will not happen again.

Councilmember Sievers stated there are two sides to this story – you have to make sure your children are educated about running up to a dog and you have to make sure you have your dog under control.

Mayor Chamberlain opined that as a dog owner, you have to be responsible, and if you're going to take your dog out into the public, and it's going to be startled and provoked to the point of attack when you have it out in the public when somebody walks up next to it, then don't take it out in public. He also noted that there are responsibilities that have to fall on the parents as well.

Cap Peterson stated from an insurance standpoint, the Council has some decisions to make and not just for this one situation. The police are following the code that the Council has adopted. In regard to the City's insurance, the Code is what they go by if they have to defend anything that the City Council did with the Code they have.

Councilmember Giese stated the Council's job, as he sees it, is to determine if this dog fits these definitions of a "vicious" dog. He did not feel the dog fell under any of the provisions of Sections 1, 2, or 3, of the Wayne City Code.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid to grant the appeal put forth to the City Council of the dog impoundment by the Wayne Police Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Muir who voted Nay, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, stated the following ordinance would vacate East 4th Street lying within Cityside Addition. Following this agenda item is a public hearing on the preliminary and final plat for Pace Addition (Cityside Addition). There is

an existing dedicated 4th Street through that addition that does not line up with 4th Street as it goes through the subdivision to the west, which is the Bencoter Addition. When we dedicate the new plat, the new dedication will align those streets.

Councilmember Eischeid introduced Ordinance No. 2014-20, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-20

AN ORDINANCE APPROVING VACATION OF A PORTION OF EAST 4TH STREET LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, DESCRIBED AS E. 4TH STREET LYING BETWEEN THE WEST LINE OF CITYSIDE ADDITION AND THE EAST LINE OF CITYSIDE ADDITION.

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

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

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, to move for final approval of Ordinance No. 2014-20. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, 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 Pace Addition, more particularly described as a replat of Tract E of the Cityside Addition and the land south of Cityside Addition to Logan Creek. The applicant

is Wayne County who is purchasing some of this property from the owners of Cityside Addition.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the Preliminary and Final Plat for Pace 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.

The Subdivision Agreement will be brought forward at the next Council meeting for Council consideration.

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 Eischeid introduced Resolution No. 2014-38, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2014-38

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR “PACE ADDITION.”

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to rezoning the area referenced as Lot 1, Pace Addition, from R-4 Residential District to I-1 Light Industrial and Manufacturing District. The Applicant is Wayne County.

The Planning Commission reviewed the rezoning request at their public hearing on May 5, 2014, and forwarded a recommendation to approve the same subject to the following “Findings of Fact:”

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

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 Eischeid introduced Ordinance No. 2014-13, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-13

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOT 1, PACE ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM R-4 RESIDENTIAL TO I-1 LIGHT INDUSTRIAL.

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

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

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, to move for final approval of Ordinance No. 2014-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-10 Definitions, by amending the definition of "Townhouse." The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 5, 2014, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

The amended definition is as follows:

Townhouse means one of a group or row of not less than two, nor more than 12, attached single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. **Each dwelling unit shall be on its own lot and shall have its own front and rear access to the outside.** For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

Wendy Vawser spoke in favor of the amendment.

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

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

Councilmember Sievers introduced Ordinance No. 2014-14, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2014-14

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-10 Definitions, by adding the definition of "Attached." The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 5, 2014, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

The definition is as follows:

Attached (for the purpose of determining when new construction constitutes enlarging a primary structure on a lot) means sharing a common wall which has an opening providing access between interior spaces. An enclosed breezeway connecting two structures shall not mean the two structures are attached.

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

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

Councilmember Ley introduced Ordinance No. 2014-15, and moved for approval thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2014-15

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-10 Definitions, by adding the definition of "Breezeway." The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 5, 2014, and forwarded a recommendation to approve the same subject to the following "Findings of Fact:"

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

The definition is as follows:

Breezeway means a narrow structure with a roof and no walls that connects two buildings. An accessory structure connected to a primary structure by a breezeway shall not be considered attached.

Attorney Miller suggested amending the definition to insert the following language: A breezeway that has been enclosed or other passageway between the out building and primary structure must be less than 8 feet in width.

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

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

Councilmember Giese introduced Ordinance No. 2014-16, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2014-16

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

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

Joel Hansen, Street Superintendent, stated the following two ordinances would amend City Code to match the existing signage on the streets in the northwest and northeast quadrants of the City.

Councilmember Eischeid introduced Ordinance No. 2014-17, and moved for approval thereof; Councilmember Giese seconded.

ORDINANCE NO. 2014-17

AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Giese introduced Ordinance No. 2014-18, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-18

AN ORDINANCE TO AMEND SECTION 78-127 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST 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, the Mayor declared the motion carried. The second reading will take place at the next meeting.

The following ordinance would amend the Wayne Municipal Code, Section 26-82 Appointment of Members to the Civil Service Commission to balance the members of political parties serving on the Commission. This is a result of adding two additional members to the Commission.

Councilmember Muir introduced Ordinance No. 2014-19, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-19

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 26 CIVIL SERVICE, ARTICLE III CIVIL SERVICE COMMISSION, SECTION 26-82 APPOINTMENT OF MEMBERS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

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

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

Councilmember Muir made a motion and Councilmember Sievers seconded to move for final approval of Ordinance No. 2014-19. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The following Resolution would approve the Letter Agreement for professional services with Olsson Associates for the Wayne Airport Wastewater Pump Station Project for a sum of not to exceed \$23,985.00. Administrator Johnson was comfortable with hiring Olsson Associates as long as Rod Hanson was the engineer on the project.

Councilmember Eischeid introduced Resolution No. 2014-39, and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-39

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE “WAYNE AIRPORT WASTEWATER PUMP STATION PROJECT.”

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

The following Resolution would approve an amendment to the “Market Based Rate Partial and Full Requirements Agreement” between the City of Wayne and Big Rivers Electric Corporation.

This would amend the December 2013 contract for wholesale electric power with Big Rivers Electric Corporation in Kentucky. Big Rivers and other private utilities are subject to review and rate approvals by the Kentucky Public Service Commission. This amendment is already approved by Big Rivers and allows our contract to be assigned to

the Kentucky Public Service Commission in the event of a default. This amendment is to the City's advantage.

Councilmember Eischeid introduced Resolution No. 2014-41, and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-41

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE MARKET BASED RATE PARTIAL AND FULL REQUIREMENTS AGREEMENT PREVIOUSLY ENTERED INTO WITH BIG RIVERS ELECTRIC CORPORATION.

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

The following Resolution would approve the 2014 Grant Contract between the Nebraska City-County Management Association and the Nebraska Environmental Trust to commit to the use of the funds for alternative fuel city vehicles. We, along with other communities, submitted an application in 2013 for a grant of \$30,000 in Nebraska Environmental Trust Funds to purchase two natural gas or electric powered city fleet vehicles. The only match for these grant funds is the remaining cost of the vehicles.

Councilmember Giese introduced Resolution No. 2014-42, and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2014-42

A RESOLUTION APPROVING THE 2014 GRANT CONTRACT BETWEEN THE NEBRASKA CITY-COUNTY MANAGEMENT ASSOCIATION AND THE NEBRASKA ENVIRONMENTAL TRUST.

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

The following Resolution would require the property owners at 111 Fairgrounds Avenue to reinstall the sidewalk that was previously removed. The City has received a complaint from NorthStar Services about the lack of a safe sidewalk for their clients to access on a daily basis.

Councilmember Muir introduced Resolution No. 2014-43, and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2014-43

A RESOLUTION ORDERING THE CONSTRUCTION OF A SIDEWALK ON TAX LOT 22 (50X100 FT. TRACT) IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 111 FAIRGROUNDS AVENUE, WAYNE, NEBRASKA.

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

The following Resolution would require the property owners at 113 Fairgrounds Avenue to reinstall the sidewalk that was previously removed. The City has received a complaint from NorthStar Services about the lack of a safe sidewalk for their clients to access on a daily basis.

Councilmember Giese introduced Resolution No. 2014-44, and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-44

A RESOLUTION ORDERING THE CONSTRUCTION OF A SIDEWALK ON TAX LOT 79 PT OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 113 FAIRGROUNDS AVENUE, WAYNE, NEBRASKA.

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

A pay request has been received from Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project in the amount of \$30,079.37. The engineer on the project has approved the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Pay Application No. 5 in the amount of \$30,079.37 to Robert Woehler & Sons Construction for the Chief's Way Sanitary Sewer & Water Extension Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to enter into executive session for the annual review of the City Administrator, to protect the reputation of the Administrator, and to allow Attorney Miller to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:50 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the annual review of the City Administrator.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 8:15 p.m.

Councilmember Brodersen introduced Resolution No. 2014-40 and moved for its approval, with the agreement being for 12 months and with a 2% cost of living adjustment to the City Administrator's salary; Councilmember Muir seconded.

RESOLUTION NO. 2014-40

A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

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

Councilmember Giese made a motion, which was seconded by Councilmember Ley, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 8:20 p.m.

CLAIMS LISTING JUNE 3, 2014

ADVANCED CONSULTING	10TH & MAIN INTERSECTION/WINDOM ST	8,927.50
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,997.72
ARNIE'S FORD-MERCURY INC	VEHICLE REPAIRS	391.21
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	105.00
BINSWANGER GLASS	DOOR PIVOT REPAIR	125.56
BLACK HILLS ENERGY	GAS BILLING	555.65
BRIAN BRUCKNER	ENERGY INCENTIVE	194.88
BRIAN LOBERG	TREE INCENTIVE	49.78
CENTURYLINK	TELEPHONE CHARGES	314.19
CHEMQUEST, INC.	COOLING WATER TREATMENT	3,245.00
CHILD SUPPORT	PAYROLL DEDUCTIONS	100.00
CITY OF WAYNE	AUDITORIUM RENTAL	225.00
CITY OF WAYNE	BUILDING DEPOSIT REFUNDS	100.00
CITY OF WAYNE	PAYROLL	67,687.95
CITY OF WAYNE	BASEBALL/SWIM LESSON REFUNDS	50.00
CITY OF WAYNE	UTILITY REFUNDS	473.03
CLAUSSEN & SONS IRRIG.	HANK OVERIN IRRIGATION TURN ON	45.00
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	99.76
DOUGLAS CO COURT	BOND	74.00
DUTTON-LAINSON COMPANY	LED FIXTURE	314.18
ECHO GROUP INC JESCO	WIRE GUARD/FUSE	483.43
ED. M FELD EQUIPMENT CO	FOAM	485.80
ENGINEERING & TECHNICAL	SEAL WORK/SITE INSPECTION	1,000.00
FIRST CONCORD GROUP LLC	FLEX	4,857.46
GERHOLD CONCRETE CO INC.	CONCRETE-SB COMPLEX	7,726.66
GIS WORKSHOP	GIS ONLINE/PHONE SUPPORT	4,000.00
GURKAN OZENCI	LB 840 LOAN	125,000.00
HELENA CHEMICAL CO.	FERTILIZER	120.00
HEWLETT-PACKARD	COMPUTER	883.16
HOMETOWN LEASING	POLICE COPIER LEASE	73.51
HUNTEL CABLEVISION	TELEPHONE CHARGES	1,656.12
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	7,090.93
IRS	FEDERAL WITHHOLDING	24,074.53
CITY EMPLOYEE	HEALTH REIMBURSEMENT	71.42
JEO CONSULTING GROUP	HILLSIDE/TRAIL RELOCATE/GRAINLAND RD	6,376.25
KRIZ-DAVIS COMPANY	HUBS	59.64
MES-MIDAM	WINDSHIELD CUTTER TOOL	599.00
MIKE MCINTOSH	FLOODPLAIN CONFERENCE	125.00
MISS MOLLY'S COFFEE	CHAMBER COFFEE SUPPLIES	60.00
NANCI WALSH	MFO DOCUMENTS	300.00
NE DEPT OF ENVIRONMENTAL	NWOD CONFERENCE	781.00
NE DEPT OF ENVIRONMENTAL	CLEAN WATER SRF/DRINKING WATER SRF	199,878.03

NE DEPT OF REVENUE	STATE WITHHOLDING	3,312.84
NE PUBLIC HEALTH	COLIFORM TESTING	781.00
NORTHEAST NE PUBLIC POWER	ELECTRICITY	5,237.00
ODEYS INC	BASEBALL EQUIPMENT-BAG/SLIDE/HELMETS	9,520.23
OTTE CONSTRUCTION COMPANY	HOUSING FOR COOLING TOWER	16,470.00
OVERHEAD DOOR COMPANY	SPRING REPAIRS	854.75
ROBERT WOehler & SONS	CHIEF'S WAY SANITARY SEWER	30,079.37
SARPY CO SHERIFFS OFFICE	BOND	148.00
STANLEY MALLETT	ENERGY INCENTIVE/AUDIT	345.50
VAN DIEST SUPPLY	FERTILIZER	468.80
VERIZON WIRELESS SERVICES	CELL PHONES	93.93
VIAERO	CELL PHONES	250.85
WAYNE STATE SOCCER	DONATION FOR RUNNING THE PROGRAM	1,200.00
WEST PAYMENT CENTER	LAW BULLETIN	277.08
WIGMAN COMPANY	RESTROOM REPAIRS	1,013.23
WISNER WEST	FD-GASOLINE	60.66

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, despite advantages in medical technology and research, men continue to live an average of five years less than women, with African-American men having the lowest life expectancy; and

WHEREAS, educating the public and healthcare providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and

WHEREAS, men who are educated about the value of preventative health will be more likely to participate in health screenings; and

WHEREAS, the Men's Health Network worked with Congress to develop national Men's Health Week as a special campaign to help educate men and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS, Nebraska Men's Health Week will focus on a broad range of men's health issues, including heart disease, diabetes, prostate, testicular and colon cancer; and

WHEREAS, the citizens of Wayne are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise and medical check-ups.

NOW, THEREFORE, be it resolved that I, Ken Chamberlain, Mayor, do hereby proclaim the week of June 9-15, 2014, as "Men's Health Week" in Wayne, and I do hereby urge all citizens to take due note of the observance and pursue preventative health practices and early detection efforts.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the City of Wayne this 3rd day of June, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Ken Chamberlain, Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2014-45

WHEREAS, Lutt Oil & Service, LLC, d/b/a “Lutt Oil & Service” made application to the Nebraska Liquor Control Commission for a Retail Class D Liquor License at 310 South Main Street, Wayne, Wayne County, Nebraska; and

WHEREAS, said application has been forwarded to the City of Wayne for public hearing and recommendation by the City Council; and

WHEREAS, notice of hearing on said application was published in one issue of the Wayne Herald on May 22, 2014; and

WHEREAS, hearing was held on June 3, 2014, and all persons desiring to present evidence for or against said application were heard.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the application of the license aforementioned be recommended to the Nebraska Liquor Control Commission.

PASSED AND APPROVED this 3rd day of June, 2014.

THE CITY OF WAYNE, NEBRASKA,

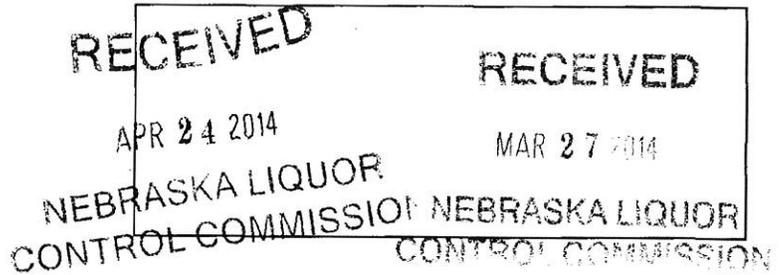
By _____
Mayor

ATTEST:

City Clerk

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov



Applicant Name Rod Lutt & Christin E. Cook-Lutt

Trade Name Lutt Oil & Service, LLC. Previous Trade Name New

E-Mail Address: lutttrucking@hotmail.com D- 107250

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the state.

REQUIRED ATTACHMENTS

Each item must be checked and included with application or marked N/A (not applicable)

N/A 1. Fingerprint cards for each person (two cards per person) must be enclosed with a check payable to the Nebraska State Patrol for processing in the amount of \$38.00 per person. All areas must be completed on cards as per brochure. To prevent the delay in issuing your license, we strongly suggest you go to any Nebraska State Patrol office or law enforcement agency listed in the enclosed fingerprint brochure.

X 2. Enclose application fee of \$400, check made payable to the Nebraska Liquor Control Commission.

X 3) Enclose the appropriate application forms;
Individual License (requires insert form 1)
Partnership License (requires insert form 2)
Corporate License (requires insert form 3a & 3c)
Limited Liability Company (LLC) (requires form 3b & 3c)



N/A 4. If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company making application. Lease term must run through the license year being applied for.

X 5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.

N/A 6. If buying the business of a current liquor license holder:
a) Provide a copy of the purchase agreement from the seller (must read applicants name)

OK 28191
\$400 - mm Jt



- b) Provide a copy of alcohol inventory being purchased (must include brand names and container size)
- c) Enclose a list of the assets being purchased (furniture, fixtures and equipment)

- NA 7. If planning to operate on current liquor license; enclose Temporary Operating Permit (T.O.P.)(form 125).
- X 8. Enclose a list of any inventory or property owned by other parties that are on the premise.
- X 9. For citizenship, residency and voter registration requirements see enclosed brochure.
- X 10. Corporation or Limited Liability Company must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office. This document must show barcode.
- X 11. Submit a copy of your business plan.

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.



Signature

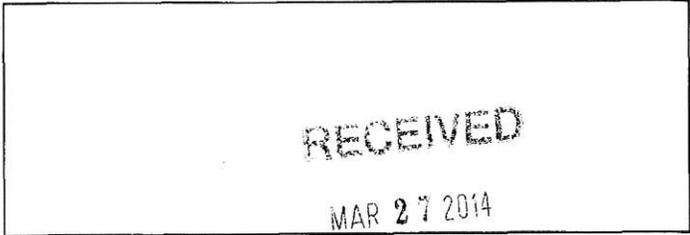
3-26-14
Date

RECEIVED
MAR 27 2014
NEBRASKA LIQUOR
CONTROL COMMISSION

RECEIVED
APR 24 2014
NEBRASKA LIQUOR
CONTROL COMMISSION

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/



NEBRASKA LIQUOR
CONTROL COMMISSION

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S) Application Fee \$400 (non refundable)

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

RECEIVED

APR 24 2014

Class C license term runs from November 1 – October 31
All other licenses run from May 1 – April 30
Catering license (K) expires same as underlying retail license

NEBRASKA LIQUOR
CONTROL COMMISSION

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert form 1)
- Partnership License (requires insert form 2)
- Corporate License (requires insert form 3a & 3c)
- Limited Liability Company (LLC) (requires form 3b & 3c)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)
Commission will call this person with any questions we may have on this application**

Name Amy K. Miller Phone number: (402)375-3585
Firm Name Pieper & Miller

PREMISE INFORMATION

RECEIVED

Trade Name (doing business as) Lutt Oil & Service

Street Address #1 310 South Main Street

MAR 27 2014

Street Address #2 _____

City Wayne

County Wayne

NEBRASKA LIQUOR CONTROL COMMISSION

Zip Code 68787

Premise Telephone number (402) 375-3555

Is this location inside the city/village corporate limits: YES NO

Mailing address (where you want to receive mail from the Commission)

Name Lutt Oil & Service c/o Rod Lutt

Street Address #1 310 South Main Street

Street Address #2 _____

City Wayne

State NE

Zip Code 68787

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

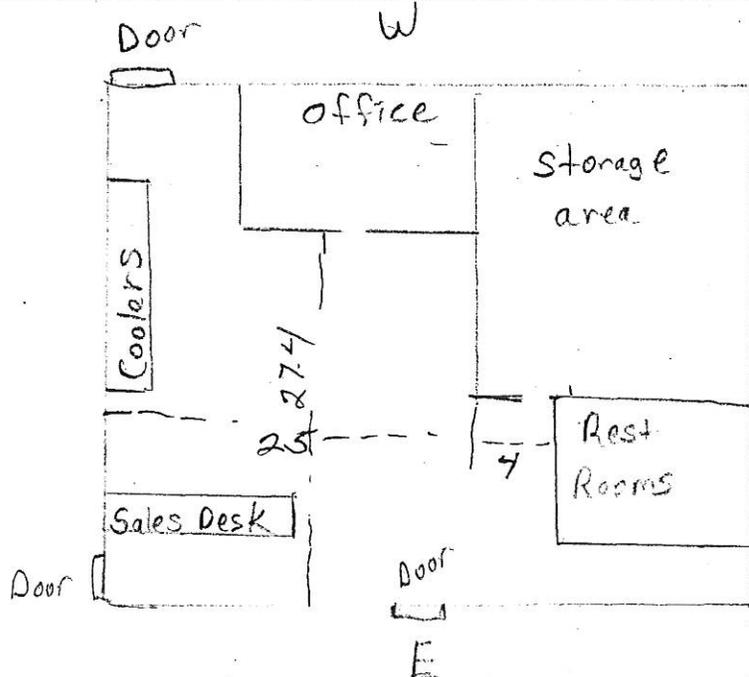
READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and **number of floors** of the building.

**For on-premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Length 27.4 feet
Width 25.0 feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET



1 story +
attic storage

RECEIVED

APR 24 2014

NEBRASKA LIQUOR CONTROL COMMISSION

FORM 100
REV 11/2010
PAGE 4

----- Highway 15 -----

APPLICANT INFORMATION

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Rod Lutt	07/2011	Hartington, NE	Speeding	\$25.00

RECEIVED
MAR 27 2014
NEBRASKA LIQUOR CONTROL COMMISSION

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number _____

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, give name and license number _____

RECEIVED
APR 24 2014

4. Are you filing a temporary operating permit to operate during the application process?

YES NO

If yes:

- a) Attach temporary operating permit (T.O.P.) (form 125)
- b) T.O.P. will only be accepted at a location that currently holds a valid liquor license.

NEBRASKA LIQUOR CONTROL COMMISSION

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) State Nebraska Bank, City of Wayne LB840 Funds

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (All involved persons must be disclosed on application)

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No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner.

8. Is premise to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

State Nebraska Bank a) Rod Lutt

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

None

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CONTROL COMMISSION

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- a) Individual, applicant only (no spouse)
- b) Partnership, all partners (no spouses)
- c) Corporation, manager only (no spouse) as listed on form 3c
- d) Limited Liability Company, manager only (no spouse) as listed on form 3c

NONE

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NEBRASKA LIQUOR CONTROL COMMISSION

Applicant Name	Date Trained (mm/yyyy)	Name of program where trained (name, city)

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. **Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.**

- Lease: expiration date _____
- Deed
- Purchase Agreement

14. When do you intend to open for business? Already open; will sell alcohol when license is approved

15. What will be the main nature of business? Gas station/Convenience store

16. What are the anticipated hours of operation? 7:00 a.m. to 11:00 p.m.

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Rod Lutt - Wayne, NE	1966	2014	Christine Cook-Lutt - Wayne, NE	1988	2014

If necessary attach a separate sheet.

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NEBRASKA LIQUOR CONTROL COMMISSION

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.


Signature of Applicant


Signature of Spouse

Signature of Applicant

Signature of Spouse

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Signature of Applicant

Signature of Spouse

NEBRASKA LIQUOR CONTROL COMMISSION

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

RECEIVED

APR 24 2014

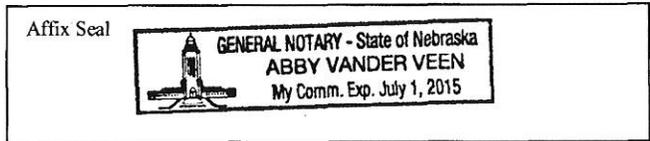
ACKNOWLEDGEMENT

NEBRASKA LIQUOR CONTROL COMMISSION

State of Nebraska
County of Wayne
March 26, 2014
date

The foregoing instrument was acknowledged before me this
by Rod Lutt + Christine E Cook-Lutt
name of person acknowledged

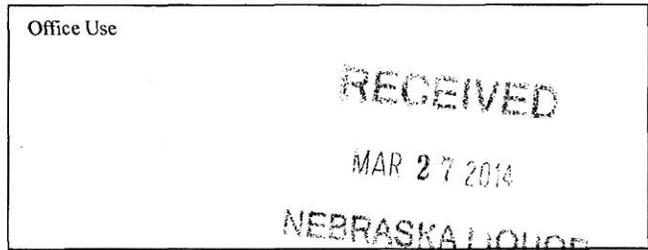
Abby Vander Veen
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov



All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints (2 cards per person)
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (Articles must show barcode receipt by Secretary of States office)

Name of Registered Agent: Rod Lutt

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Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Lutt Oil & Service, LLC.

010187240

APR 24 2014
NEBRASKA LIQUOR
CONTROL COMMISSION

LLC Address: 310 South Main Street

City: Wayne State: NE Zip Code: 68787

LLC Phone Number: (402) 375-0758

LLC Fax Number _____

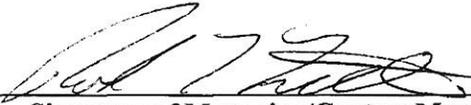
Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Lutt First Name: Rod MI: L

Home Address: 708 Haas City: Wayne

State: NE Zip Code: 68787 Home Phone Number: (402) 375-0758


Signature of Managing/Contact Member

ACKNOWLEDGEMENT

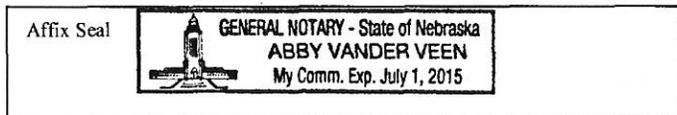
State of Nebraska
County of Wayne

March 26, 2014
Date

Abby Vander Veen

The foregoing instrument was acknowledged before me this

by Rod Lutt + Christin E. Cook Lutt
name of person acknowledge



List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Lutt First Name: Rod MI: L

Social Security Number: _____ Date of Birth: 12/1/66

Spouse Full Name (indicate N/A if single): Christin E. Cook-Lutt

Spouse Social Security Number _____ Date of Birth: 4/17/70

Percentage of member ownership 100%

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Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

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Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

NEBRASKA LIQUOR CONTROL COMMISSION

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

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Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

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Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

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If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above _____
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

MAR 27 2014

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CONTROL COMMISSION

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

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In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

Office Use

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CONTROL COMMISSION

Corporate manager, including their spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 – 006) and must provide proof of voter registration in the State of Nebraska
- 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
- 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
- 5) Must be 21 years of age or older
- 6) May be required to take a training course

Corporation/LLC information

Name of Corporation/LLC: Lutt Oil & Service, LLC.

Premise information

Premise License Number: _____ (if new application leave blank)

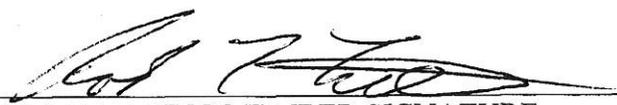
Premise Trade Name/DBA: Lutt Oil & Service

Premise Street Address: 310 South Main Street

City: Wayne State: NE Zip Code: 68787

Premise Phone Number: (402) 375-555

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.
http://www.lcc.ne.gov/license_search/licsearch.cgi

X Applicant 
CORPORATE OFFICER/MANAGING MEMBER SIGNATURE
(Faxed signatures are acceptable)

Manager's information must be completed below. PLEASE PRINT CLEARLY

Gender: MALE FEMALE
 Last Name: Lutt First Name: Rod MI: L
 Home Address (include PO Box if applicable): 708 Haas
 City: Wayne County: Wayne Zip Code: 68787
 Home Phone Number: (402) 375 - 0758 Business Phone Number: (402) 375 - 3555
 Social Security Number _____ Drivers License Number & State: G27002612 NE
 Date Of Birth: 12/1/66 Place Of Birth: Wayne, NE

Are you married? If yes, complete spouse's information. (Even if a spousal affidavit has been submitted)

YES NO

MAR 27 2014

NEBRASKA LIQUOR

Spouse's information

Spouses Last Name: Cook-Lutt First Name: Christin MI: E
 Social Security Number: _____ Drivers License Number & State: G27001393 NE
 Date Of Birth: 4/17/70 Place Of Birth: Kansas City, MO

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS

APPLICANT

SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Wayne, NE	1966	2014	Wayne, NE	1988	2014

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NEBRASKA LIQUOR CONTROL COMMISSION

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
1986	current	Self-employed	None	

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

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NEBRASKA LIQUOR
CONTROL COMMISSION

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
Lutt, Rod	07/2011	Hartington, NE	Speeding	\$25.00

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CONTROL COMMISSION

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? YES NO
IF YES, list the name of the premise.

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business? YES NO

4. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application? (Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)
 YES NO State Patrol provided separately with a fee

5. List any alcohol related training and/or experience (when and where).
 None

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

[Signature]
Signature of Manager Applicant

[Signature]
Signature of Spouse

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MAR 27 2014

ACKNOWLEDGEMENT

NEBRASKA LIQUOR CONTROL COMMISSION

State of Nebraska

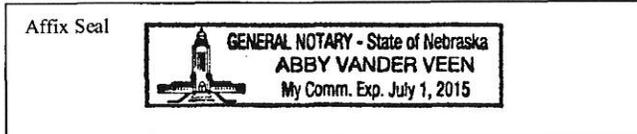
County of Wayne

The foregoing instrument was acknowledged before me this

March 26, 2014
date

by Rod Lutt + Christin E. Cork-Lutt
name of person acknowledged

Abby Vander Veen
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

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NEBRASKA LIQUOR CONTROL COMMISSION Form 103 Rev 11/2012 Page 5 of 5

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RESOLUTION NO. 2014-46

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

WHEREAS, the City of Wayne, Nebraska, a municipal corporation and city of the first class (the “City”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared the area legally described in **Exhibit A** attached hereto (the “**Redevelopment Area**”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority (the “**Authority**”) as successor to the Community Development Community Agency of the City of Wayne, Nebraska has prepared or caused to be prepared a Redevelopment Contract Amendment including a Redevelopment Plan Amendment (the “**Redevelopment Plan Amendment**”), in the form attached hereto as **Exhibit B**, for the redevelopment of that portion of the Redevelopment Area legally described on **Exhibit B**; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan Amendment pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

WHEREAS, the City has reviewed the Redevelopment Plan Amendment and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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

Section 1. The Redevelopment Plan Amendment is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of the recommendations of the Authority and Planning Commission with respect to the Redevelopment Plan Amendment.

Section 2. The Redevelopment Plan Amendment is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Mayor in his sole and absolute discretion. The Mayor and Clerk are hereby authorized to execute the Notice to Divide Taxes and file the same with the Assessor and Treasurer of Wayne County.

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area, to wit: Lot Lots 1 & 19 Bencoter Addition Planned Unit Development Replat 2 to the City of Wayne, Wayne County, Nebraska, for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be January 1, 2014. Said taxes shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. Specifically, such portion is pledged to the payment of principal and interest on the TAX INCREMENT REVENUE BOND OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA (Bencoter Project) SERIES 2009 A. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

PASSED AND APPROVED this 3rd day of June, 2014.

CITY OF WAYNE, NEBRASKA

ATTEST:

By: _____
Clerk

By: _____
Mayor

EXHIBIT A

LEGAL DESCRIPTION OF BLIGHTED AND SUBSTANDARD AREA

Lots 1 & 19 Bencoter Addition Planned Unit Development Replat 2 to the City of Wayne, Wayne
County, Nebraska

* * * * *

EXHIBIT B

(Attach Redevelopment Contract Amendment)

AMENDED REDEVELOPMENT CONTRACT

This Amended Redevelopment Contract is made and entered into on the 27th day of May, 2014, by and between the Community Redevelopment Authority of the City of Wayne, Nebraska (Authority) and Louis Benscoter (Developer).

W I T N E S S E T H:

WHEREAS, the Authority is a duly organized and existing Community Redevelopment Authority, a body politic and corporate under the laws of the State of Nebraska, with lawful power and authority to enter into this Redevelopment Contract and is successor in interest to the former Community Development Agency of the City of Wayne, Nebraska (“Agency”);

WHEREAS, the City of Wayne, Nebraska (the "City"), in furtherance of the purposes and pursuant to the provisions of Section 12 of Article VIII of the Nebraska Constitution and Sections 18-2101 to 18-2154, Reissue Revised Statutes of Nebraska, 1943, as amended (collectively the Act), has designated an area described on the attached Exhibit A as a blighted and substandard area; and

WHEREAS, the Authority has completed all procedures necessary for adoption of an Amended Redevelopment Plan and approval of an Amended Redevelopment Contract; and

WHEREAS, Agency and Developer have previously entered into a Redevelopment Contract dated _____ (the “Prior Agreement”), and Authority and Developer wish that this Amended Redevelopment Contract amend the Prior Agreement and amend the prior Redevelopment Plan, by pledging certain incremental ad valorem tax revenues, that were incorrect in the prior contract and plan.

NOW, THEREFORE, in consideration of the premises and the covenants and agreements herein set forth, Authority and Developer do hereby covenant, agree and bind

themselves as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATION

Section 1.01 Terms Defined in this Redevelopment Contract.

Unless the context otherwise requires, the following terms shall have the following meanings for all purposes of this Redevelopment Contract, such definitions to be equally applicable to both the singular and plural forms and masculine, feminine and neuter gender of any of the terms defined:

"Act" means Section 12 of Article VIII of the Nebraska Constitution, Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, 2012, as amended, and acts amendatory thereof and supplemental thereto.

"Bondholder" means the holders of Bonds issued by the Authority from time to time outstanding.

"Bonds" or "Series 2009 A Bonds" means the Authority's Community Redevelopment Revenue Bonds (Louis Benschoter Project), Series 2009 A Bonds issued pursuant to Section 18-2147 and 18-2150 of the Act "Bonds".

"Governing Body" means the City Council of the City.

"Premises" or "Redevelopment Area" means all that certain real property situated in Wayne, Wayne County, Nebraska, more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

"Project" means the improvements to the Premises, as further described in Exhibit C attached hereto and incorporated herein by reference.

"Project Costs" means only costs or expenses incurred by Developer to acquire, construct and equip the Project pursuant to the Act, including, but not limited to costs for: obtaining options to purchase, purchase and closing, including brokerage commissions, tax pro rates, title insurance premiums, land survey and engineering, soil tests, excavation, grading, infrastructure, to include paving, water, sanitary and storm sewer mains, manholes, pumping

stations, force mains, pavement (including street, intersections, curb, gutter, and sidewalks and walking trails), storm water runoff retention ponds and lake or pond construction, electric power substations and lines, including underground, street and area signage and related development fees, to include general development fees, legal, consulting and engineering fees, construction costs, including construction interest, and related off site infrastructure costs for the benefit of the project.

"Amended Redevelopment Contract" means this amended redevelopment contract between Authority and Developer dated May 28, 2014, with respect to the Project.

"Amended Redevelopment Plan" means Exhibit C attached hereto as supplemented by this Amended Redevelopment Contract and the attachments hereto, adopted by the Authority and the City pursuant to the Act, as amended from time to time.

"Resolution" means the Resolution of the City dated June 3, 2014, as supplemented from time to time, approving this Amended Redevelopment Contract and Amended Redevelopment Plan.

"TIF Revenues" means incremental ad valorem taxes generated by the Project which are allocated to and paid to the Authority pursuant to the Act.

"City" means the City of Wayne, Nebraska.

Section 1.02 Construction and Interpretation.

The provisions of this Redevelopment Contract shall be construed and interpreted in accordance with the following provisions:

(a) This Redevelopment Contract shall be interpreted in accordance with and governed by the laws of the State of Nebraska, including the Act.

(b) Wherever in this Redevelopment Contract it is provided that any person may do or perform any act or thing the word "may" shall be deemed permissive and not mandatory and it shall be construed that such person shall have the right, but shall not be obligated, to do and perform any such act or thing.

(c) The phrase "at any time" shall be construed as meaning "at any time or

from time to time.

(d) The word "including" shall be construed as meaning "including, but not limited to."

(e) The words "will" and "shall" shall each be construed as mandatory.

(f) The words "herein, " "hereof, " "hereunder, " "hereinafter" and words of similar import shall refer to the Redevelopment Contract as a whole rather than to any particular paragraph, section or subsection, unless the context specifically refers thereto.

(g) Forms of words in the singular, plural, masculine, feminine or neuter shall be construed to include the other forms as the context may require.

(h) The captions to the sections of this Redevelopment Contract are for convenience only and shall not be deemed part of the text of the respective sections and shall not vary by implication or otherwise any of the provisions hereof.

ARTICLE II

OBLIGATIONS OF THE AUTHORITY

Section 2.01 Division of Taxes.

In accordance with Section 18-2147 of the Act, the Authority hereby amends the Redevelopment Plan of the Authority to make a provision that any ad valorem tax on real property in the that portion of the Project, described on Exhibit B, for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as provided in Section 18-2147 of the Act. The effective date of this provision shall be January 1, 2014, as to the following described real estate, to wit:

Lots 1 & 19 Benscoter Addition Planned Unit Development Replat 2 to the City of Wayne, Wayne County, Nebraska.

Section 2.02 Issuance of Bonds.

(a) 2009 A Bonds: Authority on or about September 15, 2009, did authorize the issuance of the Series 2009 A Bonds in the aggregate principal amount of approximately \$75,000.00, and bearing interest from and after the date of issue, bearing interest at Seven

Percent (7%) per Series 2009 A Bonds). The Series 2009 A Bonds are limited obligations of the Authority, and shall be solely payable from and secured by TIF Revenues and other security specifically pledged therefore.

Section 2.03 Pledge of TIF Revenues.

Pursuant to the Resolution, the Authority has pledged the TIF Revenues as Security for the Bonds.

Section 2.04 Creation of Fund.

Authority will create a special fund to collect and hold the TIF Revenues. Such special fund shall be used for no purpose other than to pay Bonds issued pursuant to Sections 2.02 above.

Section 2.05 Perform Obligations of Redevelopment Plan.

Authority will perform, or provide for the performance, in a timely manner, of all obligations to set forth in the Redevelopment Plan required to be performed by the Authority or City, as provided in this Redevelopment Contract, and attached Exhibit C.

Section 2.06 Acknowledgement of Tax Level.

Developer, City and Authority acknowledge that the payment of the Bonds is entirely contingent on factors over which the Authority has no control, including but not limited to the assessed valuation of the project, the variation of tax levies established in the future by taxing entities, statutory, constitutional and court ruling changes. The City specifically acknowledges that all TIF Revenues shall be allocated to the payment of the Series A Bonds, as provided in Exhibit C, until all of such semiannual payments and interest and delinquent interest thereon is paid in full.

ARTICLE III

DEFAULT, REMEDIES; INDEMNIFICATION

Section 3.01 General Remedies of Agency and Developer.

Subject to the further provisions of this Article VI, in the event of any failure to perform or breach of this Redevelopment Contract or any of its terms or conditions, by either party hereto or any successor to such party, such party, or successor, shall, upon written notice from the other, proceed immediately to commence such actions as may be reasonably designed to cure or remedy such failure to perform or breach which cure or remedy shall be accomplished within a reasonable time by the diligent pursuit of corrective action. In case such action is not taken, or diligently pursued, or the failure to perform or breach shall not be cured or remedied within a reasonable time, this Redevelopment Contract shall be in default and the aggrieved party may institute such proceedings as may be necessary or desirable to enforce its rights under this Redevelopment Contract.

For the purposes of this Redevelopment Contract, neither party, as the case may be, nor any successor shall be in breach of or in default in its performance of obligations within its control, when and without its fault, a default in such obligation occurs caused by acts of God, or Government, acts of terrorism, or in the event of enforced delay in the project due to unforeseeable causes beyond the control of the parties or either of them, including fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays in subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the Authority or of Developer with respect to construction of the Project, as the case may be, shall be extended for the period of the enforced delay: Provided, that the party seeking the benefit of the provisions of this section shall, within thirty (30) days after the beginning of any such enforced delay, have first notified the other party thereof in writing, and of the cause or causes thereof and requested an extension for the period of the enforced delay.

Section 3.02 Limitation of Liability; Indemnification.

Notwithstanding anything in this Article III or this Redevelopment Contract to the contrary neither Authority, City, nor their officers, directors, employees, agents or their governing bodies shall have any pecuniary obligation or monetary liability under this Redevelopment Contract. Specifically, but without limitation, neither City nor Authority shall be liable for any costs, liabilities, actions, demands, or damages for failure of any representations, warranties or obligations hereunder.

ARTICLE IV
MISCELLANEOUS

Section 4.01 Notice Recording.

This Redevelopment Contract or a notice memorandum of this Redevelopment Contract may be recorded with the County Register of Deeds in which the Premises is located.

Section 4.02 Governing Law.

This Redevelopment Contract shall be governed by the laws of the State of Nebraska, including but not limited to the Act.

Section 4.03 Binding Effect; Amendment.

This Redevelopment Contract shall be binding on the parties hereto and their respective successors and assigns. This Redevelopment Contract shall run with the Premises. The Redevelopment Contract shall not be amended except by a writing signed by the party to be bound.

Section 4.04 Amended Redevelopment Contract Revises Prior Agreement.

This Amended Redevelopment Contract revises, the Prior Agreement as and to the extent of the pledge of incremental ad valorem taxes. Provided, however, in all events, all bonds issued pursuant to the approved Redevelopment Plan, being the Series 2009 A bonds shall be valid, binding obligations and are hereby ratified as though fully refunded and reissued on the date hereof.

IN WITNESS WHEREOF, Authority and Developer have signed this Redevelopment Contract as of the date and year first above written.

EXHIBIT A

**DESCRIPTION OF PREMISES
(REDEVELOPMENT AREA)**

All the lots and lands included within the Benscoter Addition to the City of Wayne, Wayne County, Nebraska, as currently proposed in the preliminary plat, or hereafter subdivided.

EXHIBIT B

Description of lots pledged with effective date of January 1, 2014:

Lots 1 & 19 Benscoter Addition Planned Unit Development Replat 2 to the City of Wayne, Wayne County, Nebraska.

EXHIBIT C

DESCRIPTION OF PROJECT AND DEVELOPER'S AMENDED REDEVELOPMENT PLAN FOR LOUIS BENSCOTER PROJECT

OVERVIEW:

This plan is intended to redevelop an area within the City of Wayne, which has been declared blighted and substandard within the meaning of the Community Development Law of the State of Nebraska.

The Developer has acquired, developed and rehabilitated the real estate shown on Exhibit A to the Redevelopment Contract by constructing an approximately 30 lot housing development, with houses to be built in phases, including infrastructure on the real estate.

The Community Development Authority authorized the issuance of a bond, designated the 2009 A Bond to be repaid from the incremental tax revenues generated by the redevelopment project pursuant to §18-2147 of the Nebraska Revised Statutes, for a period of 15 years from an effective date of January 1, 2014 as described in this Amended Redevelopment Contract. The Developers will use the proceeds of the bond to assist in payment of Project Costs in the construction and acquisition of the project.

The specific purpose of this plan amendment is to revise the pledge of lots pledged to divide ad valorem taxes to support previously authorized tax increment revenue bonds, as provided in the prior agreement between the City, Authority and the Developer

RESOLUTION NO. 2014-47

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

WHEREAS, the City of Wayne, Nebraska, a municipal corporation and city of the first class (the “City”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared the area legally described in **Exhibit A** attached hereto (the “Redevelopment Area”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority, as successor to the Community Development Agency of the City of Wayne, Nebraska (the “Agency”) has prepared or caused to be prepared a Redevelopment Plan Amendment (the “Redevelopment Plan Amendment”), in the form attached hereto as **Exhibit B**, for the redevelopment of that portion of the Redevelopment Area legally described on **Exhibit A**; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan Amendment pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

WHEREAS, the City has reviewed the Redevelopment Plan Amendment and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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

Section 1. The Redevelopment Plan Amendment is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Agency, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of the recommendations of the Redevelopment Authority and Planning Commission with respect to the Redevelopment Plan Amendment.

Section 2. The Redevelopment Plan Amendment is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Mayor in her sole and absolute discretion. The Mayor and Clerk are hereby authorized to execute the Notice to Divide Taxes and file the same with the Assessor and Treasurer of Wayne County.

Section 3. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area, to wit: lots 2, 8, 9, 10, 12, 13 & 39 Amended Plat of Western Ridge II Addition, & Lot 3, 4, 5 & 6 Neihardt Administrative Replat of Lots 27-33, Amended Plat of Western Ridge II Addition and Lot 1 of the Bressler Court Administrative Replat of Lots 41-46 of the Amended Plat of Western Ridge II Addition to the City of Wayne, Wayne County, Nebraska, for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be the January 1, 2014. Said taxes shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. Specifically, such portion is pledged to the payment of principal and interest on the TAX INCREMENT REVENUE BOND OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA (Western Ridge II Subdivision Project) SERIES 2009 A. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Mayor and Clerk are hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

PASSED AND APPROVED this 3rd day of June, 2014.

CITY OF WAYNE, NEBRASKA

ATTEST:

By: _____
Clerk

By: _____
Mayor

[S E A L]

EXHIBIT A

LEGAL DESCRIPTION OF BLIGHTED AND SUBSTANDARD AREA

Lots 2, 8, 9, 10, 12, 13 & 39 Amended Plat of Western Ridge II Addition, & Lot 3, 4, 5 & 6 Neihardt Administrative Replat of Lots 27-33, Amended Plat of Western Ridge II Addition and Lot 1 of the Bressler Court Administrative Replat of Lots 41-46 of the Amended Plat of Western Ridge II Addition to the to the City of Wayne, Wayne County, Nebraska

* * * * *

EXHIBIT B

2014 REDEVELOPMENT PLAN AMENDMENT

REDEVELOPMENT PLAN

Amendment June 2014

WESTERN RIDGE SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT PROJECT

DESCRIPTION OF PLAN AMENDMENT

OVERVIEW:

The City Council approved a redevelopment plan (the “Original Plan”) prepared and recommended by the Community Development Agency and approved by the City Council for the Western Ridge II Subdivision. The Plan was subsequently amended. The Original Plan is intended to redevelop Lots 1-48 of Western Ridge II PUD Subdivision, an area within the City of Wayne, which has been declared blighted and substandard within the meaning of the Community Development Law of the State of Nebraska (the “Act”) by the construction of 48 single family residential lots, in three phases. Phase one includes 17 new homes with average value of \$130,000 and 10 with average value of \$160,000) single family homes and related site improvements.

The Community Development Agency, by ordinance of the city of Wayne has been converted to the Community Redevelopment Authority of the city of Wayne (the “Authority”) and is the owner of the real estate. The Authority is redeveloping the real estate shown on Exhibit A (the “Redevelopment Plan Area”) by constructing approximately a 48 lot single family housing development subdivision, complete with the installation of paved streets, sewer, potable water, electrical lines and storm water drainage. The Original Redevelopment Plan further provides that the Authority will offer lots for sale, with the intention of developing housing for low to moderate income families. The redevelopment project will be implemented in three phases with the significant balance of the infrastructure being installed within 12 months after original plan approval.

THE REDEVELOPMENT PLAN AMENDMENT:

1. Relationship of the Plan to Local Objectives: This plan amendment does not alter this element.
2. Statement as to the Kind and Number of Additional Public Facilities or Utilities Required to Support Land Use After Redevelopment: This plan amendment does not alter this element.
3. Boundaries And Site Plan Of Redevelopment Project Area: This plan amendment does not alter this element.
4. Land Use: This plan amendment does not alter this element.
5. Information On Population Densities, Land Coverage And Building Intensities: This plan amendment does not alter this element.
6. Zoning and Ordinance Changes: This plan amendment does not alter this element.

7. Proposed Changes to Streets: This plan amendment does not alter this element.
8. Statement of Public Cost/Benefit Analysis: This plan amendment does not alter this element.

REDEVELOPMENT PROJECT PLAN AMENDMENT

This Plan Amendment revises the effective date for pledge of ad valorem incremental taxes as shown below.

The Original Plan initially projected the use of approximately \$500,000 in net Bond proceeds to finance public improvements. The Authority actually issued \$325,000.00 in bonds to pay for infrastructure and related costs for the project.

Pledge of Incremental Taxes. Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon the following real property in Redevelopment Plan Amendment, to wit: lots 2, 8, 9, 10, 12, 13 & 39 Amended Plat of Western Ridge II Addition, & Lot 3, 4, 5 & 6 Neihardt Administrative Replat of Lots 27-33, Amended Plat of Western Ridge II Addition and Lot 1 of the Bressler Court Administrative Replat of Lots 41-46 of the Amended Plat of Western Ridge II Addition to the to the City of Wayne, Wayne County, Nebraska, shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be the first day of January, 2014. Said taxes shall be divided as follows:

a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. Specifically, such portion is pledged to the payment of principal and interest on the TAX INCREMENT REVENUE BOND OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA (Western Ridge II Subdivision Project) SERIES 2009 A. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies. The resolution issuing the bond shall be amended to establish the effective dates for the division of taxes pursuant to Section 18-2147 of the Act.

Authority Determinations: The proposed land uses and building requirements in the Project are designed with the general purpose of accomplishing, in conformance with the general plan of development of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety,

morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight;

(a) The Redevelopment Project is feasible and in conformity with the general plan for the development of the City as a whole and the plan is in conformity with the legislative declarations and determinations set forth in the Act;

(b) Based on the representations of Authority and City Staff and other information provided by the such Staff,

(i) the Project would not be economically feasible without the use of tax-increment financing;

(ii) the Project would not occur in the Redevelopment Area without the use of tax-increment financing; and

(iii) the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and the Authority and have been found to be in the long-term best interest of the community impacted by the Project;

Recommended by the Community Redevelopment Authority on May 28, 2014

Hearing notice published on May 15 and May 22, 2014

Letters and map mailed to taxing entities on May 14, 2014

Hearing and approval by city council on June 3, 2014

**NOTE HEARING MUST BE AT LEAST 10 DAYS AFTER 2ND PUBLICATION
LETTER TO TAXING ENTITES AND MAP MUST BE MAILED AT LEAST 10 DAYS
PRIOR TO PUBLIC HEARING.**

RESOLUTION NO. 2014-37

A RESOLUTION APPROVING INTERLOCAL AGREEMENT TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE AND THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES, D/B/A WAYNE STATE COLLEGE.

WHEREAS, the City of Wayne is desirous to enter into an Interlocal Agreement with the Board of Trustees of the Nebraska State Colleges, d/b/a Wayne State College, to share law enforcement resources; and

WHEREAS, a copy of the proposed Interlocal Agreement is attached hereto and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Interlocal Agreement to Share Law Enforcement Resources between the City of Wayne and the Board of Trustees of the Nebraska State Colleges, d/b/a Wayne State College, is hereby approved and the Mayor and City Clerk are hereby authorized to execute the same.

PASSED AND APPROVED this 3rd day of June, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**AN INTERLOCAL AGREEMENT
TO SHARE LAW ENFORCEMENT RESOURCES
BETWEEN THE CITY OF WAYNE AND
THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
dba WAYNE STATE COLLEGE**

THIS AGREEMENT (“Agreement”) is made and entered into by and between the governmental entities which are The City of Wayne, hereinafter called the “City” and the Board of Trustees of the Nebraska State Colleges dba Wayne State College, hereinafter called the “College” which on its effective date are, or become signatories hereto:

WITNESSETH THAT:

WHEREAS, it is the recognized responsibility of general purpose political subdivisions to provide and maintain a certain basic level of public services for their residents, including the areas of health and public safety; and

WHEREAS, it is the recognized responsibility of the College to provide and maintain a certain basic level of public services for its student population, including the areas of health and public safety, and

WHEREAS, it is recognized that the provisions of said basic services are sometimes best accomplished jointly because of certain hardships which might be experienced if undertaken singularly, and

WHEREAS, it is recognized that certified, sworn law enforcement officers can enhance the level of protection provided to the students by civilian security officers, and

WHEREAS, it is the desire of the parties hereto signed to participate in the joint use of the city’s law enforcement personnel and resources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Wayne and the College do hereby agree to the following:

1. Authority and Purpose

- a. Article XV, Section 18 of the Constitution of the State of Nebraska and the Interlocal Cooperation Act of the State of Nebraska, Neb. Rev. Stat. 13-801 *et et seq.*, (the “Act”), authorize any two or more public agencies to enter into agreements for joint or cooperative exercise of any power, privilege or authority exercised or capable of exercise individually by such public agencies. College and the City are public agencies within the meaning of the Act.

- b. The City has the authority to provide law enforcement services and the College has the authority to ensure safety services on the Wayne State College campus (the “Campus”), and to enter into any contracts to effectuate this authority and responsibility.
- c. It is the purpose of this Agreement for the College and the City to make the most efficient use of their powers by cooperating with each other on the basis of mutual advantage and timely providing services as identified in this Agreement and in any addendum to this Agreement.

2. Administration of Agreement

- a. The City and the College will jointly administer and monitor all aspects, terms, and conditions of this Agreement. The Dean of Students of the College, or his identified designee, will be the College’s contact person for the purpose of this Agreement.
- b. Any real and personal property shall be acquired, held, and disposed as set forth in this Agreement; or any amendment hereto.
- c. No separate legal or administrative entity is created under this Agreement.

3. Law Enforcement Services To Be Provided By The City

The City will provide on the Campus the following law enforcement services:

- a. City will assign a certified police officer, hereafter called the “School Resource Officer,” to the Campus for twenty-two (22) hours per week when regular classes are in session and beginning two (2) weeks prior to the start of the fall semester and ending the day before graduation of the spring semester. The City will be allowed to schedule the School Resource Officer to two (2) non-consecutive weeks per school year for Police Department specific training without backfilling the position. Training specific to or on behalf of the College will not be counted against the above described two training weeks. The College will be notified as soon as possible prior to any training to allow them to adjust their normal staffing schedules. The Police Department will respond to calls for service on Campus with their regularly scheduled officers during these periods;
- b. The City will be allowed to provide the School Resource Officer with two (2) sick days per semester without backfilling the position. The Police Department will respond to calls for service on Campus with their regularly scheduled officers during these periods;

- c. The School Resource Officer will patrol the Campus, in a Police vehicle, on foot, or on a patrol bicycle; enforce traffic and criminal laws of the State of Nebraska and/or the City of Wayne; conduct criminal investigations; respond to calls for service, perform community policing duties, and be a positive presence on Campus. The School Resource Officer will respond to Police calls off-campus for emergencies, backup assistance for other City Police officers and to handle calls for service if an on-duty City Police officer has two (2) or more calls for service backed up or is unable to respond to a crime in progress report, or a traffic accident. The College recognizes that the City's ability to respond to police calls off-campus, as needed, will maximize the Police Department's ability to respond to citizen calls for service received while maintaining the spirit of this inter-local agreement. The Wayne Police Department will make efforts to make up missed hours if the School Resource Officer is called off-campus. When the School Resource Officer responds to Police calls for service off-campus the Police dispatcher will notify Campus Security of this change in status in a timely manner;
- d. The Wayne Police Department will run requests for vehicle registration information as long as that information is requested through and in conjunction with a Wayne Police Officer's involvement on campus.

4. Criminal Investigation

- a. The City will investigate all property crimes reported on the Campus where the loss value is \$100 or greater or involves the theft of any identification or financial transaction device. If the loss value of any reported property crime is less than \$100 the School Resource Officer may refer the case to Campus Security for follow up.
- b. The City will investigate all crimes against persons reported on the Campus.
- c. Any property crimes with a loss greater than \$100 and all crimes against persons reported to Campus Security will be immediately referred to the School Resource Officer when on duty, or the Police Department when the School Resource Officer is not on duty, for investigation. These investigations will be made independent of Campus Security unless their assistance is required or requested by the City. If the Police Department does not have an officer immediately available to report to a crime reported on Campus, Campus Security will gather preliminary information, e.g. victim's name, witnesses' names, date, time and location of offense, for the School Resource Officer. For the purpose of this agreement preliminary information does not include obtaining written statements, conducting any type of crime scene investigation, taking photographs, etc.

- d. The Police Department will provide Campus Security with reports of all crimes investigated on Campus containing sufficient information for the completion of legally mandated reporting requirements. To prevent duplication of work the School Resource Officer will complete only the Police Department's investigative report. A copy of these investigative reports will be provided to Campus Security for data entry purposes. Except that the Police Department will use its discretion, on a case by case basis, as to when to provide full or partial investigative reports to Campus Security, depending on the case.
- e. When any criminal investigation conducted by the Police Department involves a College residence hall or includes an apparent conflict between students, the Director of Residence Life and/or the Dean of Students will also be provided investigatory reports. The Police Department will use its discretion, on a case by case basis, as to when to provide full or partial investigative reports to Campus Security, depending on the case.
- f. The Police Department will refer all property crimes reported on the Campus, and which they investigate, to the College judicial process, however;
 - (1) Any crime victim, including the College, may request criminal charges;
 - (2) Suspects involved in second and subsequent offenses may be referred to the Wayne County Attorney for prosecution;
 - (3) Crimes may be referred for prosecution before the College judicial process begins;
 - (4) Both the College disciplinary process and criminal prosecution may happen concurrently;
 - (5) Police Officers will appear for College disciplinary hearings as needed.
- g. The Police Department will refer all crimes against persons to the Wayne County Attorney's Office for prosecution.
- h. To facilitate investigative follow up the School Resource Officer will be provided access to any Campus surveillance camera recordings and/or allowable student information currently maintained in hard copy or electronically in the Campus Security Office.

5. Community Policing & Crime Prevention

- a. The College and the City recognize that positive interaction between the School Resource Officer, students, faculty and staff is beneficial to both parties. It is further recognized that crime prevention efforts on Campus should reflect those of the community as well.

- b. The School Resource Officer will be given an opportunity to co-present at crime prevention and/or education programs given by Campus Security, or upon the request of other Campus entities. To ensure adequate planning for any presentation, the School Resource Officer will be provided a minimum of five (5) days written notice. Said notice shall include the topic, date, time, and location of the presentation. The decision to participate in any on-campus crime prevention and/or education presentation will be left to the discretion of the School Resource Officer and/or the Dean of Students. If an officer participates he or she will be given a minimum of 15 minutes participation per hour of scheduled presentation.
- c. To provide a community policing presence the School Resource Officer will regularly attend Clery/Behavioral Intervention Team meetings and other Campus meetings and activities as part of his/her assigned duties.
- d. The City will not provide overtime pay for the School Resource Officer to attend these meetings. Any extra shift time spent at these or similar meetings will be taken off before or after the officer's regularly assigned Campus shift.
- e. The School Resource Officer will meet regularly with the Residence Life Staff in each housing unit.
- f. The School Resource Officer will respond to fire alarms on Campus and, in the absence of Campus Security personnel, will reset the fire alarm panels.
- g. The Campus Security Director will provide training specific to the fire alarm systems to the School Resource Officer before the start of the school year. A laminated flip chart of alarm procedures for each building will be placed in each alarm box as a ready reference.

6. Security Responsibilities

- a. The following duties will be performed solely by College Campus Security personnel and not by the City:
 - (1) Fueling vehicles for the College motor pool
- b. Campus Security will be the first to respond to calls for service on the Wayne State College campus. If the Campus Security Officer is occupied with Security Department business and a call for service is received, the School Resource Officer may be asked to help with the following types of calls:
 - (1) Helping to lock and unlock Campus facilities;
 - (2) Respond to calls for service and fire alarm panels.

7. Use of Equipment

- a. The Police Department will provide the School Resource Officer with all uniforms, equipment, leather, firearms, and continuing education at all times relevant to this agreement.
- b. The Police Department will provide a multi-channel portable radio programmed with the Campus Security frequency. The priority frequency will be that of the Wayne Police Department but the Campus Security frequency will be monitored.
- c. The City will provide a vehicle for the School Resource Officer to use.

8. Training Provided by College

- a. Fire Alarm Panels – School Resource Officers will receive training specific to the fire alarm panels of each College building. Quick reference laminated charts will be provided to the School Resource Officer and/or Police Department and placed at each alarm panel.
- b. School Resource Officers will attend Residence Life staff training.
- c. Written training defining the College student disciplinary procedures.
- d. Training on procedures for notification of campus staff for after-hours assistance, including when, who, and how to request assistance.
- e. When possible all training will be done beginning two (2) weeks prior to the start of each fall semester.
- f. It is recognized that the School Resource Officer's schedule will be modified during the training period to facilitate attendance at some orientations.
- g. A current roster of Residence Life staff and contact information will be provided to the School Resource Officer each semester.
- h. Monthly Campus Security work schedules, and updates, will be provided to the School Resource Officer and Wayne Police dispatch, including a contact person(s) in the event no one answers the Campus Security number.

9. Direct Oversight of the Agreement to Provide Police Coverage on Campus

Certified Police Officers are employees of the City of Wayne Police Department and as such must be under the direct supervision of the Chief of Police or his

designate. Campus Security employees shall remain under the direct supervision of the College.

The City of Wayne Police Department shall control the manner in which law enforcement services are performed; however, the Agreement shall specify the nature of the services to be performed. The School Resource Officer is not to be deemed an employee of the College and has no authority to make any binding commitments or obligations on behalf of the College except as expressly provided herein. Liability and all other insurance coverage as well as Workers Compensation coverage for the School Resource Officer is the responsibility of the City of Wayne.

The Chief of Police will meet monthly with the Dean of Students and the Campus Security Director to review and evaluate the provisions of this Agreement.

Three (3) Wayne State College student representatives selected by Student Services will meet jointly with the Police Chief, the School Resource Officer and any Campus Security official at least two (2) times per year to review the student perspective of this Agreement, one during the fall semester, and one during the spring semester. These meetings may be scheduled by either party with not less than thirty (30) days' notice. Only those representatives designated in this paragraph, or a designee thereof, shall attend the meeting.

10. Dispatch Services

The City agrees to provide the following dispatch services to the Campus:

- a. Answer Campus Security telephone after hours and refer calls to Campus Security Staff and assign police officers to crimes reported;
- b. Monitor Campus fire alarm system and dispatch fire trucks as needed. Police Dispatch staff will also coordinate with the Director of Facility Services and his staff to prevent unwarranted fire alarm responses.

11. Fees for Service

The total charge to the College by the City for the above defined law enforcement services shall be a total of \$30,000.00 per year to be paid in 12 monthly installments.

12. Agreement Duration

The term of this agreement will be effective beginning July 1, 2014 and shall be in effect until June 30, 2015 except that either the City or the College may execute a written sixty (60) day notice to quit or withdraw from the Agreement.

13. Agreement Amendments

This Agreement may be amended at any time by the written agreement of both parties.

14. Indemnification

To the maximum extent permitted by law, each party agrees to indemnify and defend the other party against, and to hold it harmless from, all claims, suits, liability, expense or damage (including reasonable attorneys' fees and court costs) for damage to property, injury to persons (including death) and any other claims, suits, or liability resulting from the negligence or willful misconduct of such party or any of its employees or agents; provided however, the indemnification under this Section 14 shall not apply if such claims, suits, liability, expense or damage is the direct result of the negligence of the party entitled to indemnification hereunder. In no event shall either party be liable for any punitive, consequential, or special damages or lost profits incurred or alleged to have been incurred.

15. New Employee Work Eligibility Status. - *One box below must be selected and marked.*

Employee Work Eligibility Status. The Contractor is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

The Contractor is an individual or sole proprietorship. The Contractor must complete the "United States Citizenship Attestation Form," available on the Department of Administrative Services website at http://das.nebraska.gov/lb403/attestation_form.pdf. If the Contractor indicates on such attestation form that he or she is a qualified alien, the Contractor agrees to provide US Citizenship and Immigration Services (USCIS) documentation required to verify the Contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program. *The attestation form and USCIS documents (if applicable) must be attached to the contract.*

The Contractor understands and agrees that lawful presence in the United States is required and the Contractor may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. §4-108.

16. Liability Insurance Requirements

The City is required to carry liability insurance in the amount of one (1) million dollars per occurrence with a six (6) million dollar umbrella. The City's insurance policy shall be primary and non-contributory. The College shall be named as an additional insured party on the policy and the certificate of insurance shall reflect that the policy waives its right of subrogation against the College. A copy of the certificate shall be provided to the College.

17. Designated College Representative

The designated College representative for purposes of monitoring and oversight of this contract is:

<u>Jeff Carstens</u>	<u>(402) 375-7213</u>	<u>jecarst1@wsc.edu</u>
Printed Name	Telephone	Email Address

This Agreement is hereby executed by the City of Wayne and the Board of Trustees of the Nebraska State Colleges dba Wayne State College upon the respective dates set forth following the executory signature attached to this agreement.

AND BE IT FURTHER RESOLVED that the Board of Trustees of the Nebraska State Colleges dba Wayne State College and the City of Wayne each declares itself to be a participant in the joint efforts to provide law enforcement services on the Wayne State College Campus.

Passed and approved this ___ day of _____, 2014.

CITY OF WAYNE

**THE BOARD OF TRUSTEES OF
THE NEBRASKA STATE
COLLEGES**

By: _____

By: _____

Name: Ken Chamberlain

Name: Michelle Suarez

Title: Mayor

Title: Chair, Board of trustees

Attested By: _____

City Clerk

Date: _____

Date: _____

RESOLUTION NO. 2014-48

A RESOLUTION REJECTING BIDS ON THE “WINDOM STREET STORM SEWER IMPROVEMENT PROJECT.”

WHEREAS, three bids were received on May 29, 2014, on the “Windom Street Storm Sewer Improvement Project;” and

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

WHEREAS, Advanced Consulting Engineering Services and City Staff are recommending that the bids be rejected and the project be rebid at a later date.

NOW, THEEFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that that the bids received on the “Windom Street Storm Sewer Improvement Project” are hereby rejected pursuant to the recommendation of Advanced Consulting Engineering Services, the City’s Engineer on the project, and City Staff.

PASSED AND APPROVED this 3rd day of June, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2014-49

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "13TH STREET SANITARY SEWER EXTENSION PROJECT."

WHEREAS, one bid was received on May 22, 2014, on the "13th Street Sanitary Sewer Extension Project;" and

WHEREAS, the bid has 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 \$18,444.50 with additional Item A, if required, for the amount of \$2,500.00.

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 "13th Street Sanitary Sewer Extension 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, Nebraska	\$18,444.50

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 3rd day of June, 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

City of Wayne
P.O. Box 8
306 Pearl Street
Wayne, Nebraska 68787

May 23, 2014

RE: 13th Street Sanitary Sewer Extension, Wayne, Nebraska - 2014
ACES #617-013

Enclosed is a copy of the bid tabulation form, and the bid that was received for the above referenced project.

We have reviewed the bid form and everything appears to be correct. Advanced Consulting Engineering Services recommends that the City of Wayne award the contract to Robert Woehler & Sons Construction, Inc. in the amount of \$18,444.50 with additional Item A, if required for the amount of \$2,500.00. We also ask that the City of Wayne authorize our office to prepare contract documents for signature.

If you have any questions, please contact our office at 402-372-1923.

Sincerely

Jen Kreikemeier, Office Manager
Advanced Consulting Engineering Services

Enclosures

13TH STREET SANITARY SEWER EXTENSION - 2014
WAYNE, NEBRASKA

BID DATE: MAY 22, 2014 @ 2:00 PM

		BID BOND: 5%		BID BOND:		BID BOND:	
		Robert Woehler & Sons Construction, Inc. 123 Fairgrounds Ave Wayne, NE 68787					
ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNITS	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1	8" PVC SDR26 SANITARY SEWER MAIN	89	L.F.	\$35.50	\$3,159.50		
2	CONCRETE MANHOLE	8	V.F.	\$350.00	\$2,800.00		
3	8" PVC CAP	2	EACH	\$250.00	\$500.00		
4	CONNECT TO EXISTING MANHOLE	1	EACH	\$2,000.00	\$2,000.00		
5	REMOVE & REPLACE GRAVEL	33	SQ. YDS	\$20.00	\$660.00		
6	REMOVE & REPLACE 6" CONCRETE	80	SQ. YDS	\$60.00	\$4,800.00		
7	DOWEL INTO EXISTING CONCRETE	105	L.F.	\$5.00	\$525.00		
8	MOBILIZATION	1	EACH	\$4,000.00	\$4,000.00		
TOTAL BASE BID ITEMS 1 THRU 8: 13TH STREET SANITARY SEWER EXTENSION - 2014					\$18,444.50		
13TH STREET SANITARY SEWER EXTENSION - ADDITIONAL ITEM, IF REQUIRED							
A	LOWER WATER MAIN	LUMP SUM	LUMP SUM	\$2,500.00	\$2,500.00		
CONTRACTORS ANTICIPATED START DATE:		ASAP					
CONTRACTORS ANTICIPATED COMPLETION DATE:		July 15, 2014					

RESOLUTION NO. 2014-50

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR THE “HILLSIDE DRIVE AND TRAIL RELOCATION PROJECT” AS PREPARED BY THE CITY’S ENGINEER AND DIRECTING ADVERTISEMENT FOR BIDS.

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

That the plans, specifications, and estimate of cost prepared by the City’s Engineer and filed in the office of the City Clerk for the construction of improvements for the “Hillside Drive and Trail Relocation Project” of the City of Wayne, Nebraska, be and the same are hereby approved, and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City’s Engineer.

PASSED AND APPROVED this 3rd day of June, 2014

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

CENTENNIAL ROAD / 57TH ROAD

CITY OF WAYNE, NEBRASKA

HIGHWAY 35

THARMAN STREET

HILLSIDE DRIVE

McDONALDS

TOMAR DRIVE

PROJECT LOCATION

E. 7TH STREET

E. 6TH STREET

SUPER 8



ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IX. NONCONFORMING USES BY AMENDING SECTION 90-753 NONCONFORMING STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on April 7, 2014, and recommended amending Section 90-753 Nonconforming Structures of the Wayne Municipal Code, with the "Finding of Fact" being: Staff's recommendation.

Section 2. That Chapter 90, Article IX, Section 90-753 of the Wayne Municipal Code is amended as follows:

Sec. 90-753. Nonconforming structures

(a) Authority to continue. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued so long as it remains otherwise lawful.

(b) Enlargement, repair, alterations. Any nonconforming structure may be enlarged, maintained, repaired remodeled or rebuilt; however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; however, a porch which is covered by a roof which extends into the front setback area may be enclosed but not in excess of the area covered by the existing roof. **Any work completed under authorization of this subsection must comply with subsection (c) below.**

(c) Damage or destruction. If any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 60 percent of its current property tax assessed value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a building permit is obtained within six months and restoration is actually begun one year after the date of such partial destruction and is diligently pursued to completion.

(d) Moving. No nonconforming structure shall be moved in whole or in part for any distance whatever to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

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

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

PASSED AND APPROVED this 3rd day of June, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-14

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

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

Section 1. The Planning Commission held a public hearing on May 5, 2014, and recommended amending Section 90-10 Definitions of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article I, Section 90-10 of the Wayne Municipal Code is amended as follows:

Sec. 90-10. Definitions.

Townhouse means one of a group or row of not less than two, nor more than 12, attached single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. **Each dwelling unit shall be on its own lot and shall have its own front and rear access to the outside.** For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

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

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

PASSED AND APPROVED this _____ day of June, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-15

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

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

Section 1. The Planning Commission held a public hearing on May 5, 2014, and recommended amending Section 90-10 Definitions of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article I, Section 90-10 of the Wayne Municipal Code is amended as follows:

Sec. 90-10. Definitions.

Attached (for the purpose of determining when new construction constitutes enlarging a primary structure on a lot) means sharing a common wall which has an opening providing access between interior spaces. An enclosed ~~breezeway~~ **passageway less than eight (8) feet wide**, connecting two structures, shall not mean the two structures are attached.

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

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

PASSED AND APPROVED this _____ day of June, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-16

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

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

Section 1. The Planning Commission held a public hearing on May 5, 2014, and recommended amending Section 90-10 Definitions of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article I, Section 90-10 of the Wayne Municipal Code is amended as follows:

Sec. 90-10. Definitions.

Breezeway means a narrow structure with a roof and no walls that connects two buildings. An accessory structure connected to a primary structure by a breezeway shall not be considered attached.

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

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

PASSED AND APPROVED this _____ day of June, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-17

AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST 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 78-129 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-129 PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY.

(a) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:

- ~~1. The south side of the centerline of Park Street from the west line of Lincoln Street to the east line of Douglas Street.~~
2. The north side of the centerline of West 13th Street from the **north-south alley between west line of** Main Street to the east line of Lincoln Street.
3. The north side of the centerline of West 13th Street from the west line of Douglas Street to the east line of Sherman Street.
4. The north side of the centerline of West 12th Street from the west line of the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street.
- 5. The north side of the centerline of West 11th Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street.**
6. The north side of the centerline of West 10th Street from the west line of Main Street to the east line of Sherman Street.
7. The north side of the centerline of West 9th Street from the west line of Main Street to the east line of Lincoln Street.
8. The north side of the centerline of West 9th Street from the west line of Douglas Street to the east line of Sherman Street.
9. The north side of the centerline of West 8th Street from the west line of Main Street to the east line of Sherman Street.
10. The west side of the centerline of Pearl Street from the north line of West 7th Street north to the city limits.
11. The west side of the centerline of Lincoln Street from the north line of West 7th Street north to a point 150 feet south of the south line of West 13th Street.
- 12. The west side of the centerline of Douglas Street from the north line of West 7th Street north to Park Street.**
- 13. The west side of the centerline of Sherman Street from the north line of West 7th Street to the city limits.**

14. The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits.
15. 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 west side of the centerline north to the south line of Westwood Road.
16. The north side of the centerline of Westwood Road from the east line of Sherman Street west to the city limits.
17. The west side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road.
18. The west side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road.

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

Section 2. The original Section and any other sections in conflict with this ordinance are hereby repealed.

Section 3. 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 June, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-18

AN ORDINANCE TO AMEND SECTION 78-127 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST 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 78-127 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-127 PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST 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 north side of the centerline of Hillcrest Road from the east line of Walnut Street east to where Hillcrest Road turns south and then on the west 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 Walnut Street east to the city limits.
 - (3) The ~~north south~~ side of the centerline of East 10th Street from the east line of ~~Windom Logan~~ Street east to the west line of ~~the north-south alley between Windom Street and Walnut Nebraska~~ Street.
 - (4) The north side of the centerline of East 9th Street from the east line of Main Street east to the west line of Pine Heights Road.
 - (5) The north side of the centerline of East 8th Street from the east line of Main Street east to the north-south alley east of Windom Street.
 - (6) The west side of the centerline of Logan Street from a point 25 feet north of the north line of East 7th Street north to the south line of East 10th Street.
 - (7) The west side of the centerline of Nebraska Street from the north line of East 7th Street north to the south line of East 10th Street.
 - (8) The west side of the centerline of Windom Street from the north line of East 7th Street north to the south line of East 10th Street.
 - (9) The west side of the centerline of Walnut Street from a point 190 feet north of the north line of East 7th Street north to the south line of East 9th Street.
 - (10) The west side of the centerline of Walnut Street from the north line of East 9th Street north to the south line of Hillcrest Road.
 - (11) The west 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.
 - (12) The west side of the centerline of Lilac Lane from the north line of East 10th Street north to the south line of Hillcrest Road.
 - (13) The west side of the centerline of Walnut Street from the north line of Hillcrest Road north to the south line of East 14th Street.

- (14) The east side of the centerline of Circle Drive from the north line of East 9th Street north to the circle.
 - (15) The west side of the centerline of Claycomb Road from the north line of East 14th Street north to the city limits.
 - (16) The west side of the centerline of Linden Street from the north line of East 14th Street north to the south line of Aspen Street.
 - (17) The north side of the centerline of Aspen Street from the east line of Claycomb Road east to the city limits.
 - (18) The west side of the centerline of Hillside Drive from the north line of 7th Street north to the city limits.
 - (19) The west side of the centerline of Eastview Drive from the north line of Poplar Street north to the south line of Sunnyview Drive.
 - (20) The north side of the centerline of Poplar Street from the east line of Eastview Drive to the west line of Hillside Drive.
 - (21) The north side of the centerline of Sunnyview Drive from the east line of Providence Road east to the west line of Hillside Drive.
- (b) Appropriate signs shall be placed to advise the public of these restricted parking regulations.

Section 2. The original Section and any other sections in conflict with this ordinance are hereby repealed.

Section 3. 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 June, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Lowell Johnson - parking

From: "Lou Bencoter" <lou@bencoterdevelopment.com>
To: "Ken Chamberlain" <kchamberlain@cityofwayne.org>, "Lowell Johnson" <city...>
Date: 5/23/2014 8:55 AM
Subject: parking

I wonder if it would be possible to have an item on the agenda at the next meeting to address parking on just one side of the street in both of my subdivisions? Also we need to do something about the speeding traffic down Jaxon street as Tomar is now closed. I have several young families moving into the houses here and worry about the speed that the cars are reaching by the time they get to that end of the street. Maybe we could put some temporary speed bumps in along with police presence on game days. I just worry about the young kids running into the street. Thanks Lou

ORDINANCE NO. 2014-21

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-126 RELATING TO PARKING; PROHIBITED PARKING; NORTHEAST 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 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 north-south alley between Walnut Street 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 7th

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 west of Walnut Street from the north line of East 10th Street north 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 10th 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 21st 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 Road east to the City limits.
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 North 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.
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 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 side of Providence Road to the east line of Ada Drive.
37. The east side of the centerline of Ada Drive from Sunnyview Drive 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 East 10th Street north to J. G. Lewis Drive.
40. The north side of the centerline of East 14th Street between the east boundary of the Wayne State College Technology Building Lot on the quarter section line east to Claycomb Road.
41. The west side of Claycomb Road from the north line of East 14th Street going north a distance of 104 feet.
42. **The east side of the centerline of Memory Lane from the north line of East 10th Street north to the south line of Gail's Way.**
43. **The east side of the centerline of Angel Avenue from the north line of East 10th Street north to the north line of Gail's Way.**
44. **The south side of the centerline of Gail's Way from the east line of Memory Lane to the west line of Angel Avenue.**

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

Section 2. Any and all provisions of the Wayne Municipal Code in conflict with this Ordinance are hereby repealed.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-22

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-130 RELATING TO PARKING; PROHIBITED PARKING; SOUTHEAST 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 78-130 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 6th 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 7th Street from the east line of Main Street east to the city limits.
3. The south side of the centerline of East 5th 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 5th Street 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 7th 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 6th Street.
6. The east side of the centerline of Tomar Drive from the south line of East 7th Street south ~~600 feet~~ **to the north line of East 4th Street.**
7. The south side of the centerline of East 4th 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 3rd 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 **city limits** ~~east line of Windom Street.~~
10. The south side of the centerline of Folk Street from the east line of South Nebraska Street to the west line of South Windom Street.
11. The east side of the centerline of Logan Street from the north line of East 4th Street north to the south line of East 7th Street.
12. The west side of the centerline of Logan Street from the north line of East 5th Street north to the south line of East 7th Street.
13. The east side of the centerline of Nebraska Street from the north line of East 2nd Street north to the south line of East 7th Street.
14. The east side of the centerline of Windom Street from the north line of East 3rd Street north to the south line of East 7th Street.

15. The west side of the centerline of Windom Street from the north line of East 3rd Street north 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 3rd Street.
17. The east side of the centerline of Walnut Street from the north line of East 4th Street north to the south line of East 7th Street.
18. The east side of the centerline of Dearborn Street from the north line of East 5th Street north to the south line of East 7th Street.
19. The east side of the centerline of Dearborn Street from the north line of East 4th Street south to the north line of East 4th 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 East 4th Street to the south line of 7th Street.
23. The west side of the centerline of Windom Street from the south line of East 7th Street south for a distance of 25 feet.
24. The west side of the centerline of Tomar Drive from the south line of East 7th Street south 600 feet.
25. **The south side of the centerline of Jaxon Street from the west line of Tomar Drive west to the north line of East 4th Street.**

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

Section 2. Any and all provisions of the Wayne Municipal Code in conflict with this Ordinance are hereby repealed.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-23

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 Section 8, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, described as follows: Commencing at the Southwest corner of said Section 8; thence Easterly along the South line of said Section 8, said section line having an assumed bearing of South 89°50' East (sometimes referred to as South 89°15' East) a distance of 465.2 feet to a point; thence North 00°00' East a distance of 545.1 feet (sometimes referred to as 541.1 feet) to a point; thence North 88°35' East a distance of 1,401.67 feet to the point of beginning; thence North 28°30'34" West a distance of 393.12 feet to a point; thence North 88°35' East a distance of 797.60 feet to a point; thence Southerly along the West bank of Logan Creek, to a point; thence South 88°35' West a distance of 457.60 feet to the point of beginning, containing 5.65 acres, more or less, sometimes also described as Tax Lot 15; **AND**

A tract of land located in the Southwest Quarter of Section 8, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, described as follows: Commencing at the Southwest corner of said Section 8; thence Easterly along the South line of said Section 8, said section line having an assumed bearing of South 89°50' East a distance of 465.2 feet to a point; thence North 00°00' East a distance of 545.1 feet to a point; thence North 88°35' East a distance of 1,401.67 feet to a point; thence North 28°30'34" West a distance of 393.12 feet to the point of beginning; thence continuing North 28°30'34" West a distance of 100 feet to a point; thence North 79°57'20" East a distance of 910.00 feet, more or less, to a point on the West bank of Logan Creek; thence Southerly along the West bank of Logan Creek, to a point; thence South 88°35' West, a distance of 797.60 feet to the point of beginning, containing 3.0 acres, more or less, sometimes also described as Tax Lot 24; **AND**

A tract of land located in the Southwest Quarter of Section 8, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, described as follows: Commencing at the Southwest corner of Section 8, Township 26 North, Range 4; thence Easterly along the South line of said Section 8, said section line having an assumed bearing of South 89 degrees 50 minutes East, a distance of 465.2 feet to a point; thence North 00 degrees 00 minutes East, a distance of 545.1 feet to a point; thence North 88 degrees 35 minutes East, a distance of 1,401.67 feet to a point; thence North 28 degrees 30 minutes 34 seconds West, a distance of 493.12 feet to the point of beginning; thence continuing North 28 degrees 30 minutes 34 seconds West, a distance of 250.44 feet to a point; thence North 61 degrees 29 minutes East, a distance of 1002.90 feet to a point; thence South 6 degrees 12 minutes East, a distance of 556.32 feet to a point; thence South 79 degrees 57 minutes 20 seconds West, a distance of 834.67 feet to the point of beginning, containing 8.20 acres, more or less, sometimes also described as Tax Lot 26,

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



Dave Heineman
Governor

STATE OF NEBRASKA

NEBRASKA LIQUOR CONTROL COMMISSION

Hobert B. Rupe

Executive Director

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814 or (402) 471-2374

TRS USER 800 833-7352 (TTY)

web address: <http://www.lcc.ne.gov/>

May 13, 2014

WAYNE CITY CLERK
PO BOX 8
306 PEARL STREET
WAYNE NE 68787

RE: Manager Application James Larson

LICENSE #D-100027

Dear Clerk:

Enclosed is a copy of a manager application in connection with the Shopko Hometown 670, located in Wayne.

Please present this application for manager to your City/Village Council or County Commissioners and send us the results of their action.

Sincerely,

A handwritten signature in cursive script that reads "Jacqueline Rodriguez".

Jacqueline Rodriguez
Licensing Division
NEBRASKA LIQUOR CONTROL COMMISSION
402-471-2571

encl.

Janice M. Wiebusch
Commissioner

Robert Batt
Chairman

William F. Austin
Commissioner

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

Office Use

RECEIVED

MAR 10 2014

**NEBRASKA LIQUOR
CONTROL COMMISSION**

MUST BE:

- ✓ **Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport**
- ✓ **Nebraska resident. Include copy of voter registration in the State of Nebraska**
- ✓ **Fingerprinted. Two cards per person, fees of \$38 per person, made payable to Nebraska State Patrol. If printed at NSP mail check only.**
- ✓ **21 years of age or older**

JK

Corporation/LLC information

Name of Corporation/LLC: Shopko Stores Operating Co., LLC APR 14 2014

RECEIVED

Premise information

Liquor License Number: 100027 Class Type D
(if new application leave blank)

Premise Trade Name/DBA: Shopko Hometown #670

Premise Street Address: 615 Dearborn Street

City: Wayne County: Wayne Zip Code: 68787

Premise Phone Number: 402-375-1544

Email address: karen.belonge@shopko.com

**NEBRASKA LIQUOR
CONTROL COMMISSION**

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals. http://www.lcc.ne.gov/license_search/licsearch.cgi

Karen Belonge, Secretary

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)



1400010967

RECEIVED

Manager's information must be completed before PLEASE PRINT CLEARLY

Gender: MALE FEMALE

NEBRASKA LIQUOR CONTROL COMMISSION

Last Name: Larson First Name: James MI: E.

Home Address (include PO Box if applicable): 17212 U. Street

City: Omaha County: Douglas Zip Code: 68135

Home Phone Number: 402-896-9232 Business Phone Number: 402-572-5395

Social Security Number: _____ Drivers License Number & State: H12635254 Ne

Date Of Birth: 7-5-55 Place Of Birth: Norfolk Ne.



YES NO

APR 14 2014

NEBRASKA LIQUOR



Spouses Last Name: LARSON First Name: MARY JO MI: A

Social Security Number: _____ Drivers License Number & State: H12633798 NE

Date Of Birth: 7-7-53 Place Of Birth: Algona, Iowa



CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
<u>Omaha Ne</u>	<u>1998</u>	<u>Present</u>	<u>OMAHA, NE</u>	<u>1998</u>	<u>Present</u>

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2012	2014	Shopko	Bill Young	402-572-5395
1976	2012	Pamida	Bill Young	not active

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

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MAR 10 2014
NEBRASKA LIQUOR CONTROL COMMISSION

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? YES NO
IF YES, list the name of the premise.

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business? YES NO

4. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application? (Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)
 YES NO

5. List any alcohol related training and/or experience (when and where).

My Training - Drug + Alcohol Policy @ Shopko 8-8-2012

District Manager of Ne. stars @ Shopko June 2012 → present.

Store



The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application. The application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

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MAR 16 2014

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non participation may be attached.

NEBRASKA LIQUOR CONTROL COMMISSION

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

James E. Lane
Signature of Manager Applicant

Mary J. Larson
Signature of Spouse

RECEIVED

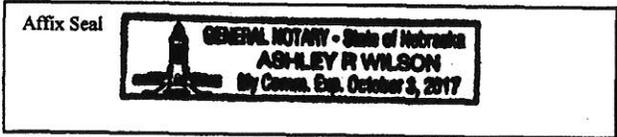
APR 14 2014

NEBRASKA LIQUOR CONTROL COMMISSION

ACKNOWLEDGEMENT

State of Nebraska
County of Douglas The foregoing instrument was acknowledged before me this
Feb. 28, 2014 date by Ashley R Wilson
name of person acknowledged

Ashley R Wilson
Notary Public signature

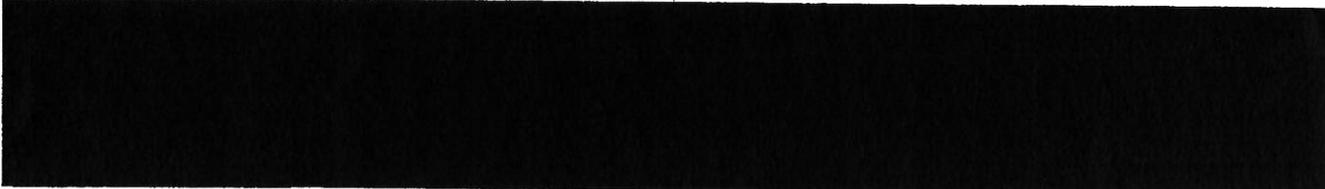


In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

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**NEBRASKA LIQUOR
CONTROL COMMISSION**



Mary J Larson
Signature of spouse asking for waiver
(Spouse of individual listed below)

Mary Jo LARSON
Printed name of spouse asking for waiver
RECEIVED

State of Nebraska
County of Douglas
3-1-14 date

APR 14 2014
The foregoing instrument was acknowledged before me this
**NEBRASKA LIQUOR
CONTROL COMMISSION**
by Mary Jo Larson
name of person acknowledged

Georgia Anderson
Notary Public signature

Affix Seal



James E Larson
Signature of individual involved with application
(Spouse of individual listed above)

James E. Larson
Printed name of applying individual

State of Nebraska
County of Douglas
3-1-14 date

The foregoing instrument was acknowledged before me this
by James E. Larson
name of person acknowledged

Georgia Anderson
Notary Public signature

Affix Seal

In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.



douglas county

ELECTION COMMISSION

225 North 115th Street
Omaha, Nebraska 68154-2520
Phone: (402) 444 - VOTE (86883)
www.votedouglascounty.com

Dave Phipps, Election Commissioner

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS

I, DAVE PHIPPS, Election Commissioner of Douglas County, Nebraska, do certify that James E. Larson, now residing at 17212 U Street, Omaha, Nebraska 68135, registered for voting in this office on 09/02/1998, stating under oath that he was born in Norfolk, NE, and giving his birth date as 07/05/1955.

In testimony whereof, I have hereunto set my hand and caused to be affixed hereto, the seal of this office, in the City of Omaha, County of Douglas, State of Nebraska, this 28th day of February, 2014.

DAVE PHIPPS
Election Commissioner of
Douglas County, Nebraska

By *[Signature]*
Deputy

(Seal)

RECEIVED

MAR 10 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

RECEIVED

MAR 14 2014

NEBRASKA LIQUOR
CONTROL COMMISSION



Change Order

No. 2

Date of Issuance: May 21, 2014 Effective Date: May 21, 2014

Project: Chief's Way Sanitary Sewer & Water Extensions	Owner: City of Wayne, NE	Owner's Contract No.:
Contract: EJCDC C-520 Adapted Form of Agreement Between Owner and Contractor for Construction Contract		Date of Contract: July 16, 2013
Contractor: Robert Woehler & Sons Construction, Inc., 123 Fairgrounds Ave., Wayne NE, 68787		Engineer's Project No.: 012-2523

The Contract Documents are modified as follows upon execution of this Change Order:

Description: This change order addresses additional water and sewer services in the Lyons Club Park and additional time to complete the work.

Attachments: Table of Additional Quantities

CHANGE IN CONTRACT PRICE:

Original Contract Price:
\$ 284,476.00

[Increase] ~~[Decrease]~~ from previously approved Change Orders No. 1 to No. 1:
\$29,135.65

Contract Price prior to this Change Order:
\$ 313,611.65

[Increase] ~~[Decrease]~~ of this Change Order:
\$ 8,261.00

Contract Price incorporating this Change Order:
\$ 321,872.65

CHANGE IN CONTRACT TIMES:

Original Contract Times: Working days Calendar days
Substantial completion (~~days or date~~): November 15, 2013
Ready for final payment (~~days or date~~): December 1, 2013

~~[Increase] [Decrease]~~ from previously approved Change Orders No. _____ to No. _____:
Substantial completion (days): _____
Ready for final payment (days): _____

Contract Times prior to this Change Order:
Substantial completion (~~days or date~~): December 31, 2013
Ready for final payment (~~days or date~~): May 1, 2014

[Increase] ~~[Decrease]~~ of this Change Order:
Substantial completion (~~days or date~~): July 25, 2014
Ready for final payment (~~days or date~~): August 1, 2014

Contract Times with all approved Change Orders:
Substantial completion (~~days or date~~): July 25, 2014
Ready for final payment (~~days or date~~): August 1, 2014

By: 
Engineer (Authorized Signature)

Date: 5-22-14

Approved by Funding Agency (if applicable): _____

ACCEPTED:
By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:
By: 
Contractor (Authorized Signature)

Date: 5/28/14

Date: _____

CHIEF'S WAY SANITARY SEWER & WATER MAIN EXTENSIONS
 WAYNE, NE
 ROBERT WOEHLE & SONS CONSTRUCTION, INC.

CHANGE ORDER #2
 OA PROJECT NO. 012-2523
 05.21.14

NO.	ITEM	UNIT	PLAN QUANTITY	FINAL QUANTITY	ADD/ DEDUCT	UNIT PRICE	EXTENSION
12	INSTALL 6" PVC SANITARY SEWER - SDR26	LF	426	526	100.00	\$17.00	\$ 1,700.00
36	INSTALL 2" WATER SERVICE CONNECTION WITH CURB STOP	EA	1	2	1.00	\$750.00	\$ 750.00
37	INSTALL 2" WATER SERVICE TUBING P.E.	LF	205	281	76.00	\$8.00	\$ 608.00
42X	INSTALL 1" WATER SERVICE TUBING P.E.	LF	0	529	529.00	\$7.00	\$ 3,703.00
43X	INSTALL 1" X 6' BURY IOWA YARD HYDRANT	EA	0	6	6.00	\$250.00	\$ 1,500.00
TOTAL:						\$	8,261.00

6 Highway

14 86 56 205 529
76 106

76

176

67 109
6th Sewer

