

**AGENDA
CITY COUNCIL MEETING
September 2, 2014**

1. [Approval of Minutes – August 19, 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. Presentation by Wayne Area Association of Retired School Personnel — Pat Jenkins Rohde, Don Leighton and Mary Lou George

4. [Action on the Proposed Language and Location for the Wayne State College Service Learning Project Historical Marker Commemorating the October 4, 2013, Tornado Event — Jason Karsky](#)

Background: Last year Dr. Karsky and a group of students contacted the City for permission to prepare a commemorative plaque and to propose a location for its permanent placement as an observance of the October 2014 tornado. Attached is proposed information for your review.

Recommendation: There is no staff recommendation. This is a Council prerogative.

5. Public Hearing: [Amendment to 2013-2014 Budget \(Advertised Time: 5:30 p.m.\)](#)

Background: Insurance proceeds to the City from the October 2014 tornado pass through our budget as expenditures. This action is needed to accommodate the additional expenditures into the budget and report the changes to the State Auditor.

Recommendation: This action is legally required to authorize the Wayne City Council to continue to pay claims before the end of this fiscal year that will exceed the amounts originally budgeted.

6. [Resolution 2014-71: Amending the 2013-2014 Budget](#)

7. [Resolution 2014-72: Amending Wage & Salary Schedule — Recreation Director](#)

Background: The wage range for this position has traditionally been set to be in the middle of the average pay range for this job in a League Survey of cities our size. By State Statutes, City Council's, if challenged, are required to pay at least a comparable wage to cities of similar size. Each City can choose to pay a higher rate at their discretion and some do. The committee established by the Mayor met to review applications received, evaluate the increase in number of families moving here and the growth in student enrollment, and evaluated the requirements of the Wayne job description.

Recommendation: The committee has asked the Council to consider adjusting the Wayne pay range upward. The current range is \$28,121 per year starting to \$36,800 per year top. The committee request is for a starting wage of \$32,000 to \$52,000 top.

8. [Resolution 2014-73: Amending Fee Schedule](#)

Background: Most of the fees for our programs, services and facilities and equipment use are set by the City Council.

Recommendation: Attached is a copy of our current fee structure with changes suggested by city staff.

9. [Resolution 2014-74: Approving Amendment No. 6 to Communication Tower and Real Estate Lease Agreement — Alltel Communications of Nebraska, d/b/a Verizon Wireless](#)

Background: We have a 20-year lease with Verizon to use our communications tower and a small room in the City Hall basement for their equipment. The lease is adjusted annually for inflation, and we will receive about \$27,600 this year. Verizon also paid 50% (\$72,000) in 2012 towards the cost to reinforce our tower and base. This amendment will allow Verizon to upgrade and slightly raise their antennas. Verizon has provided an engineer report indicating the tower is strong enough to make the adjustment and still endure a 90+ mph wind.

Recommendation: The recommendation of Lowell Johnson, City Administrator, is to table Council action or to approve the amendment subject to a final report assuring there will be no interference to the transmission signals of all the other equipment on the tower, including our emergency communications.

10. [Resolution 2014-75: Adopting Housing Rehabilitation Program Guidelines](#)

Background: Wayne has participated in numerous NDED (Nebraska Department of Economic Development) Housing and Nebraska Housing Trust Fund grant programs. These programs require each city to establish guidelines to comply with all Federal requirements for how the funds are used and to prohibit discrimination. Wayne has not participated in a housing grant for a few years. Because Wayne listed possible owner-occupied home rehabilitation as one of the objectives in the \$215,000 Comprehensive Investment and Stabilization Grant, we need to update our existing housing policy to meet recent Federal requirements before NDED will release the grant funds. Northeast Nebraska Economic Development District has revised our plan, as shown in the attachment, to meet the new policy requirements.

Recommendation: The recommendation of Nancy Braden, Wayne Certified Grant Administrator, is to approve the new guidelines so NDED will release the grant funds.

11. [Ordinance 2014-26: Rezoning an area approximately 45 acres in size and more particularly described as part of the West ½ of the SW ¼ of Section 1, Township 26 North, Range 3 East in Wayne County, Nebraska described as Tax Lots 32, 34 and 35, from A-1 Agricultural to A-2 Agricultural Residential. \(Second Reading\)](#)

Background: Land zoned A-1 within the 2-mile zoning jurisdiction around Wayne is reserved for standard farming and livestock operations. This request for a zoning change to A-2 zoning for the area shown in the attached map would make an A-2 transition area between general agricultural use and residential and commercial use inside the city. A-2 zoning allows lots as small as 2.5 acres to be sold compared to a minimum of 10-acre lots in A-1.

Recommendation: The recommendation of the Planning Commission after their public hearing on this request is to approve the rezoning request to A-2.

12. Action on Change Order No. 2 in the Amount of \$4,280.00 for the Highway 15 & 10th Street Intersection Project

Background: During the excavation for the deceleration lane on the east side of Highway 15 as it approaches 10th Street, a shallow water main was discovered. Additional excavation to the construction grade left only 2 feet of dirt over the water main leaving it and the connecting water service lines vulnerable to freezing. The correct remedy is to replace the old shallow water main with a new one that is lower and to the east. In the interest of time, we chose to do that in 2015 as a separate project, but install a new section of the new water main under the new turning lane before paving it. That cost is represented here.

Recommendation: The recommendation of the project engineer and Jeff Brady, Water/Wastewater Foreman, is to install the section under the turning lane at this time for the future water main project.

13. Action on Pay Application No. 1 in the Amount of \$36,241.92 to Robert Woehler & Sons Construction, Inc., for the Highway 15 & 10th Street Intersection Project

Recommendation: This is for work completed and inspected according to contract and recommended for payment by the project engineer.

14. Action to Appoint Joel Hansen as the "Code Official"

Background: In the interim time period before we hired Joel Hansen, I was appointed and served the Mayor and Council as the City Code Official. When we hired Joel, that position was listed in his job description, so he became the Code Official. However, we are currently being challenged by an attorney on a code enforcement issue with the argument that Joel may not have clear authority to send the notice to comply since the Council did not take action to undo their appointment of me as the Interim Code Official.

Recommendation: The recommendation of our City Attorney is to approve the appointment of Joel as the Code Official.

15. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

August 19, 2014

The Wayne City Council met in regular session at City Hall on Tuesday, August 19, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers 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. Absent: Councilmember Cale Giese.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 7, 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 Brodersen made a motion, which was seconded by Councilmember Muir, whereas, the Clerk has prepared copies of the Minutes of the meeting of August 5, 2014, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

CORRECTIONS TO CLAIMS LIST: DELETE 8/5/14 CLAUSSEN & SON IRRIGATION, SE, 210.90; 7/23/13 AUDITORIUM DEPOSIT REFUND, 150.00 (TO BE REISSUED); 9/10/13 CADET BOOSTER & ERWIN TRUCKING, FE, 310.00

VARIOUS FUNDS: 4IMPRINT, SU, 761.33; AMERITAS, SE, 1943.26; APPEARA, SE, 223.29; ARNIE'S FORD-MERCURY, SU, 52400.00; BAKER & TAYLOR BOOKS, SU, 379.80; BANK FIRST, FE, 120.00; BROOKE D STURM, RE, 3000.00; BROWN SUPPLY, SU, 4075.36; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, PY, 67159.32; CITY

OF WAYNE, RE, 325.15; COMMUNITY HEALTH, RE, 4.00; COOPORTUNITY HEALTH, SE, 28687.59; COUNTRY NURSERY, SE, 1477.50; DEARBORN NATIONAL LIFE, SE, 1765.84; DITCH WITCH OF OMAHA, SE, 41287.50; DUTTON-LAINSON, SU, 1104.41; EAKES OFFICE PLUS, SU, 9.12; EASYPERMIT POSTAGE, SU, 2259.46; ECHO GROUP, SU, 255.60; CITY EMPLOYEE, RE, 277.98; EGAN SUPPLY, SE, 1735.25; FIRST SOURCE TITLE & ESCROW, SE, 175.00; GAYLORD BROS, SU, 262.95; GERHOLD CONCRETE, SU, 492.82; GOV'T FINANCE OFFICERS, FE, 170.00; GUMDROP BOOKS, SU, 534.86; HARDING & SHULTZ, SE, 1115.29; HAWKINS, INC, SU, 420.50; HD SUPPLY WATERWORKS, SU, 1277.74; HEARTLAND PAPER, SU, 49.55; HIRERIGHT SOLUTIONS, SE, 40.00; HOBBY LOBBY, SU, 55.24; ICMA, SE, 6777.09; INGRAM BOOK CO, SU, 292.64; IRS, TX, 24351.83; ITRON, SE, 3352.46; KRIZ-DAVIS, SU, 582.85; KTCH, SE, 825.00; LITE-FORM TECHNOLOGIES, SU, 1182.68; LUTT OIL, SU, 8502.47; MARCO, SE, 179.35; MATHESON TRI-GAS, SU, 109.05; MES-MIDAM, SU, 476.00; MIDLANDS CONTRACTING, SE, 2800.00; MIDSTATES ERECTORS, SE, 13108.93; MIDWEST LABORATORIES, SE, 441.35; MIDWEST TAPE, SU, 14.99; MSC INDUSTRIAL, SU, 63.37; MUNICIPAL SUPPLY, SU, 161.24; CITY EMPLOYEE, RE, 105.72; NE CRIME COMMISSION, SU, 15.00; NE DEPT OF REVENUE, TX, 3323.00; NLA/NSLA, FE, 390.00; NNPPD, SE, 13185.52; OCLC, SU, 57.50; OLSSON ASSOCIATES, SE, 5886.07; OVERDRIVE, SU, 554.83; PEERLESS WIPING CLOTH, SU, 240.00; POLLARD PUMPING, SE, 390.00; PUSH-PEDAL-PULL, SU, 2192.11; QUILL, SU, 626.97; RANDOM HOUSE, SU, 97.25; ROBERT WOEHLE & SONS, SE, 23671.00; ROBERTSON IMPLEMENT, SU, 337.95; RONALD GENTRUP, RE, 500.00; SD MEYERS, SE, 2508.00; SOCIETY FOR HUMAN, FE, 185.00; SOOLAND BOBCAT, SU, 17.92; SPARKLING KLEAN, SE, 1983.23; STADIUM SPORTING GOODS, SU, 986.00; STATE NEBRASKA BANK, RE, 139.51; STEVE LAMOUREX, SE, 196.00; THE MAX AGAIN, SU, 50.00; TOM ADAMSON, SU, 8.00; UTILITY EQUIPMENT, SU, 77.17; VAKOC CONSTRUCTION, SU, 126.46; VIAERO, SE, 127.47; WAYNE HERALD, SE, 2213.69; CITY EMPLOYEE, RE, 41.75; WESCO, CU, 1007.89; AMERITAS, SE, 1960.95; BANK FIRST, FE, 120.00; BENSCOTER INC, SE, 180.00; BIG T ENTERPRISES, SU, 108.95; CITY EMPLOYEE, RE, 35.88; CHILD SUPPORT, RE, 100.00; CITY EMPLOYEE, RE, 215.63; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 70539.21; CITY OF WAYNE, RE, 102.25; COMMUNITY HEALTH, SE, 4.00; CREDIT BUREAU SERVICES, RE, 568.21; DAKOTA RIGGERS & TOOL, SU, 101.62; DAVE'S DRY CLEANING, SE, 81.00; DUTTON-LAINSON, SU, 225.48; EMPLOYERS MUTUAL CASUALTY, RE, 3000.00; FIRE CATT, SE, 1305.00; GERHOLD CONCRETE, SU, 480.50; GROSSENBURG IMPLEMENT, SU, 211.35; GUARANTEE ROOFING, SE, 125.00; HD SUPPLY WATERWORKS, SU, 2500.00; HOMETOWN LEASING, SE, 333.49; HUBER TECHNOLOGY, SE, 2200.00; ICMA, SE, 6599.29; INDUSTRIAL TOOL, SU, 8.74; IRS, TX, 24748.07; JACK'S UNIFORMS, SU, 725.60; JEO CONSULTING GROUP, SE, 620.00; CITY EMPLOYEE, RE, 231.29; KRIZ-DAVIS, SE, 1336.58; LINCOLN CLUTCH & BRAKE, SU, 124.50; MID CONTINENT TESTING, SE, 306.00; MELYSSA DECK, SU, 60.00; NE DEPT OF ENVIRONMENTAL, FE, 125.00; NE DEPT OF REVENUE, TX, 3301.09; NE PUBLIC HEALTH, SE, 1009.00; NE SAFETY COUNCIL, FE, 295.00; NPPD, SE, 364491.29; NMPP ENERGY, FE, 220.00;

NWEA, FE, 250.00; PIEPER & MILLER, SE, 4558.00; PITNEY BOWES, SE, 648.00; REHAB SYSTEMS, SE, 21475.45; S & S WILLERS, SU, 589.86; STATE NEBRASKA BANK, RE, 300.00; TYLER TECHNOLOGIES, SE, 200.00; UNITED RENTALS, SE, 950.00; UTILITY EQUIPMENT, SU, 135.48; VERIZON, SE, 99.08; WAYNE AUTO PARTS, SU, 1236.39; WESCO, SU, 994.98

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

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

Councilmember Giese arrived at 5:35 p.m.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to rezoning an area approximately 45 acres in size and more particularly described as part of the West Half of the Southwest Quarter of Section 1, Township 26 North, Range 3, East of the 6th P.M., Wayne County, Nebraska, described as Tax Lots 32, 34 and 35, from A-1 Agricultural to A-2 Agricultural Residential. The applicants, Todd and Cheryl Luedeke, wish to develop lots that are less than 10 acres in size.

The Planning Commission reviewed the rezoning request at their public hearing on August 4, 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.

Todd Luedeke was present to answer questions.

Amy Miller and Shannon Reed were present and had no objection to the rezoning request.

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. 2014-26, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-26

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF AN AREA APPROXIMATELY 45 ACRES IN SIZE AND MORE PARTICULARLY DESCRIBED AS THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION ONE, TOWNSHIP TWENTY-SIX NORTH, RANGE THREE, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, DESCRIBED AS TAX LOTS 32, 34, AND 35, FROM A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL.

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 Mayor stated it was necessary for the Council to consider the calling of a bond election to provide funds to construct and equip a swimming pool facility and related improvements connected to the Wayne Community Activity Center; and to provide for approval of the levy of a one-half of one percent (0.50%) sales and use tax upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax for the purpose of paying the principal and interest of said bonds as the same fall due; and that the question of issuing such bonds and providing for the levy of such sales tax should be submitted to the electors of the City at a special election to be held in conjunction with the statewide General Election on November 4, 2014.

Phil Lorenzen of D.A. Davidson & Co., was present regarding the Resolution submitting a sales tax issue to the voters of the City of Wayne. He anticipates, in today's market, that the average interest rate on this bond issue would be somewhere between 3.5 to 4%. His calculations indicate that Council would be well advised to structure the issuance of a 20-year amortization, and he anticipates that the same would be paid off in approximately 14-15 years if there were no growth in the sales tax. If there is growth in the sales tax, it should be paid off much earlier. The tax will sunset upon the payment of the bonds.

Councilmember Eischeid had concerns about making it clear that this is for an outdoor swimming pool only.

Councilmember Eischeid introduced Resolution No. 2014-65 and moved for its approval, as amended, by stating that it is specifically for an outdoor swimming pool; Councilmember Sievers seconded.

Mr. Lorenzen then read the ballot question:

"Shall the City of Wayne, Nebraska issue bonds of said City in the principal amount of not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) to provide funds to construct and equip an **Outdoor** Swimming Pool and related improvements connected to the Wayne Community Activity Center; said bonds to bear interest at rate or rates to be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and

"Shall the City of Wayne, Nebraska, impose an additional sales and use tax of one-half of one percent (0.50%), upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, for the purpose of paying the principal and interest of said bonds as the same fall due, with said sales and use tax to remain in effect only so long as any of the indebtedness evidenced by said bonds (including refunding bonds issued to refund such indebtedness) shall remain outstanding and unpaid?"

- FOR said bonds and said sales and use tax
- AGAINST said bonds and said sales and use tax

If a majority of the votes cast upon such question shall be in favor, then the governing body of the City of Wayne shall be authorized to issue said bonds and shall be empowered as provided by Section 77-27,142 to levy said sales and use tax and shall forthwith proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of Wayne shall not issue said bonds and shall not impose such tax.

RESOLUTION NO. 2014-65

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, CALLING A SPECIAL ELECTION ON THE PROPOSITION OF THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINE HUNDRED THOUSAND DOLLARS (\$2,900,000) TO PROVIDE FUNDS TO CONSTRUCT AND EQUIP AN **OUTDOOR** SWIMMING POOL FACILITY AND RELATED IMPROVEMENTS CONNECTED TO THE WAYNE COMMUNITY ACTIVITY CENTER; AND IMPOSING AN ADDITIONAL SALES AND USE TAX OF ONE-HALF OF ONE PERCENT (0.50%), UPON THE SAME TRANSACTIONS WITHIN THE CITY OF WAYNE ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX, FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST OF SAID BONDS AS THE SAME FALL DUE, WITH SAID SALES AND USE TAX TO REMAIN IN EFFECT ONLY SO LONG AS ANY OF THE INDEBTEDNESS EVIDENCED BY SAID BONDS (INCLUDING REFUNDING BONDS ISSUED TO

REFUND SUCH INDEBTEDNESS) SHALL REMAIN OUTSTANDING AND UNPAID.

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

Pastor Mike Feldman, on behalf of Grace Lutheran Church, was present requesting Council consideration to allowing them to close a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 7, 2014, from 9:00 a.m. to 1:00 p.m. for “Rally Day Sunday School Church Service.” They have provided the necessary Certificate of Insurance with \$1,000,000 liability coverage and naming the City as an additional insured.

Councilmember Muir made a motion, which was seconded by Councilmember Ley, approving the request of Pastor Mike Feldman, on behalf of Grace Lutheran Church, to close a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 7, 2014, from 9:00 a.m. to 1:00 p.m. for “Rally Day Sunday School Church Service.” 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. 2014-24, and moved for approval of the third and final reading thereof; Councilmember Eischeid seconded.

ORDINANCE NO. 2014-24

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 3 B-3 NEIGHBORHOOD COMMERCIAL DISTRICTS, BY ADDING SECTION 90-432 PERMITTED CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES AND 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.

Administrator Johnson stated the following Resolution would establish the sewer hook-up fees for the Kardell Sanitary Sewer Extension and the Chief's Way Sanitary Sewer Extension projects. This Resolution will be filed at the Courthouse against all of the properties in these two projects.

Councilmember Muir recommended the following changes to subparagraphs 4 and 5 of said Resolution:

Section 4. If any lot included in the calculations of Attachment A merges with another lot also included in the calculations of Attachment A, the hook-up fee for the new combined lot shall become the total calculated for the original ~~two~~ **merged** lots.

Section 5. If a lot that is included in the calculations of Attachment A is or becomes connected to the sanitary sewer through another lot being served by the Chief's Way sanitary sewer, including a connection through a building, the hook-up fee for the ~~second~~ **additional** lot that is connected through the first lot will become due as calculated in Attachment A."

Councilmember Muir introduced Resolution No. 2014-62 and moved for its approval, as above amended; Councilmember Brodersen seconded.

RESOLUTION NO. 2014-62

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

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 a lease purchase agreement with Ditch Witch Financial Services for a 2012 Ditch Witch FX30 and a 2012 Ditch Witch Trailer T95 for the sum of \$40,983.04. This is a jet/vac truck that will be shared by the Water, Sewer and Electric Departments. This will be a three-year lease. The City is responsible for maintenance and insurance during that time. \$150,000.00 had been budgeted for this piece of equipment.

Tim Sutton, Electric Distribution Foreman, was present to answer questions.

Councilmember Eischeid introduced Resolution No. 2014-66 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2014-66

A RESOLUTION ACCEPTING AND AUTHORIZING LEASE PURCHASE AGREEMENT WITH DITCH WITCH FINANCIAL SERVICES FOR A 2012 DITCH WITCH FX30 AND 2012 DITCH WITCH TRAILER T95.

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

Nancy Braden, Finance Director, advised the Council that the auditors have required that if the City borrows money from itself (e.g. from the Electric Fund) to fund other projects, the same must be authorized or approved by Council. This is a cash flow action to fund the LB840 loans already approved. The City will pay 3% interest back to the Electric Fund. The amount needing to be borrowed is \$125,000.00. The only other outstanding loan at this time is that of Tim Fertig's.

Councilmember Sievers introduced Resolution No. 2014-67 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2014-67

A RESOLUTION OF THE LB840 ECONOMIC DEVELOPMENT PLAN OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND, WAYNE, NEBRASKA.

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

The Community Redevelopment Authority made a request for Council to consider forgiving the balance of their loan on the Kardell Industrial Park site in the amount of \$126,943.65. The saleable land has been developed and sold. This represents the remaining parcels that are not saleable (e.g. county right-of-way, Logan Creek, land dedicated in the plat for roads, and the old city landfill).

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen, approving the request of the Community Redevelopment Authority to forgive the balance of their loan on the Kardell Industrial Park site for \$126,943.65. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated he had received two proposals from engineering firms to be used for consulting services on various projects in connection with the CDBG Comprehensive Investment and Stabilization Grant. His recommendation is to appoint the firm of JEO Consulting Group for the engineering consulting services.

Councilmember Giese introduced Resolution No. 2014-68 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-68

A RESOLUTION APPOINTING JEO CONSULTING GROUP AS THE SPECIAL ENGINEER TO BE USED FOR CONSULTING SERVICES ON VARIOUS PROJECTS IN CONNECTION WITH THE CDBG COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT AWARDED IN 2014.

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

Administrator Johnson stated the following Resolution would approve the Interlocal Agreement with Wayne County for dispatch services. The same has been increased to \$72,000 for fiscal year 2015.

Marlen Chinn, Police Chief, was present to answer questions.

Consensus was to renegotiate this contract annually, and to amend subparagraph 4 to state that "...dispatch service provided **January 1, 2015, to December 31, 2015.**"

Councilmember Eischeid introduced Resolution No. 2014-69 and moved for its approval, as amended (Subparagraph 4 to state that "...dispatch service provided January 1, 2015, to December 31, 2015."); Councilmember Giese seconded.

RESOLUTION NO. 2014-69

A RESOLUTION TO JOINTLY PROVIDE DISPATCH SERVICE FOR PUBLIC SAFETY IN WAYNE COUNTY.

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

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Wayne State College Homecoming Parade on Saturday, October 4, 2014.

Councilmember Sievers introduced Resolution No. 2014-70 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-70

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 made a motion, which was seconded by Councilmember Giese, setting the public hearing for the 2014-2015 budget for September 16, 2014, at 5:30 p.m. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Joel Ankeny to the Library Board.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the reappointment of Joel Ankeny to the Library Board. 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 Sievers, 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 6:24 p.m.

CLAIMS LISTING SEPTEMBER 2, 2014

AMAZON.COM, LLC	DVD'S	268.81
APPEARA	MAT SERVICE	170.28
AQUA-CHEM, INC.	DOLPHIN DYNAMIC POOL CLEANER	3,200.82
ARDENT LIGHTING GROUP LLC	SB COMPLEX LIGHTING	284,877.25
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BEIERMANN ELECTRIC	TRENCHING	745.48
BLACK HILLS ENERGY	GAS BILLING	237.12
BOMGAARS	PAINTING SUPPLIES/GLOVES/SEED ETC	1,881.95
BROWN PLUMBING	TOILET REPAIR	85.70
CENTURYLINK	TELEPHONE CHARGES	314.25
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	500.00
CONTINENTAL FIRE SPRINKLE	FIRE INSPECTION	210.00
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	92.88
DEMCO INC	BOOK COVERS/CARDS/SHELF ADAPTER	338.25
DUTTON-LAINSON COMPANY	BULB/PHOTO CONTROL	438.78
ED. M FELD EQUIPMENT CO	GAS MONITORS	398.00
EGAN SUPPLY CO	CAC GYM FLOOR RESURFACING	5,243.08
ENGELHARDT TV	KEY PAD LOCK	470.00
FIRST CONCORD GROUP LLC	FLEX	3,331.64
FLOOR MAINTENANCE	PAPER TOWELS/HAND WASH	221.56
GALE GROUP	BOOKS	93.56
GERHOLD CONCRETE CO INC.	CONCRETE/SAND SLURRY	282.25
GROSSENBURG IMPLEMENT INC	FILLER CAP/FILTERS/SPINDLE/BLADE	552.11
HD SUPPLY WATERWORKS, LTD	IPERL WATER METERS	250.00
HEARTLAND NATURAL GAS	POOL GAS BILLING	89.51
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	99.65
HILLYARD/SIOUX FALLS	CLEANING SUPPLIES	121.87
HUBER TECHNOLOGY INC	VERTICAL SCREEN PANEL	1,675.00
HUNTEL CABLEVISION	TELEPHONE CHARGES	2,589.99
JACK'S UNIFORMS	POLICE UNIFORMS FOR NEW OFFICERS	1,411.90
JEO CONSULTING GROUP	AQUATIC STUDY	1,395.00
JOHN'S WELDING AND TOOL	CYLINDER MOUNTS ON DUMP TRUCK	286.32
KELBY HERMAN	ENERGY INCENTIVES	6,000.00
MERIT MECHANICAL	REPLACE PUMP COUPLING	9,152.50
MIDLAND EQUIPMENT INC	BEARINGS/TIRE/BLADE KIT/SEALS	583.07
CITY EMPLOYEE	HEALTH REIMBURSEMENT	56.53
NE DEPT OF HEALTH	GRADE 4 OP FEE	80.00
NE MOSQUITO	REGISTRATION	150.00
NE PUBLIC HEALTH	POLICE SERVICES	105.00
NHHS	REVIEW FEE	111.83
N.E NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	DEADEND GRIPS	63.25
NOVA HEALTH EQUIPMENT CO	BAR PAD/COLLAR SPRINGS	95.64
ODEYS INC	PICNIC TABLES/PITCHING MACHINE	6,933.29

ODEYS INC	SB COMPLEX FIELD RELOCATION	35,250.00
PROFESSIONAL POOL	SEALER	199.20
PROVIDENCE MEDICAL CENTER	POLICE SERVICES	197.46
ROBERT WOehler & SONS	CURB GRIND	300.00
ROBERTSON IMPLEMENT CO	BLOWER/TRIMMER	614.28
SIOUX CITY JOURNAL	SUBSCRIPTION RENEWAL	203.84
SKARSHAUG TESTING LAB INC	GLOVES	209.63
SOOLAND BOBCAT	4 HEAVY DUTY TIRES	737.52
STADIUM SPORTING GOODS	SHIRTS	33.75
THE GLASS EDGE, INC.	LIBRARY WINDOW REPLACEMENT	1,558.00
UNITED WAY	PAYROLL DEDUCTIONS	12.40
US BANK	LODGING/PRINTER/STAMPS/EAR PLUGS ETC	2,579.06
VIAERO	CELL PHONES	252.38
WAYNE AREA ECONOMIC DEVEL	LEADERSHIP CLASS	417.00
WESCO DISTRIBUTION INC	FUSE LINK	357.95

Ken and Lowell,

My students and I are already involved in the second phase of the tornado historical marker project. You may be contacted soon by one or more of my students as they are shoring up some loose ends. Our plan (if all the planets align) will be to have the project completed by Saturday Oct. 4th the first anniversary of the tornado. This service learning project is top priority for us so we believe, with your help, we can make the deadline.

The plaque we are planning on ordering once the plaque language is approved by you, will be a 20" x 20" bronze patina raised letter sign which will be mounted on a large stone donated by WSC. Over the next few weeks students will be working on finalizing the rock to be used, planning how to move the rock, proposing a location, and a plan for installation.

When we visited the city council last fall there was a suggestion that the historical marker be located at the Summer Sports Complex as this is a hub for our community that many many people visit both locally and from out of town. Plus it was one of the first areas of the city wiped out by the tornado. I do kind of like this location, but obviously the final decision is yours. Either way, I look forward to collaborating with you both.

Part of Service Learning for me is getting the students out of their comfort zone and have them make contact with leaders in our community. I thank you ahead of time for your dedication to students and the part you play in their educational process.

Please see attached draft of plaque design.

Thanks,
Jason

Jason Karsky, Ph.D.
Dept. of Sociology, Psychology, and Criminal Justice
Wayne State College, Connell 204
Wayne, NE 68787

Wayne County Tornado

On October 4th, 2013, one of the most devastating tornados in the history of Wayne County NE left an unprecedented path of destruction.

This historic marker is dedicated to community residents, business owners, employees, volunteers, and responders who endured the disastrous events of that day and underwent a most challenging recovery.

Called by circumstance, burdened by misfortune, yet inspired by a confident hope, the fury of Mother Nature's EF4 Tornado was met by an unrelenting spirit and the best of humanity.

RESOLUTION NO. 2014-71

A RESOLUTION APPROVING AMENDMENTS TO FY2013-2014 BUDGET.

WHEREAS, a public hearing regarding proposed and needed amendments to the FY2013-2014 Budget was held before the City Council on September 2, 2014, subsequent to due call and notice as required by law; and

WHEREAS, the City Council has considered the amendments proposed by the Finance Director, as stipulated in her memo regarding revisions for 2013-2014 budget, attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the proposed and needed amendments to the FY2013-2014 budget as set out in Exhibit "A" are hereby approved.

PASSED AND APPROVED this 2nd day of September, 2014.

CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

CITY OF WAYNE

CDA FUND	ACTUAL 2011	ACTUAL 2012	BUDGET 2013	ACTUAL EST 2013	Dept. Request 2014	BUDGET 2014	Amended BUDGET 2014
TIF TAXES	-	-	-	-	-	-	-
TOTAL TAXES	-	-	-	-	-	-	-
Farm Rent	1,608.60	1,608.60	800	444	-	-	-
TOTAL SERVICE FEES	1,608.60	1,608.60	800	444	-	-	-
Loan Proceeds City	-	160,000.00	-	112,000	-	-	112,000
Bond Proceeds TIF	-	-	-	-	-	-	-
Incentive Loan repayment	-	-	-	40,000	40,000	40,000	60,000
Sale of Real Property	200.00	4,784.80	5,000	33,638	-	30,000	221,432
Transfers in	-	-	-	-	-	-	114,759
TOTAL MISC & OTHER REVENUES	200.00	164,784.80	5,000	185,638	40,000	70,000	508,191
TOTAL REVENUES	1,808.60	166,393.40	5,800	186,082	40,000	70,000	508,191
CITY OF WAYNE							
CDA FUND							
CDA PROFESSIONAL SERVICES	1,534.00	1,196.00	2,000	1,368	-	-	15,000
CDA MISCELLANEOUS	-	-	-	-	-	5,000	-
Taxes on land	6,255.02	5,090.40	6,000	4,998	5,000	-	5,529
STATE LICENSES & FEES	-	-	-	-	-	-	-
Interest on Debt - City Loan	-	-	-	-	-	-	-
Principal Redemption - City Loan	-	-	-	-	-	-	-
Interest on Debt - TIF	-	-	-	-	-	-	-
Principal Redemption - TIF	-	-	-	-	-	-	-
Housing Construction Incentive Loans	-	40,000.00	-	180,000	40,000	40,000	50,000
Transfer out to ST for West Ridg exp	-	-	-	-	-	30,000	30,000
Transfer out to EL for land fill	-	-	-	-	-	33,331	33,331
Transfer out to EL for 10th street property	-	-	-	-	-	-	-
TOTAL COMMODITIES	7,789.02	46,286.40	8,000	186,366	45,000	108,331	133,860
CDA LAND	-	-	-	110,810	-	-	170,568
CONTINGENCY	-	-	45,320	-	32,430	19,099	261,193
TOTAL CAPITAL OUTLAY	-	-	45,320	110,810	32,430	19,099	431,761
TOTAL CDA	7,789.02	46,286.40	53,320	297,176	77,430	127,430	565,621

RESOLUTION NO. 2014-72

WHEREAS, the City of Wayne desires to amend Resolution No. 2014-2, a standard wage and salary schedule which was effective January 1, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the City of Wayne Wage & Salary Schedule shall be as follows:

CITY OF WAYNE
NON-EXEMPT WAGE AND EXEMPT SALARY SCHEDULES
Effective August 5, 2014

NON-EXEMPT WAGE SCHEDULE

<u>LABOR GRADE</u>	<u>HOURLY RATE RANGE</u>	<u>JOB CLASSIFICATION(S)</u>
5	7.25 10.07	Community Activity Center/Recreation Program Aide Part-Time General Help Laborer -- PW / PU Library Aide Senior Center Activities Assistant
6	7.92 10.59	Clerk/Secretary Life Guard
7	8.37 - 11.20	Recreation-Leisure Services Asst-I Senior Center Operations Assistant
8	8.79 - 11.79	Transfer Station Operator
9	9.24 - 12.36	Account Clerk-I Custodian
10	9.70 - 12.99	Assistant Librarian-I
11	10.19 - 13.65	Accountant Apprentice Light Plant Oper. Assistant Librarian II Handi-Van Driver Line Groundsman
12	10.70 - 14.33	Building Inspector/Planner-I
13	11.23 - 15.03	Chief Custodian Executive Secretary
14	11.78 - 15.76	Heavy Equipment Operator-I Light Plant Operator-I Public Works Operations Tech.-I

15	12.39 - 16.58	Apprentice Lineman Mechanic-I Staff Assistant Water/Sewer Operator-I
16	12.99 - 17.40	Administrative Assistant Building Manager/Custodian Heavy Equipment Operator-II Librarian-I
17	13.68 - 18.32	Accountant/Asst. Treasurer Account Clerk-II Light Plant Operator-II Lineman-I Public Works Operations Tech.-II
18	14.31 - 19.16	
19	15.03 - 20.13	Assistant Street Foreman Class A Licensed Electrician Mechanic-II Water/Wastewater Operator-II
20	15.74 - 21.08	Certified Street Superintendent
21	16.58 - 22.18	Power Plant Foreman
22	17.36 - 23.23	Technology Support Specialist Water/Wastewater Operator-III
23	18.23 - 24.41	Chief of Electric Production Street Foreman
24	19.68 - 26.33	Building Inspector/Planner-II Lineman-II Water/Wastewater Foreman
25	21.23 - 28.41	
26	22.06 - 29.53	Line Foreman/Asst. Supt.

EXEMPT SALARY SCHEDULE

<u>JOB CLASSIFICATION</u>	<u>Hourly</u>	<u>MONTHLY SALARY RANGE</u>	<u>Hourly</u>
Recreation Services Director	\$13.52 \$16.34	\$2,344 - \$3,127 \$2,666 - \$4,333	(\$17.69) (\$25.00)
Community Activity Center Director	\$13.52	\$2,344 - \$3,127	(\$17.69)
Sr. Citizens Center Coordinator	\$12.98	\$2,249 - \$3,420	(\$19.71)
Library Director	\$20.21	\$3,504 - \$4,631	(\$26.72)
Ex-Officio Treasurer for Airport		\$500.00	
Public Buildings Manager		\$300.00	
Third Party Administrator MRP		\$250.00	
City Clerk	\$23.77	\$4,121 - \$5,536	(\$31.94)
Finance Director	\$24.89	\$4,314 - \$5,369	(\$30.98)
Electric Superintendent- Production	\$18.55	\$3,216 - \$4,975	(\$28.70)
Police Chief	\$28.31	\$4,906 - \$6,256	(\$36.09)
Supt. of Public Works & Utilities	\$19.48	\$3,376 - \$6,283	(\$36.25)
City Administrator		- \$7,772	(\$44.84)

BE IT FURTHER RESOLVED that upon satisfactory evaluation, the progression through the exempt salary schedule and the labor grade steps shall be at least twelve (12) months, unless otherwise deemed warranted and appropriate by the City Administrator.

BE IT FURTHER RESOLVED that employees receiving wage rates less than rates scheduled herein above shall have their wage rates adjusted only upon satisfactory evaluation.

PASSED AND APPROVED this 19th day of August, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2014-73

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

WHEREAS, the City Council, by and through the City Code and as a matter of general policy, establish certain rates, fees and charges for purposes of raising operating revenue and covering costs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the City of Wayne, Nebraska, that the attached schedule of rates, fees and charges are hereby amended and the same shall, if not already in effect, become effective upon the passage and approval of this Resolution.

PASSED AND APPROVED this 2nd day of September, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

SCHEDULE OF FEES

	2013	Proposed Changes	Last Amended
Utility Deposits			
Electric	\$ 125.00	\$ 150.00	2007
Water	\$ 50.00	\$ 75.00	2007
Sewer	\$ 50.00	\$ 75.00	2007
Reconnect Fees	\$ 50.00	\$ 75.00	
Overtime Rate	\$ 75.00	\$ 100.00	
Bad Checks	\$ 30.00	\$ 50.00	
Dog License	\$ 6.00		2011
Fingerprints	\$ 20.00		
Vendor's Permit	\$ 25.00		
Vehicle Storage (Per Day)	\$ 10.00		
(Per Hour)	\$ 25.00		
Impounded Vehicle	\$ 150.00		
Parking Fines:			
Paid within first five days	\$ 15.00		
Paid between 6-15 days	\$ 30.00		
Paid after 15 days	\$ 45.00		
Police Reports	\$5.00 up to 6 pgs		
Copies	\$ 0.25		
Color	\$ 1.00		
CAD Maps (24" wide)	\$ 15.00		
CAD Maps (36" wide)	\$ 25.00	\$ 20.00	
CAD Maps (42" wide)		\$ 25.00	
Digital Scan per page		\$ 10.00	
Private E-Mail Use (per month)	\$25.00		
Electronic Media (i.e. CD)	\$25.00		2012
Faxes (per page)	\$ 2.00		
International Faxes (per page)	\$ 6.00		
Clearing Snow and Ice	\$ 75.00		
Mowing (per hr w/ min)	\$ 300.00		
Route Vendor	\$ 100.00		

SCHEDULE OF FEES

Water/Sewer Hook-ups	2013	Proposed Changes		
Residential	\$ 250.00			
Commercial	\$ 500.00			
Well Permit Fee				
Non-Domestic - over 1 200 + Engineering Fee				
Domestic - less than 100 gpm				
Pool		10% Increase		
Family Ticket	\$ 95.00	\$ 104.50		2007
Pre-Season Discount	\$ 85.00	\$ 93.50		2007
Individual Ticket	\$ 55.00	\$ 60.50		2007
Pre-Season Discount	\$ 50.00	\$ 55.00		2007
Daily Admissions - Over	\$ 4.50	\$ 4.95		2007
Ag	\$ 3.50	\$ 3.85		2007
Ag	\$ 3.00	\$ 3.30		2007
Swimming Lessons	\$ 30.00	\$ 33.00		2008
Swimming Parties	\$ 75.00	\$ 82.50		2008
Auditorium				
Rental	\$ 225.00	250.00		2004
State Registered	\$ 100.00			2004
Youth	\$ 35.00			2004
North Meeting Room	\$ 75.00			2004
State Registered	\$ 45.00			2004
Breakfast/Lunch Mtgs	\$ 45.00			2004
Damage Deposit	\$ 150.00			2004
With Sound System	\$ 200.00			2007
Library/Sr Center Mtg	\$ 25.00			
Senior Center Rental	\$ 150.00			
Damage Deposit	\$ 150.00			
Fire Hall Rental	\$ 150.00	\$ 200.00		2004
Damage Deposit	\$ 150.00	\$ 200.00		2004

SCHEDULE OF FEES

Activity Center	2013	Proposed Changes		2011
		10% increase	20% increase	
Family	\$ 268.49	\$ 295.34	\$ 354.41	2011
Adult Married Couple	\$ 207.46	\$ 228.21	\$ 273.85	2011
Single Adult	\$ 152.55	\$ 167.81	\$ 201.37	2011
Senior Married Couple	\$ 99.72	\$ 109.69	\$ 131.63	
Single Senior	\$ 74.77	\$ 82.25	\$ 98.70	
College				
Year	\$ 104.69	\$ 115.16	\$ 138.19	
9-months	\$ 86.66	\$ 95.33	\$ 114.39	
Semester	\$ 61.50	\$ 67.65	\$ 81.18	
College Married Couple	\$ 166.15	\$ 182.77	\$ 219.32	
High School (Grades 9-	\$ 88.39	\$ 97.23	\$ 116.67	2011
Middle School (Grades 7-8)	\$ 71.27	\$ 78.40	\$ 94.08	2011
Elementary School (Grades K-6)	\$ 55.00	\$ 60.50	\$ 72.60	2011
Punch Card (10 visits)	\$ 31.95	\$ 35.15	\$ 42.17	
Punch Card (5 visits)	\$ 21.30	\$ 23.43	\$ 28.12	
CORPORATE RATES				
Family				
6 - 25 Members	\$ 246.46	\$ 271.11	\$ 325.33	
26+	\$ 235.28	\$ 258.81	\$ 310.57	
Adult Couple				
6 - 25 Members	\$ 192.22	\$ 211.44	\$ 253.73	
26+	\$ 186.63	\$ 205.29	\$ 246.35	
Adult Single				
6 - 25 Members	\$ 141.18	\$ 155.30	\$ 186.36	
26+	\$ 132.79	\$ 146.07	\$ 175.28	
Excavation Permit	\$ 25.00			
Annual Fee	\$ 250.00			
Moving Permit				
Primary	\$ 200.00			
Accessory	\$ 50.00			
Razing Permits				
Residential & Commercial	\$ 60.00	\$ 75.00		
Accessory Structures	\$ 20.00	\$ 25.00		

SCHEDULE OF FEES

- | Plan Review Fee (non- | 2013 | Proposed Changes |
|--|-------------|-------------------------|
| 1. Inspections outside of normal business hours; \$35 plus \$25/hour after first hour and expenses at actual cost. | | |
| 2. Reinspections fees assessed under the provisions of Sec. 305(g), \$35 plus \$25/hour after first hour and expenses at actual cost. | | |
| 3. Inspections for which no fee is specifically indicated; \$35 plus \$25/hour after first hour and expenses at actual cost. | | |
| 4. Additional plan review required by changes, additions, or revisions to approve plans; \$35 plus \$25/hour after first hour expenses at actual cost. | | |
| 5. Inspections for Property Maintenance Code - \$35 plus \$25/hour after first hour and expenses at actual cost. | | |

Sidewalk	\$	25.00
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Property Maintenance Fees

Initial Code Complaint Inspection; \$35 plus \$25/ hour after first hour and expenses at actual cost		
Final Inspection to Verify Compliance	\$	-
Failure to Meet 1st Notice Compliance Deadline	\$	300.00
Failure to Meet 2nd Notice Compliance Deadline	\$	300.00

Driveway/Apron Cons.	\$	35.00
Plus Bond/Deposit		

Zoning Regulation

Amendment Text	\$	100.00
Amendment District/M:	\$	200.00

Variance Application (I	\$	200.00
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Use by Exception App	\$	200.00
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Subdivision

Preliminary Plat	\$250 + \$5 /lot	\$	100.00
Final	\$150 + \$1.50/lot	\$	200.00
Variance	\$ 150.00		

Lot Split/Admin. Subdi	\$	175.00	\$	150.00
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Meter Testing

Residential	\$	15.00	\$	30.00
Non-Residential	\$	25.00	\$	50.00

Specially Req. Bldg Insp	\$	30.00
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Garbage Haulers

Class A Permit	\$	400.00
Class B Permit	\$	30.00

SCHEDULE OF FEES

	2013	Proposed Changes
Special Designated Lic (For Those without Cal	\$ 40.00	

Plumber Permits

New	\$ 100.00	
Renewal	\$ 50.00	

Electrician Permits

New	\$ 100.00	
Renewal	\$ 50.00	

Pawnbroker Permit	\$ 50.00	
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ATV & Utility Vehicle P	\$ 75.00	
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ATV & Utility Vehicle C	\$ 25.00	
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Occupation Taxes:

Telephone & Telecomm	5%	
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Fireworks	\$ 100.00	
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Natural Gas Companies

Residential	\$2.50 per month
Commercial	\$5.00 per month
Industrial	\$50.00 per month

Utility Franchise Fees:

Electric	8.50%	10.5%
Water	7.00%	8%
Sewer	7%	7%

Hotel	5%	
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Alcoholic Liquors	2x License Fee	
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Non-Profit Class C	\$150	
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Special Designated L	\$ 40.00	
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a Catering License

Cable	5%	
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RESOLUTION NO. 2014-74

A RESOLUTION APPROVING AMENDMENT NO. 6 TO COMMUNICATION TOWER AND REAL ESTATE LEASE AGREEMENT WITH ALLTEL COMMUNICATIONS OF NEBRASKA, LLC, d/b/a VERIZON WIRELESS.

WHEREAS, the City owns a communication tower next to City Hall at 306 Pearl Street; and

WHEREAS, said parties entered into a lease agreement dated March 1, 1998, as amended by First Amendment to Lease Agreement, dated October 2, 2003, and as further amended by Second Amendment to Lease Agreement dated December 14, 2004, Third Amendment to Lease Agreement dated November 8, 2010, Fourth Amendment to Lease Agreement dated July 20, 2012, and Fifth Amendment to Lease Agreement dated December 10, 2012.

WHEREAS, the City Administrator has renegotiated and the City Attorney has reviewed said Amendment No. 6 to the Communication Tower and Real Estate Lease Agreement with Alltel Communications of Nebraska, LLC, d/b/a Verizon Wireless and recommend approval thereof.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that Amendment No. 6 to the Communication Tower and Real Estate Lease Agreement with Alltel Communications of Nebraska, LLC, d/b/a Verizon Wireless, is hereby approved, and the Mayor is hereby authorized to execute the agreement on behalf of the City.

PASSED AND APPROVED this 2nd day of September, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**SIXTH AMENDMENT TO COMMUNICATION
TOWER AND REAL ESTATE LEASE AGREEMENT**

This Sixth Amendment to Communication Tower and Real Estate Lease Agreement (“**Amendment**”) is made and entered into this _____ day of _____ 20___, by and between the **City of Wayne, Nebraska** (“**Lessor**”) and **Alltel Communications of Nebraska LLC d/b/a Verizon Wireless** (“**Lessee**”). The Lessor and Lessee are at times collectively referred to hereinafter as the “**Parties**” or individually as the “**Party**”.

WHEREAS, Lessor and Aliant Cellular Inc., Lessee’s predecessor in interest, entered into a Communication Tower and Real Estate Lease Agreement dated March 1, 1999, as previously amended (collectively, the “**Lease**”), pursuant to which Lessee leases space on Lessor’s communications tower and a portion of the property located at 306 Pearl Street, Wayne, Wayne County, Nebraska 68787; and

WHEREAS, the Parties desire to amend the Lease to, among other things, extend the Lease term and allow modification of Lessee’s antennas on Lessor’s tower.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Any capitalized terms used in this Amendment that are not defined herein have the meanings given those terms in the Lease.
2. Section 1(a) of the Lease is deleted in its entirety and replaced with the following:
 - (a) Space on Lessor’s tower between 136’ and 142’ for the installation of twelve (12) antennas, three (3) TMA's, three (3) RRUs and one (1) distribution box.
3. Lessor specifically approves of Lessee’s proposed equipment modification.
4. Lessor and Lessee each hereby warrant to the other that the person executing this Amendment on behalf of the warranting Party has the full right, power and authority to enter into, and execute, this Amendment on that Party’s behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

5. Except as specifically provided in this Amendment, the Lease shall remain in full force and effect and shall continue to be binding upon, and enforceable against, Lessor and Lessee in accordance with its terms. All covenants, terms and obligations of the Lease not modified by this Amendment are hereby ratified and affirmed. The terms and provisions of this Amendment shall control in the event of any inconsistency or discrepancy between the Lease and this Amendment.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amendment effective as of the day and year first above written.

LESSOR:

City of Wayne, Nebraska

By: _____

Name: _____

Title: _____

Date: _____

LESSEE:

**Alltel Communications of Nebraska LLC
d/b/a Verizon Wireless**

**By: Alltel Communications, LLC,
its Sole Member**

By: _____

Lynn Ramsey
Area Vice President Network

Date: _____



32 W 273 Army Trail Road, Suite # 100, Wayne, IL 60184

HUTTER TRANKINA ENGINEERING
CONSULTING STRUCTURAL ENGINEERS

Phone: 630-513-6711 Fax: 630-513-2925
htedesign.com

May 2, 2014

Mr. Dennis Murphy
Terra Consulting Group, Ltd.
600 Busse Highway
2nd Floor
Park Ridge, IL 60068-2568

Re: VZN: NE03 Wayne DT
Loc. # 195323 / Terra # 47080
Hutter Trankina # 11243C

Dear Mr. Murphy:

Per your request, we have analyzed the tower for the above-referenced tower, which is located at 306 Pearl Street in Wayne, Nebraska. The following paragraphs summarize our findings.

PURPOSE

The purpose of this analysis was to verify the structural adequacy of the existing tower to resist new and existing equipment loads as specified by Verizon Wireless. We have assumed the tower reinforcements detailed on our S1 drawing dated 01/05/12 have been installed.

DESCRIPTION

▪ **Tower**

The tower is a 150'-0" tall, 3-sided lattice tower with x-braces that taper from 18'-6" wide at the base to 3'-6" at the top. Our analysis is based on the HighTower mapping report dated 06-03-2011, the original fabrication drawings by Sabre Communications dated 09-08-1988 and tower reinforcing drawings prepared by Hutter Trankina Engineering.

▪ **Tower Anchor Bolts**

The anchor bolts are of A36 steel ($F_y = 36$ ksi and $F_u = 58$ ksi). It was assumed that the anchor bolt embedment was sufficient to develop the full anchor bolt tensile capacity. The base plate is 1/2" thick and assumed to be of $F_y = 36$ ksi steel strength.

• **Foundation**

The foundations consist of a 30" diameter pier at each leg that extends 15' into the ground with a 5' diameter bell at the bottom. Each pier is reinforced with six # 6 bars. A center concrete mat is assumed present as shown on Hutter Trankina Engineering drawings.

ANTENNA CONFIGURATION

The following antenna layout was employed in the analysis:

<u>Elevation</u>	<u>Antenna or Appurtenance</u>	<u>Qty.</u>	<u>Coax Dia.</u>	<u>Coax Qty.</u>	<u>Comments</u>
158'-7"	Dipole 20'-0" tall	1	7/8"	1	Existing
158'-6"	Whip 20'-0" tall x 1 3/4" dia.	1	7/8"	1	Existing
152'-9"	Whip 1'-0" tall	1	7/8"	1	Existing
152'-6"	Beacons	2	7/8"	1	Existing
146'-0"	Dipole 10'-0" tall	1	7/8"	1	Existing
145'-9"	Whip 8'-0" tall	1	7/8"	1	Existing
142'-10"	Whip Omni DB-810K	3	7/8"	3	Existing
160'-0"	Antel LPA4019	4	1 3/8"	4	Existing
136'-0"	Antel LPD-7907-8	6	7/8"	6* ¹	Existing
136'-0"	Andrew SBNH-1D6565C	3	7/8"	6*¹	Proposed
136'-0"	RRUS12	3			Proposed
136'-0"	Raycap RC2DC-3315-PF-48	1	1 3/8" hybrid	1	Proposed
136'-0"	Andrew E15R05P19 TMA	3*²			Proposed
134'-4"	11'-0" sector mount (CaAa = 18.8 sq. ft.)	3			Existing
130'-7"	Whip 8'-0" tall	1	1/2"	1	Existing
121'-2"	Whip 6'-0" tall	1	1/2"	1	Existing
120'-4"	Whip 4'-0" tall	1	1/2"	1	Existing
110'-0"	Yagi 3'-6" x 3'-1"	6	1/2"	6	Existing
100'-9"	Yagi 3'-0" x 1'-0"	2	7/8"	1	Existing
87'-1"	Panel w/ TMA	1	3/4"	2	Existing
85'-9"	Whip 3'-5" tall x 5/8" dia.	1	7/8"	1	Existing
85'-0"	Whip 2'-8" x 5'-8"	1	7/8"	1	Existing
80'-8"	Yagi 1'-4" x 2"	1	1/2"	1	Existing
84'-8"	Whip 10' tall	1	1/2"	1	Existing
76'-0"	Yagi 4'-4" x 8"	1	1/2"	1	Existing
76'-8"	Whip 15'-0" tall x 1/5" dia.	1	1/2"	1	Existing
40'-8"	4' dish	1	1/4"	1	Existing
22'-4"	Broadcast 3'-8" x 1'-7"	1	1/4"	3	Existing

- Existing tower information was obtained from tower drawing 4793-DS by Towerkraft Engineering dated 05-7-2004 and a tower mapping report by HighTower Solutions dated 06-03-2011.
- *¹ = The (12) 7/8" coax noted to be stacked in (2) rows of (6) with a maximum of 1/2" in between each coax and each row.
- *² = The (3) TMAs noted to be installed directly behind the proposed antennas,

ANALYSIS PROCEDURE AND RESULTS

The existing structure was subjected to the TIA/EIA-222-G Code standards. The following three (3) loading cases were considered:

- I. Forces due to a wind speed of 90 mph;
- II. Forces due to a wind speed of 50 mph in conjunction with ¾" ice build-up around all elements; and
- III. Service wind of 60 mph.

The following stress ratios were determined for the tower and foundations:

Tower	100 %
Anchor Bolts	74 %
Base Plate	71 %
Foundation	94 %

CONCLUSION

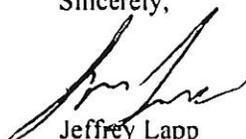
Based on the performed calculations, the existing tower and its foundations will be **structurally acceptable** to resist the wind loads imposed by the existing and the proposed equipment.

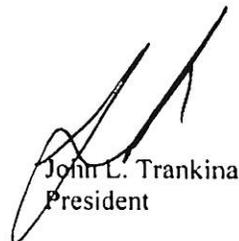
We have assumed the following:

- 1) The tower reinforcements detailed on our S1 drawing dated 01/05/12 have been installed.
- 2) The (12) ¾" coax feeding the Verizon antennas at elevation 136'-0" need to be stacked in (2) rows of (6) with a maximum of ½" in between each coax and each row.
- 3) The (3) proposed TMAs need to be installed directly behind the proposed antennas,

Should you have any questions regarding this report or require further analysis, please feel free to contact us.

Sincerely,


Jeffrey Lapp
Project Engineer


John L. Trankina
President



RESOLUTION NO. 2014-75

A RESOLUTION ADOPTING HOUSING REHABILITATION PROGRAM GUIDELINES, HOUSING REUSE PLAN AND SUBORDINATION POLICY.

WHEREAS, the City of Wayne, Nebraska, has received Community Development Block Grant funds to provide assistance to low income persons in the region in improving the health and safety of their living conditions through housing rehabilitation; and

WHEREAS, the City is desirous to adopt Housing Rehabilitation Program Guidelines, as well as a Housing Reuse Plan and Subordination Policy for this program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Housing Rehabilitation Program Guidelines, Housing Reuse Plan, and Subordination Policy attached hereto are hereby approved and the same shall be implemented unless otherwise modified by the Nebraska Department of Economic Development.

PASSED AND APPROVED this 2nd day of September, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

CITY OF WAYNE HOUSING REHABILITATION

PROGRAM GUIDELINES

PURPOSE

It is the main goal of the Investment Zone Regional Housing Rehabilitation Program to assist low-income persons of this Region in improving the health and safety of their living conditions through housing rehabilitation. It is also an important goal to increase the number of good, habitable dwelling units and improve the housing stock by providing low-interest loans to homeowners to rehabilitate their housing units. The program will prevent the spread of blight and its influence, provide assistance to those persons of the greatest need, improve the availability and desirability of housing, discourage the abandonment or neglect of residential dwelling units, promote continued home ownership, increase the attractiveness of existing neighborhoods, and increase local employment. This program will be operated by and administered by the Wayne Community Housing Development Corporation (WCHDC) through its Board Members. This Board is responsible for the establishment of the following guidelines.

This program is in compliance with the Fair Housing Act. The City of Wayne will comply with the following Sections of the Fair Housing Act and the following regulations:

Sec. 818. [42 U.S.C. 3617] Interference, coercion, or intimidation; enforcement by civil action. The City of Wayne's housing rehabilitation program does not coerce, intimidate, threaten, or interfere with any person seeking housing rehabilitation funds from the City of Wayne. The City of Wayne does not discriminate when loaning housing rehabilitation funds based on race, color, religion, sex, handicap, familial status, or national origin and has in fact adopted a Fair Housing Resolution. The City of Wayne will follow the following CFR regulations for implementing the Fair Housing Act for HUD funded programs:

Title 24 CFR 100 Subpart C provides the City of Wayne's housing rehabilitation program with interpretations of conduct that is unlawful under section 805. The City of Wayne will follow these interpretations when providing financial assistance for the rehabilitation of a dwelling. The City of Wayne does not discriminate when loaning rehabilitation funds based on race, color, religion, sex, handicap, familial status, or national origin and has, in fact, adopted a Fair Housing Resolution.

Title 24 CFR 100 Subpart D provides the City of Wayne's housing rehabilitation program with guidance to permit handicapped persons reasonable modifications of the existing dwelling that is being rehabbed.

Title 24 CFR 100 Subpart F provides the City of Wayne's housing rehabilitation program with guidance of conduct that is unlawful under Section 818 of the Fair Housing Act.

Title 24 CFR 107 is used to take action necessary and appropriate to prevent discrimination because of race, color, religion, sex, handicap, familial status, or national origin. Under this section the City of Wayne insures that all legal documents contain provisions regarding discrimination. The City of Wayne maintains racial, national origin and sex data required by the department in connection with its programs.

Title 24 CFR 110 sets forth regulations regarding the purpose and location of posters. The City of Wayne has its posters prominently displayed, and of proper size, so they can be read by all persons seeking housing. The City of Wayne's letterhead and all housing brochures bear the Fair Housing Logo.

1.0 APPLICANT ELIGIBILITY

1.1 General (Conflict of Interest)

No member of the governing body, official, employee, agent or member of their immediate family of the City of Wayne or Wayne Community Housing Development Corporation (WCHDC) who exercises policy, decision-making functions or responsibilities in connection with the planning and implementation of the Housing Rehabilitation program shall directly or indirectly benefit from this program, unless the Nebraska Department of Economic Development (NDED) has granted written exception to that member. This prohibition shall continue for one year after an individual's relationship with the City of Wayne and WCHDC. Any other employee, officer, or board member may be eligible, but will be treated no differently in the determination of applications accepted for funding. Enclosed with this person's application shall be a statement of disclosure which outlines the nature of possible conflict and a description of how the public disclosure was made. Included will also be verification that the affected person has withdrawn from the active involvement in any Housing Rehabilitation grant related issues.

1.2 Income Eligibility

Those persons receiving assistance under this program will be at or below 80% of the Area Median Income (AMI) for the County in which the applicant(s) receive assistance by standards established by the Department of Housing and Urban Development (HUD) for lower-income assisted housing. These limits will be updated within 30 days of US Census or HUD notification of a revised median income for this area. Income eligibility, through the use of 3rd party verifications, will be determined using the Anticipated Annual (Gross) Income Definition found at 24 CFR 5.609.

2.0 PROPERTY ELIGIBILITY

2.1 Location

The housing units to be rehabilitated will be located in the Comprehensive Investment & Stabilization (CIS) target area, and are subject to limitations set by individual CDBG rules. Housing units to be rehabilitated cannot be located within a special flood hazard area. Wayne’s CIS target area is comprised of the City’s Southeastern Quadrant, which consists of the area with Census Tract 9787, Block Group 5 (NE0015307) and Census Tract 9787, Block Group 4 (NE0015306). The units must also abide by all other policies set forth in these guidelines.

2.2 Unit Characteristics

Only owner-occupied (primary residence), single family housing units, which are currently in substandard condition, will be eligible for rehabilitation. Mobile homes, housing connected to other space used for commercial purposes, and rental properties are not eligible for assistance. Housing units located within a special flood hazard will not be eligible for assistance. Duplexes are eligible for assistance if one unit is owner-occupied (primary residence) and rent is charged for the other half of the duplex, which counts toward the applicant’s household income. Land contracts or real estate contracts are not eligible for the housing rehabilitation program. Homeownership is determined by obtaining and reviewing a copy of the filed property deed. The homeowner is responsible for the completion of the Homeowner Property Title Verification Form included in the application.

2.3 Condition

At the completion of rehabilitation, units must comply with the NDED Minimum Rehabilitation Standards. The unit’s condition must be such that it can be rehabilitated at a reasonable cost. (See Section 4.5)

2.4 Taxes

Property taxes must be paid current at the time that the City of Wayne and the homeowner sign the housing rehabilitation agreement. Property taxes must be kept current throughout the homeowner’s loan or forgivable loan repayment period in order to remain eligible for the program.

2.5 Insurance

Owner-occupants are required to carry a basic property insurance policy of at least eighty percent (80%) of the unit’s replacement cost. Any insurance payment of a claim over \$1,000 will require a review by the Wayne Community Housing Development Corporation (WCHDC) Board of Directors. All proceeds resulting from insurance claims must be applied toward the cost of needed repairs to the home. The above-referenced insurance coverage(s) must be carried on the unit for the entire duration of the rehabilitation loan term. The City of Wayne will be named as a loss-payee on all insurance policies.

2.6 Types of Improvements

All units must be improved to meet the NDED Minimum Rehabilitation Standards at the completion of rehabilitation. The following listed items are eligible expenditures to bring a unit up to Minimum Rehabilitation Standards:

Structural Repairs to:

- Foundations
- Sagging or rotting beams, joists, columns
- Stairs and porches
- Roofs and chimneys
- Floors

Modernization of:

- Plumbing and plumbing fixtures
- Furnace and water heaters
- Lighting and wiring

General Interior Renewal and Modernization:

- Wall, ceiling and floor repair
- Painting and paneling
- Room rearrangement
- Additions to alleviate overcrowding conditions
- Energy Conservation and Weatherproofing, including:
- Ceiling and wall insulation
- Window and door repair or replacement
- Caulking and weather-stripping
- Installation of storm windows and doors
- Roof covering removal and installation
- Siding and trim painting or replacement

Lead-Based Paint Hazard Control:

Lead-based paint removal or remediation will be completed in accordance with HUD's Lead Safe Rule.

Hazardous Conditions:

Hazardous conditions are subjective, but generally are defined as urgent health and/or safety issues as determined by the Housing Specialist on a case-by-case basis.

The correction of Minimum Rehabilitation Standard deficiencies is given top priority in the rehabilitation process.

The following items will be included in the rehabilitation work if funding is available and these items contribute to the health, safety and/or well-being of the occupant, or the items contribute to the structural integrity or long-term preservation of the unit:

- | | |
|--|--|
| a) handicap accessibility items | e) improving clothes closets or shelving |
| b) painting (No lead based paint will be used) | f) improving kitchen cabinets |
| c) paneling | g) air conditioning |
| d) carpeting | h) sidewalk repair |

3.0 MINIMUM HOUSING REHABILITATION STANDARDS/CODE ENFORCEMENT

3.1 Condition

At the completion of rehabilitation, units will comply with local Housing Codes and NDED Minimum Rehabilitation Standards – whichever requires the higher standard. The unit's condition must be such that it can be rehabilitated at a reasonable cost.

3.2 Lead-Based Paint Hazard Evaluation and Reduction

1. For work under \$5,000 – “Do No Harm”

Safe work practices must be followed for all rehabilitation activities, and paint disturbed during the rehabilitation project must be repaired. Clearance of the worksite must be performed.

2. For work between \$5,000 and \$25,000 – Risk Assessments and Interim Controls

Interim controls must be performed on hazards identified by the risk assessment and paint disturbed during the rehabilitation project must be repaired. Interim controls include paint stabilization, dust removal, preventive maintenance that keeps lead hazards from developing, treating some or all friction and impact surfaces, and covering contaminated bare soil. If there is more than 9 ft² of bare soil, which has not been tested, soil treatment is required (24 CFR 35.1330). Bare soil can be covered with appropriate treatments such as gravel, wood chips, sod or permanent covering.

OR Presume Lead and Perform Standard Treatments

If lead-based paint and/or lead-based paint hazards are presumed or exist, standard treatments must be carried out for the entire unit. Standard treatments include:

- paint stabilization;
- making horizontal surfaces smooth and cleanable;
- correction of dust generating conditions;
- treatment of bare soil exceeding 9 ft²;
- safe work practices while the work is being performed; and
- the unit must pass clearance.

A person performing interim controls must be trained in accordance with the hazard communication standard for the construction industry issued by the Occupational Safety and Health Administration of the U.S. Department of Labor at 29 CFR 1926.59, and either be supervised by an individual certified as a **lead-based paint** abatement supervisor or have completed successfully one of the following **lead-safe** work practices courses, except that this supervision or **lead-safe** work practices training requirement does not apply to work that disturbs painted surfaces less than the de minimis limits of Sec. 35.1350(d):

- (i) A **lead-based paint** abatement supervisor course accredited in accordance with 40 CFR 745.225;
- (ii) A **lead-based paint** abatement worker course accredited in accordance with 40 CFR 745.225; or
- (iii) Another course approved by HUD for this purpose after consultation with the EPA. A current list of approved courses is available on the Internet at <http://www.hud.gov/offices/lead>, or by mail or

fax from the HUD Office of Healthy Homes and **Lead** Hazard Control at (202) 755-1785, extension 104 (this is not a toll-free number). Persons with hearing or speech impediments may access the above telephone number via phone or TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

- (iv) The Remodeler's and Renovator's **Lead-Based Paint** Training Program," prepared by HUD and the National Association of the Remodeling Industry; or
- (v) Another course approved by HUD for this purpose after consultation with EPA. (4)

3. For work over \$25,000 – Interior Risk Assessment and Abatement and Exterior Stabilization

Surfaces painted with lead-based paint that is disturbed during rehabilitation and those hazards identified by the risk assessment must all be abated. Abatement includes removing lead-based paint from surfaces, enclosure methods, removing and replacing components painted with lead-based paint and removing and replacing contaminated bare soil exceeding 9 ft² in area. Abatement methods that last 20 years are considered to be permanent.

Interim controls may be performed on exterior surfaces if those surfaces are not undergoing rehabilitation.

OR Presume Lead and Perform Full Abatement

If you presume the presence of lead-based paint and/or lead-based paint hazards, the surfaces being disturbed during rehabilitation and all applicable surfaces – deteriorated, friction, impact and accessible (chewable) surfaces and bare soil surfaces in excess of 9 ft² – must be abated.

3.4 Relocation Policy

The Program will pay up to \$500 for out of pocket expense, if it is deemed necessary through the Risk Assessment, that temporary relocation is mandatory during rehab to ensure the health and safety of the residents. The owner-occupant must provide receipts and the receipts must be reviewed and approved by the City of Wayne in order for the owner-occupant to be reimbursed.

3.5 Environmental Concerns

Agencies requiring compliance with historic designations, floodplains, archeological significance, etc. will be consulted prior to action or rehabilitation being implemented on the unit. A unit determined by such agencies to have compliance issues will be rehabilitated only in accordance with predetermined guidelines for such actions.

4.0 TYPES OF FINANCIAL ASSISTANCE

4.1 Loan Program

The City of Wayne will give notice of availability of program funding in the Wayne Herald and local radio stations. Marketing may also include posters and brochures displayed in areas where qualified applicants visit on a regular basis. An applicant's gross annual income and net worth of assets will be calculated based upon the Technical Guide for Determining Income and Allowances for the HOME Program, Second Edition, Chapter Three – Calculating Annual (Gross) Income. An Annual Income Worksheet based upon the applicant's anticipated gross annual income will be created and appropriate loan level determined.

Wayne Community Housing Development Corporation (WCHDC) will provide current income thresholds to the applicant. These thresholds are set annually by HUD. Current income thresholds can be found at <https://www.hudexchange.info/resource-library/home-income-limits/>.

The loan programs are as follows:

- **Level A:** (66% - 80% of median) consists of a 2% interest rate loan for 100% of rehabilitation costs. The loan term is up to 20 years (240 payments). This meets the minimum imposed affordability period.
- **Level B:** (51%-65% of median) consists of a 1% interest rate loan for 100% rehabilitation costs. The loan term is up to 20 years (240 payments). This meets the minimum imposed affordability period.
- **Level C:** (50% or less of median), consists of a 0% interest rate loan for 100% of the rehabilitation costs. The loan term is up to 20 years (240 payments). This meets the minimum imposed affordability period.

- **Level D:** (Age 62 or older and 50% or less of median) consists of a 0% interest rate forgivable loan for 100% of the rehabilitation costs. This loan will be forgiven at the rate of 1/10 of the principal per year starting from the date the rehabilitation work was completed and the loan paperwork and amortization schedule have been generated. The loan term is 10 years (120 forgivable payments). This meets the minimum imposed affordability period.

The maximum loan amount of \$25,000.00 can be waived by the WCHDC Board of Directors after consideration of all relevant information. Although decisions of the WCHDC Board of Directors in such cases are based upon some subjective considerations, there must be a sound factual basis for the WCHDC Board of Directors to approve expenditures of more than \$25,000.00 per dwelling unit. Such decisions shall be made only upon recommendation of the Housing Specialist who must ensure that adequate documentation is in the file to show the rationale behind such decision.

The affordability period will be secured by a Deed of Trust, in the amount equal to the loan amount will be placed upon the property at the time that the homeowner(s) signs the promissory note. This lien, in favor of the City of Wayne, will take a subordinate position to all existing liens. At the request of the borrower, future equity loans that require a release or subordination of the City of Wayne lien will require the balance to be paid off unless the WCHDC Board of Directors receives a written explanation of need and issues a waiver of this clause. All subordination requests will follow the City of Wayne's subordination policy (attached as Appendix B). The homeowner is required to pay all closing and filing costs associated with the refinance and subordination. The WCHDC Board of Directors will determine whether a request for loan subordination is approved or denied.

The property must be the borrower(s)' primary residence throughout the duration of the loan term and must be the primary residence for at least five (5) years in order to meet the minimum affordability period. In the event that the borrower(s) or his/her heirs sell or transfer said property, the net sale proceeds, less the owner's equity established at the time of application, and less all other superior loans and liens on the property will be applied to satisfy the unpaid balance of the loan. If the property becomes non-owner occupied, is vacant for a period of more than 90 days, or is converted to rental property, the loan will be in default. With the loan being in default whole of said principal sum remaining unpaid shall immediately become due and payable. The Housing Specialist may re-inspect the property, at any time throughout the duration of the loan term, to ensure that the property is the borrower(s)' primary residence. Property owners will be given proper 24 hour notification prior to the inspection.

4.2 **Loan Payments**

Loan recipients who are to make payments to the City of Wayne are required to use the Automated Clearing House (ACH) method for monthly loan installments. Recipients are required to fill out and submit an ACH form to WCHDC, thus authorizing this payment method. Payments will start on the 1st of the month, as indicated in the loan closing documents.

Late Payments: If the principle of the Note is not paid during the calendar month which includes the date due, the loan recipient shall pay a \$10.00 late fee per calendar month. If a loan payment is late on three occasions, the loan will be in default.

4.3 **Leveraged Income Sources**

Additional funding may be available for applicants through other sources that provide weatherization and housing rehabilitation programs, such as USDA Rural Housing Programs: Direct Loan Program (Section 502), Home Repair Loan and Grant Program (Section 504), Nebraska Energy Office Low Interest Loan, Goldenrod Hills Community Services Weatherization Program and Central Nebraska Community Services Programs and Making Homes Accessible. The Housing Specialist will determine possible eligibility and assists applicants in securing funding through these programs. Application to the USDA-RD programs is required for all applicants meeting the USDA-RD income & asset requirements. A USDA Referral Determination form is completed to determine eligibility. Applicants who are over the Income and/or Asset limitations for the USDA-RD program will not be referred. Referral is required for all applicants who fall below the USDA Income and Asset limitations. USDA will provide written acceptance or denial for each applicant referred for USDA-RD funding.

4.4 **Hardship Review**

In the case of unforeseen hardship or incapacitation, loan recipients may request a review of their annual gross income and repayment ability. The Housing Specialist, on a case-by-case basis, may recommend to the WCHDC Board of Directors an adjustment of the terms of a rehabilitation loan, such as forgiving accrued interest or adjusting the terms of the loan and/or interest rate until such time as the crisis has passed and the recipient is able

to commence their regularly scheduled payment. It is the sole responsibility of the loan recipient to ask for such review of their income and to provide documentation of the hardship.

4.5 Economic Feasibility for Rehabilitation

If it is determined that the cost of rehabilitation of a unit is so great that the expenditure of program funds upon it is not justified, the project is deemed not economically feasible. The determination shall be made by the WCHDC Board of Directors after reviewing the opinion of the Housing Specialist.

A property is generally not economically feasible for rehabilitation if any one of the following criteria applies (criteria are intended as a guide and not as absolute determinants):

1. The estimated cost of rehabilitation exceeds \$25,000.
2. The estimated cost of rehabilitation exceeds \$25 per square foot of floor space (considering livable floor space of the entire unit).

If the property exceeds any of the above listed criteria, the WCHDC Board of Directors shall review the application. The WCHDC Board of Directors will render one of the following decisions:

1. The project is deemed not economically feasible and ineligible for funding. If the WCHDC Board of Directors renders the decision of not economically feasible, the applicant may request reconsideration at which time he/she may present evidence in favor of the project.
2. The project may be approved with a funding limitation for energy efficiency and/or health or safety factors. Funding limitation and unit would still meet HQS/NDED standards.
3. The project may be delayed for further study and possible consideration.
4. If the project is deemed not economically feasible, the WCHDC Board of Directors will consider utilizing the funds for demolition of the unit, temporary relocation and down payment assistance for either an existing unit in the community or for new housing construction at the existing unit location or within the city limits. Newly constructed homes will meet or exceed the 2003 International Energy Conservation Code. Building specifications must be approved by the Nebraska Energy Office

4.6 Per Unit Rehabilitation Limitations

1. The estimated cost of the rehabilitation will not exceed the maximum per unit NAHP subsidy as found on the NDED website.
2. The after-rehabilitation value cannot exceed the pre-stimulus section 203 (b) HOME Homeownership Value Limits as found on the NDED website.

4.7 Foreclosure

Lender shall give the notice in writing to Borrower(s) following Borrower's breach of any covenant or agreement in the Note and the Deed of Trust of which it secures. The notice shall specify (a) the default, (b) the action required to cure the default, (c) a date not less than thirty (30) days from the date the notice is given to Borrower(s) by which the default must be cured and (d) failure to cure the default on or before the date specified in the notice may result in acceleration of the sum secured, the deed of trust and resale of the property. Upon acceleration of the sum secured and resale of the property, the City of Wayne shall apply the proceeds of the sale in the following order: (a) to all expenses of the sale including, but not limited to, the City of Wayne's fees as permitted by Nebraska law and reasonable attorney fees; (b) to all sums secured by this security agreement; and (c) any excess to be recaptured by the City of Wayne.

4.8 Bankruptcy

In the event Borrower becomes a bankruptcy debtor, or voluntarily offers to creditors terms of composition, or in the event a receiver is appointed to liquidate and wind up the affairs of Borrower, Lender may declare due and immediately payable all unpaid loan installments and shall have a claim therefore which shall be considered liquidated damages and shall constitute a debt provable in bankruptcy or receivership.

5.0 APPLICATION PROCESS

5.1 Application Process

In order to obtain an application, the applicant must contact the Wayne Community Housing Development Corporation (WCHDC), or go online and download an application at **Error! Hyperlink reference not valid.** The application will consist of sections regarding household size and composition, income, legal description of property and net worth. During the application review, the WCHDC Housing Specialist will recommend and refer those applicants who qualify for other programs, to agencies such as Goldenrod Hills' weatherization program, Central Nebraska Community Services' rehabilitation program and USDA Rural Development Housing Loans. Applications are accepted year round on a first-come, first-ready basis. Applications from a community that has current program income will receive priority over an applicant from a community that does not have any program income, because it's required to utilize the local program if applicable as match to this regional program. If funding for a program has been depleted, a pre-application will be provided to the potential applicant and once the pre-application has been received in the WCHDC office, the applicant will be placed on the waiting list until adequate funding is available. When adequate funding is available for an applicant on the waiting list, an application will be mailed to the client.

5.2 Return Beneficiaries

Owner-occupants are eligible for additional assistance; however, priority will be given to applicants that have not already received funding. The request for additional funding will be evaluated by the housing specialist on a case-by-case basis. Owner-occupants, who satisfy current program requirements and move in to another eligible unit in the community, will be considered eligible for the program on a case-by-case basis.

5.3 Preliminary Inspection

Once income eligibility has been determined, the applicant will be contacted by the Housing Specialist to arrange a time to conduct the preliminary inspection. At the time of the preliminary inspection, the Housing Specialist will obtain any additional information needed to complete the application process. The Housing Specialist performs the preliminary inspection to provide more specific information for the Work Write-Up form.

The Work Write-Up form is a detailed listing of all improvements to be made to the unit. It enumerates all materials, labor needed, and the estimated cost of materials/labor. The form determines the economic feasibility of the rehabilitation project. The preliminary inspection provides the WCHDC Board of Directors with a good indication of whether the house is economically feasible for rehabilitation, the extent of repairs needed and an estimated cost of these repairs.

5.4 Procedure for Approval or Denial

Completed applications will be presented to the WCHDC Board of Directors in the order in which they are received. Applications will not be presented to the WCHDC Board of Directors until the applicant has signed the Housing Rehabilitation Guidelines Acknowledgment form and it has been returned to the Housing Specialist. Complete applications will be presented to the WCHDC Board of Directors at its next regular meeting, which is normally held the last Wednesday of each month. Applications are presented to the WCHDC Board of Directors in rounds. The Housing Specialist reviews and recommends each application for approval/denial to the WCHDC Inc. Board of Directors. Approved applicants are notified in writing. Denied applicants are notified in writing with an explanation of why the unit was not selected.

6.0 LOAN CLOSING

6.1 Pre-Construction Loan Documents

The Housing Specialist prepares the pre-construction loan closing documents. The following documents are executed by the borrower to secure the affordability period.

- | | |
|----------------------------------|---|
| A. Rehabilitation Loan Agreement | F. Promissory Note |
| B. Memorandum of Understanding | G. Loss Payee Request |
| C. Notice of Right of Rescission | H. ACH Enrollment Form (if loan is to be paid back) |
| D. Acknowledgment | I. Primary Residence Certification Form |
| E. Deed of Trust | |

Upon signing of the above-listed documents, the Deed of Trust is filed at the Register of Deeds Office in the county in which the unit is located.

6.2 Post-Construction Loan Documents

Upon completion of construction, the Housing Specialist determines the final dollar amount spent. Loan closing paperwork is prepared and the borrower executes the following documents:

- A. Regulation Z Loan Disclosure
- B. Promissory Note
- C. Amortization Schedule
- D. Promotional Use Form

The filed Deed of Trust, from the pre-construction closing, establishes a lien against the unit, which is maintained until the loan is paid in full or the unit is sold or conveyed in any manner to another party/entity. If the loan is paid off, or the unit is sold or conveyed to another party/entity, a Deed of Reconveyance is filed at the Register of Deeds Office in the county in which the unit is located, thus removing the lien established by the filed Deed of Trust.

6.3 Close Out

Wayne Community Housing Development Corporation (WCHDC) shall maintain and keep all applications as well as all other required documents, records and other evidence in conformance with CDBG regulations.

7.0 CONSTRUCTION PROCESS

Upon decision by the Wayne Community Housing Development Corporation (WCHDC) Board of Directors to fund rehabilitation projects the following steps will be taken:

1. After the preliminary inspection, the Housing Specialist prepares a Work Write-Up of improvements along with a cost estimate.
2. Applicant signs the Work Write-Up form indicating that he/she understands the work the City of Wayne may fund and cost limitations.
3. Applicant obtains a minimum of two official bids of contracted work to be performed. At the request of the applicant, the Housing Specialist may assist the applicant in obtaining these bids. All work must be performed according to specifications prepared by the Housing Specialist. Contractors are required to provide proof of worker's compensation insurance and general liability insurance in the amount of \$500,000.00, in addition to furnishing the Housing Specialist with two verifiable references from prior rehabilitation/remodeling jobs that have been satisfactorily completed. The building contractor is required to provide proof of current lead certification if applicable to the rehabilitation project.
4. Homeowner selects a contractor from bids received. The Housing Specialist approves all bids before any work commences. The City of Wayne will only fund the dollar amount of the accepted/approved bid. All charges above and beyond the accepted/approved bid can only be funded if an approved Change Order form (provided in the contract as Appendix D) is executed and adequate funding is available. The Change Order form must be signed by the homeowner, the contractor and the Housing Specialist. If a Change Order is not executed and/or funding is not available, the additional charges are the responsibility of the homeowner. (See Number 10 below for Explanation of Change Orders).
5. The Housing Specialist enters into a loan agreement with the applicant. No action is taken by program staff until the Right of Rescission period (not less than 3 business days) has expired. After that time, housing staff will file all necessary liens, etc.
6. A pre-construction conference is held with the applicant and selected contractor(s), at which time the applicant and contractor enter into a contract. The original contract is filed with the Housing Specialist. Only contracts prepared and approved by the City of Wayne's attorney will be accepted.
7. The Housing Specialist issues the Notice to Proceed (Appendix E) to the contractor.
8. The contractor(s) perform work and documented inspections are performed throughout the project by the Housing Specialist. As work progresses, the Housing Specialist may perform frequent unscheduled inspections.

9. Contractors are paid on a bi-monthly basis by the City of Wayne unless otherwise notified. To receive payment, contractors are required to submit a Payment Voucher Form (provided in the contract as Appendix F) and an original invoice to the homeowner who must sign the Payment Voucher Form. The Payment Voucher Form is then filed with the Housing Specialist. Upon approval by the Housing Specialist, the City of Wayne will issue a check payable to the contractor and mail it directly to the contractor. No payment will be made for materials that are stored on site. The Housing Specialist can authorize payment to the contractor, without prior approval of the homeowner, if an inspection of the work is completed and it is determined by the Housing Specialist that the work meets project specifications and NDED Minimum Housing Standards.

It is expressly understood that the City of Wayne may from time to time activate its line of credit in order to issue payment to contractors in a timely manner. It is also understood that the interest that accrues from the time a payment to a contractor is made and the date that the City of Wayne receives reimbursement from the State of Nebraska is an allowable expense to the homeowner's project. These expenses will be paid by the homeowner and will be amortized into the loan between the homeowner and the City of Wayne.

10. Change Order: If necessary, a Change Order form is completed if changes in the scope of work are agreed upon subsequent to contract signing. The change order will explain the requested change and the increase/decrease in the overall contract amount. These written change orders require concurrence of the WCHDC Housing Specialist, the homeowner, and the contractor.
11. The Housing Specialist will perform a final inspection to ensure that all repairs have been completed according to contract specifications. Upon completion of this final inspection, the Housing Specialist and the homeowner(s) will sign the Certificate of Final Inspection / Acceptance of Work (Appendix H). If the Housing Specialist determines that the work has not met contract specifications or NDED Minimum Rehabilitation Standards, the contractor is not approved for final payment. The Housing Specialist conducts a meeting with the homeowner and contractor at which time a list of necessary corrections/modifications is discussed. The Housing Specialist allows a specific amount of time for the contractor to make the corrections/modifications. If the corrections/modifications are not made by the contractor within the timeframe agreed upon, the Housing Specialist will hold payment in the dollar amount of the items that do not meet NDED Minimum Rehabilitation Standards. This dollar amount will be made available to the homeowner to pay for another contractor or for a Self-Help Contract to make the corrections/modifications.
12. Final pay request is filed. The contractor must file a Lien Waiver (provided in the contract as Appendix G) after final payment has been received.
13. Final payment to the contractor is made.
14. The contractor is required to warranty all workmanship for a period of one (1) year from the date of work completion. The contractor will forward all material warranties to the homeowner upon completion of work. Once the Certificate of Final Inspection / Acceptance of Work (Appendix H) has been signed by the homeowner(s) and Housing Specialist, all discrepancies or disputes in regard to completed work / warranties shall be resolved between the contractor and the homeowner(s).

8.0 GRIEVANCE PROCEDURE

In the event that an applicant feels that he/she has been unfairly treated or discriminated against during the process of selection of projects to be funded, or during any other process of the housing rehabilitation program, he/she may appeal the Housing Specialist's decision to the City of Wayne for their consideration. The written appeal must be received by the City of Wayne within 14 calendar days of the Housing Specialist's decision. The Wayne City Council Members will then act to support or overturn the Housing Specialist's action at the next regularly scheduled board meeting after receipt of the written appeal. A written response will be given by the the City of Wayne within 30 days of the decision. The Wayne City Council has final authority in the consideration of an appeal.

9.0 AMENDMENTS TO PROGRAM GUIDELINES

In an ongoing effort to improve the quality of the City of Wayne's Housing Rehabilitation Program, the City of Wayne will accept suggestions from the public, program participants, contractors, program staff, or members of the Wayne Community Housing Development Corporation's (WCHDC) Board of Directors with regard to program guideline amendments. All suggestions received will be taken under consideration by the Wayne City Council. Upon approval of NDED and adoption by the Wayne City Council, the amendment will be included in the program guidelines.

10.0 OFFICIAL CONTACT OFFICE

The place of contact for this program shall be the Wayne Community Housing Development Corporation's (WCHDC) office, located at 108 West 3rd Street, Wayne, Nebraska. Any grievances, suggestions, or requests for information should be directed to this office. This in no way shall be construed to limit other interested parties from distributing information about the program or receiving suggestions for amendments to the program. All grievances shall be directed to WCHDC, in writing.

11.0 LEAD-BASED PAINT BROCHURE

Program participants shall receive, as part of the application packet, a copy of the HUD brochure on lead-based paint. The receipt of this brochure by the program participant shall be documented.

12.0 INCOME VERIFICATION

For the purposes of confidentiality, a statement by the Housing Specialist, which has been presented with adequate documentation to verify that program participants are low income as defined by HUD, shall be deemed sufficient to document low-income status.

13.0 PROGRAM INCOME REUSE PLAN

See Appendix A

Housing Rehabilitation Guidelines Approval

These housing guidelines are hereby approved by action of the Wayne City Council on this 2nd day of September, 2014.

City of Wayne

Ken Chamberlain, Mayor September 2, 2014

Date

Betty A. McGuire, City Clerk September 2, 2014

Date

Attested September 2, 2014

Date

These housing guidelines are hereby approved by the Nebraska Department of Economic Development (NDED) this _____ day of _____, 2014.

DED Representative

CITY OF WAYNE
Housing Reuse Plan for Recaptured and Program Income Funds

Program income and/or recaptured funds (reuse funds) generated through the repayment of loans and interest earned will be used, after the grant period has ended, to continue to fund affordable housing activities within the City of Wayne. Reuse funds from the Community Development Block Grant Owner-Occupied Rehabilitation Program will remain independent of other funding sources and will be reused for the same activity. Housing activities that are a result of program income and/or recaptured funds will follow the most current NDED and board approved housing guidelines.

Housing activities are defined as, but not limited to homeowner rehabilitation to assist owner-occupants with the repair, rehabilitation or reconstruction of their homes. CDBG reuse funds will only be used for eligible activities as outline in the Nebraska Department of Economic Development's CDBG Guide to National Objectives.

Program income and/or recaptured funds (reuse funds) must be used for the current project if the project has not been completed. This program income received must be applied to the current project prior to requesting additional CDBG funds.

With the additional support of the local public officials and community, the Owner-Occupied Rehabilitation Program will be in existence for an undetermined number of years into the future. Further loans will be made to low and moderate income persons or families meeting all of the criteria that was previously set in the program, and will be determined by the Wayne Community WCHDC Board of Directors as called for in their prospective Program Guidelines.

Future loans will be made to those persons having an income no greater than the percentage of the area median income as stated in the program guidelines of the county in which they receive assistance as defined in Section 8, Part 5 standards established by HUD for lower-income assisted housing and meeting all of the criteria defined in the program guidelines. Priority for assistance from the reuse plan will be determined on a case-by-case, first-ready, first-served basis. Marketing of available funding will be done within the City of Wayne. Items not covered under the reuse plan will require pre-approval by the Nebraska Department of Economic Development prior to implementation.

The WCHDC will use re-use funds for administration of the program. Administration of the program includes, but is not limited to, filing fees, attorney fees for document preparation, and other closing costs. General and housing administration will not exceed ten percent (10%) of the total balance of the reuse account. This reuse plan will follow the most current housing program guidelines as approved by NDED.

No amendments to the program or reuse plans can be made without prior approval by the Nebraska Department of Economic Development. All Program Income will be returned to NDED for reuse unless the Department offers the option to the grantee to retain program income

City of Wayne

Subordination Policy

- A. Maximum combined 80% Loan to Value policy on all “Cash Out” refinances or home equity loans where the City of Wayne remains in current lien position.

- B. Maximum combined 100% Loan to Value on “No Cash Out” refinances where the City of Wayne remains in current lien position.

All subordinate documents must be provided by the lender requesting subordination.

This subordination policy approved by action of the City Council of the City of Wayne, Nebraska this 2nd day of September, 2014, authorizes administrative staff to approve or decline subordination requests and to execute any and all required documentation.

Ken Chamberlain, Mayor

ORDINANCE NO. 2014-26

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF AN AREA APPROXIMATELY 45 ACRES IN SIZE AND MORE PARTICULARLY DESCRIBED AS THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION ONE, TOWNSHIP TWENTY-SIX NORTH, RANGE THREE, EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, DESCRIBED AS TAX LOTS 32, 34, AND 35, FROM A-1 AGRICULTURAL TO A-2 AGRICULTURAL RESIDENTIAL.

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

Section 1. That the real estate area shown on the attached map be changed and rezoned from A-1 (Agricultural) to A-2 (Agricultural Residential). The area being rezoned is described as:

An area approximately 45 acres in size and more particularly described as part of the West Half of the Southwest Quarter of Section 1, Township 26 North, Range 3, East of the 6th P.M., Wayne County, Nebraska, described as Tax Lots 32, 34 and 35.

Section 2. That the Planning Commission held a public hearing on August 4, 2014, regarding this rezoning request, and have recommended approval thereof subject to the following "Findings of Fact:"

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

Section 3. The official zoning map shall be forthwith changed by the zoning officials to properly show the real estate hereinabove described as now in an A-2 (Agricultural Residential District) zone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby amended and 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 September, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

675TH AVE

A-1

867TH RD



HIGHVIEW DR

A-2

W 21ST ST

Change Order No. 2

Date of Issuance: August 25, 2014 Effective Date: August 19, 2014

Project: <u>Highway 15 & 10th Street Intersection Project</u>	Owner: <u>City of Wayne</u>	Owner's Contract No.:
Contract:		Date of Contract: <u>7/8/2014</u>
Contractor: <u>Robert Woehler & Sons Construction, Inc.</u>		Engineer's Project No.: <u>617-007</u>

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

Description: On 8/1/2014 as contractor exposed the water main it was determined it was too shallow and it was decided to add an 8" water main to the east with caps to be connected later. Repair/Agree 3 services. Abandon

Attachments: (List documents supporting change): Staking was done on 8/19/14.

See attached for prices, also Lowell asked Robert Woehler & Sons Construction, Inc. to open 10th Street for WSC 15-16-17th and not work. 5 week extension: 3 for design/stop, 2 for work

CHANGE IN CONTRACT PRICE:

Original Contract Price:
\$ 73,760.00

[[Increase] [Decrease] from previously approved Change Orders No. 1 to No. 1:
\$ 0.00

Contract Price prior to this Change Order:
\$ 73,760.00

Increase [Decrease] of this Change Order:
\$ 4,280.00

Contract Price incorporating this Change Order:
\$ 78,040.00

CHANGE IN CONTRACT TIMES:

Original Contract Times: Working days Calendar days
Substantial completion (date): August 1, 2014

Increase [Decrease] from previously approved Change Orders No. 1 to No. 1:
Ready for final payment (date): August 22, 2014

Contract Times prior to this Change Order:
Substantial Completion (date): August 22, 2014

Increase of this Change Order:
Substantial Completion (date): September 26, 2014

Contract Times with all approved Change Orders:
Substantial Completion (date): September 26, 2014

RECOMMENDED:
By: [Signature]
Engineer (Authorized Signature)
Date: 08/25/2014

ACCEPTED:
By: _____
Owner (Authorized Signature)
Date: _____

ACCEPTED:
By: [Signature]
Contractor (Authorized Signature)
Date: 8/27/14

PROJECT: Highway 15 & 10th Street Intersection Project
 CONTRACTOR: ROBERT WIEHLER & SONS CONSTRUCTION, INC.
 Change Order #2
 Date: 8/25/2014

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNITS	UNIT COST	TOTAL COST
1	10" CONCRETE PAVING NDOR TYPE 47B-3625	608	S.Y.	\$75.00	\$45,600.00
2	SUBGRADE PREPARATION	750	S.Y.	\$5.00	\$3,750.00
3	4" PC CONCRETE SIDEWALK NDOR TYPE 47B-SG-3000	165	S.Y.	\$36.00	\$5,916.00
4	CONSTRUCT HANDICAP RAMP	2	EA	\$1,500.00	\$3,000.00
5	PAINT STRIPING	1	LUMP	\$2,000.00	\$2,000.00
6	SAW CONCRETE	576	L.F.	\$5.00	\$2,880.00
7	REMOVE EXISTING CONCRETE PAVING	168	S.Y.	\$5.00	\$840.00
8	REMOVE CONCRETE DRIVE	99	S.Y.	\$4.00	\$396.00
9	REMOVE CONCRETE WALK	65	SY	\$3.00	\$198.00
10	BARRICADING	1	LUMP	\$2,000.00	\$2,000.00
11	SEEDING	0.12	ACRE	\$4,000.00	\$480.00
12	EROSION CONTROL	1	LUMP	\$2,000.00	\$2,000.00
13	EARTHWORK	1	LUMP	\$2,000.00	\$2,000.00
14	MOBILIZATION	1	LUMP	\$3,000.00	\$3,000.00
TOTAL BASE BID					\$73,760.00

CHANGE ORDER #2					
ITEM NO.	DESCRIPTION	UNITS	WORK COMPLETED TO DATE	UNIT COST	TOTAL COST OF WORK COMPLETED
1.	8" WATER MAIN C900 DR18 PVC	L.F.	115.0	\$15.00	\$1,725.00
2.	8" CAP W/O CONCRETE BACKING	EACH	2.0	\$150.00	\$300.00
3.	ABANDON EXISTING SERVICE	EACH	2.0	\$340.00	\$680.00
4.	WATER SERVICE	L.F.	15.0	\$55.00	\$825.00
5.	CURB STOP AND CONNET TO EXISTING	EACH	1.0	\$750.00	\$750.00
TOTAL BASE BID					\$4,280.00

TOTAL CONTRACT PRICE	\$73,760.00
NET CHANGE BY CHANGE ORDER #2	\$4,280.00
REVISED CONTRACT PRICE	\$78,040.00

PROJECT: Highway 15 & 10th Street Intersection Project

CONTRACTOR: ROBERT WOEHLE & SONS CONSTRUCTION, INC.

PAY APPLICATION #1

Date: 8/25/2014

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNITS	WORK COMPLETED TO DATE	UNIT COST	TOTAL COST OF WORK COMPLETED	OVER/UNDER ESTIMATED QUANTITY	COST OF CHANGES
1	10" CONCRETE PAVING NDOR TYPE 47B-3525	608	S.Y.	335.56	\$75.00	\$25,167.00	-272.41	-\$20,433.00
2	SUBGRADE PREPARATION	750	S.Y.	335.56	\$5.00	\$1,677.80	-414.44	-\$2,072.20
3	4" PC CONCRETE SIDEWALK NDOR TYPE 47B-SG-3000	156	S.Y.	0.00	\$36.00	\$0.00	-156.00	-\$5,616.00
4	CONSTRUCT HANDICAP RAMP	2	EA	0.00	\$1,500.00	\$0.00	-2.00	-\$3,000.00
5	PAINT STRIPING	1	LUMP	0.00	\$2,000.00	\$0.00	-1.00	-\$2,000.00
6	SAW CONCRETE	576	L.F.	576.00	\$5.00	\$2,880.00	0.00	\$0.00
7	REMOVE EXISTING CONCRETE PAVING	168	S.Y.	160.00	\$5.00	\$950.00	22.00	\$110.00
8	REMOVE CONCRETE DRIVE	99	S.Y.	99.00	\$4.00	\$396.00	0.00	\$0.00
9	REMOVE CONCRETE WALK	66	SY	66.00	\$3.00	\$198.00	0.00	\$0.00
10	BARRICADING	1	LUMP	1.00	\$2,000.00	\$2,000.00	0.00	\$0.00
11	SEEDING	0.12	ACRE	0.00	\$4,000.00	\$0.00	-0.12	-\$480.00
12	EROSION CONTROL	1	LUMP	1.00	\$2,000.00	\$2,000.00	0.00	\$0.00
13	EARTHWORK	1	LUMP	1.00	\$2,000.00	\$2,000.00	0.00	\$0.00
14	MOBILIZATION	1	LUMP	1.00	\$3,000.00	\$3,000.00	0.00	\$0.00
TOTAL BASE BID						\$40,268.80		-\$33,491.20

TOTAL CONTRACT PRICE	\$73,760.00
TOTAL COMPLETED AND STORED TO DATE	\$40,268.80
RETAINAGE (10%)	\$4,026.88
AMOUNT ELIGIBLE FOR PAYMENT	\$36,241.92
AMOUNT DUE THIS APPLICATION	-\$36,241.92
BALANCE TO FINISH (INCLUDING RETAINAGE)	\$37,518.08