

**AGENDA  
CITY COUNCIL MEETING  
November 4, 2014**

1. [Approval of Minutes – October 21, 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. [Discussion regarding a request to have restricted parking in Cityside Park — Marion Arneson](#)

**Background:** Cityside is annexed and the streets are dedicated to the City. The owners and developers of all of the Cityside property have requested that we designate the south and east sides of the streets as no parking any time and the north and west sides for daytime parking only. These are uniform with the other on-street parking requirements on most of the streets in Wayne. After discussion, the Council can direct city staff to prepare an Ordinance amending the City Code to add these streets, if desired.

4. [Ordinance 2014-28: Amending Wayne Municipal Code Section 78-128 Prohibited Parking Northwest Quadrant of the City \(Third and Final Reading\)](#)

5. [Ordinance 2014-29: Amending Wayne Municipal Code Section 78-129 Restricted Parking Northwest Quadrant of the City \(Third and Final Reading\)](#)

6. [Ordinance 2014-30: Amending Wayne Municipal Code Chapter 6 - Alcoholic Beverages, Section 6-18 Hours of Sale \(Third and Final Reading\)](#)

7. [Ordinance 2014-31: Amending Chapter 22, Article II. Occupation Tax, Sec. 22-37 Utility Franchise Fees \(Second Reading\)](#)

8. [Ordinance 2014-32: Amending Chapter 10, Article 5, Sec. 10-501.02 of the Wayne Municipal Code Regarding Franchise Fee; Natural Gas Companies \(Second Reading\)](#)

9. [Resolution 2014-87: Authorizing the Borrowing of Funds \(\\$70,000\) from the City of Wayne Electric Fund for Airport Improvements](#)

**Background:** We have included the contents of Finance Director Nancy Braden's October 27<sup>th</sup> email below for the benefit of the public: "Last year the airport started out with \$101,510 cash reserve. The events of October 4<sup>th</sup> caused major concerns for us. We ended up with additional costs that we had not anticipated. There were items that were not covered by insurance. The three major pieces of equipment that were not totally covered were the tractor, the courtesy car and the pickup with snowplow. The cost of the house was not totally covered by insurance either, as the square footage was a little larger. We have about \$20,000 in claims to the insurance company to receive yet and we also have about \$9,000 in FEMA funds that we have not received.

The major expenditures that the Board had not counted on were the realigning of the West driveway. The East drive is a very dangerous if you are turning into the airport from the West. Several Board member have had very close calls at that drive. The cost to realign the West drive was \$42,000 and paving the East drive was \$19,000. We did receive about \$6,000 from FEMA to repair the East and West drives to pre-tornado condition (asphalt).

The other major expenditure we incurred was a drainage issue around the terminal and hangar. The drainage issue was causing water and mud running into the hangar and the storage building used by our airport manager. The cost of the concrete and grading was an additional \$32,000.

We felt the time to make these improvements was while we had a contractor available and the site was already tore up. All of the improvements were authorized by the Wayne Airport Authority.

The additional expenditures can be handled within our budget over two fiscal years. We would anticipate repayment of the loan within 18 to 24 months. If we have sufficient cash, we would pay off the loan before the end of 24 months. We would request that the loan be scheduled with semiannual payments."

10. [Resolution 2014-90: Approving a Contract between the City of Wayne and Northeast Nebraska Economic Development District for the completion of an environmental review for the Wayne Housing Authority's Department of Housing and Urban Development Capital Funds Award](#)

**Background:** The Villa Wayne housing is owned by the City of Wayne. The Villa was built in 1971, with the assistance of Federal funding from Housing and Urban Development and is operated by the Wayne Housing Authority. The Authority board members are directly appointed by the City Council. Current board members are: Pat Gross, Co-Chair, Jean Lutt, Dorothy Cull, Randy Lutt, Sharon Denker, Resident Commissioner, Vacant - recently vacated by Karen Van Delden Co-Chair.

Wayne Villa continues to operate under HUD guidelines and continues to secure federal grants for capital improvements. HUD has required that all Housing Authorities complete an environmental review of the physical premises. Since the City is the owner, we are ultimately responsible to have the review completed and to comply with HUD standards. Trine McBride is the Wayne Housing Authority Director. Trine has arranged for the work to be done as soon as the Council takes action to approve the contract. The Villa will reimburse the City for the cost.

11. [Resolution 2014-91: Reaffirming the Project Engineer and Approving the Plans, Specifications and Estimate of Cost for the Windom Street Storm Sewer Project and Authorizing the City Clerk to Advertise for Bids](#)

**Background:** This project was initially bid out late last spring, and those bids were rejected at that time, with the understanding that the project would be rebid at a later date. This resolution will reaffirm Advanced Consulting Engineering Services as the project engineer and approve the plans, specifications and estimate of cost, as well as direct the City Clerk to begin advertising for bids.

12. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

October 21, 2014

The Wayne City Council met in regular session at City Hall on Tuesday, October 21, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jennifer Sievers, Nick Muir, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese, Jon Haase and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 9, 2014, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 7, 2014, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese, Haase and Ley who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:**

**FISCAL YEAR 13-14:** CLAUSSEN & SONS IRRIG., SE, 12152.18; CLEAN TO A T, SE, 1300.00; ENVIRONMENTAL SYSTEM, SE, 266.25; FAITH REGIONAL, SE, 215.00; FIRE CATT, SE, 447.18; GERHOLD CONCRETE, SU, 14.40; HARDING & SCHULTZ, SE, 106.00; HIRERIGHT SOLUTIONS, SE, 179.45; KTCH, SE, 625.00; LEAGUE OF NEBRASKA, FE, 1001.18; MATHESON TRI-GAS, SU, 28.80; MUNICIPAL SUPPLY, SU, 3530.00; NEBRASKA COMM. FOUNDATION, FE, 550.00; NO SWETT FENCING, SU, 94930.40; POLLARD PUMPING, SE, 505.00;

SPARKLING KLEAN, SE, 700.00; STAN HOUSTON EQUIPMENT, SU, 348.00; SUPER CIRCUITS, SU, 6622.38; WESCO, SU, 115.02; CITY EMPLOYEE, RE, 11.86; DANKO EMERGENCY EQUIPMENT, SU, 320.92; CITY EMPLOYEE, RE, 42.52; JORGENSEN LAW OFFICE, SE, 287.50; JWC ENVIRONMENTAL, SE, 2500.00; NPPD, SE, 327963.15; WAYNE COMMUNITY SCHOOLS, RE, 1832.25

**FISCAL YEAR 14-15:** ADMINISTRATIVE PROFESSIONAL, SU, 89.00; ADVANCED CONSULTING, SE, 4033.50; AMERITAS, SE, 2298.69; APPEARA, SE, 327.43; ARCTIC ICE, SU, 252.00; CITY EMPLOYEE, RE, 45.38; BANK FIRST, FE, 15.00; BRADY, JEFFREY, SU, 75.00; BROWN PLUMBING, SE, 696.70; CHEMQUEST, SE, 595.00; CITY OF NORFOLK, SE, 43.05; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 12.00; CITY OF WAYNE, PY, 63306.07; CITY OF WAYNE, RE, 1964.62; CLAUSSEN & SONS IRRIG., SE, 175.00; COMMUNITY HEALTH, RE, 4.00; COOPORTUNITY HEALTH, SE, 31343.75; COUNTRY INN & SUITES, SE, 469.96; CRANBERRY MESSENGER, SU, 60.00; DIAMOND VOGEL, SU, 191.00; ECHO GROUP, SU, 166.46; ECONOMY VOLUNTEER FIRE, SU, 28000.00; FREDRICKSON OIL, SE, 5.00; GERHOLD CONCRETE, SU, 1023.50; GILL HAULING, SE, 133.00; HOMETOWN LEASING, SE, 73.51; HR SPECIALIST, SU, 199.00; HTM SALES, SE, 3027.08; IAEI, FE, 102.00; ICMA, SE, 6813.94; IRS, TX, 22933.50; JACK'S UNIFORMS, SU, 24.50; CITY EMPLOYEE, RE, 313.50; KRIZ-DAVIS, SU, 320.03; LOGAN VALLEY FOOTBALL, FE, 100.00; LYNN PEAVEY, SU, 105.00; CITY EMPLOYEE, RE, 116.11; MICHAEL TODD & CO, SU, 316.70; MIDWEST LABORATORIES, SE, 258.35; MUNICIPAL SUPPLY, SU, 3732.36; MURRAY, DENNIS, SE, 609.23; NE AIR FILTER, SU, 45.84; NE DEPT OF REVENUE, TX, 3230.42; NE SAFETY COUNCIL, SE, 127.92; NEBRASKA COMM. FOUNDATION, FE, 50.00; NO SWETT FENCING, SU, 4800.00; NORTHEAST NE ENERGY SYSTEM, SE, 13801.49; NOVELTY MACHINE & SUPPLY, SU, 274.02; OAKSTONE PUBLICATIONS, SU, 138.60; OLSSON ASSOCIATES, SE, 2709.33; PEERLESS WIPING CLOTH, SU, 320.00; POWER MONITORS, SU, 200.00; QUALITY INN, SE, 449.70; SPARKLING KLEAN, SE, 1155.57; STADIUM SPORTING GOODS, SU, 506.25; STATE NEBRASKA BANK, RE, 9175.00; STATE NEBRASKA BANK, RE, 500.00; SUPERCIRCUITS, SU, 386.96; THE MAX AGAIN, SU, 15.00; THOMPSON INFORMATION SERV, SU, 536.99; TRANS-IOWA EQUIPMENT, SU, 390.51; TYLER TECHNOLOGIES, SE, 3634.50; UTILITIES SECTION, FE, 370.00; VIAERO, SE, 127.47; WASTE CONNECTIONS, SE, 73.36; WAYNE AIRPORT, SE, 7778.37; WAYNE KIWANIS, FE, 260.00; WESCO, SU, 591.29; WEST-E-CON, SU, 1300.00; AMAZON.COM, SU, 206.19; CITY EMPLOYEE, RE, 90.26; BLACK HILLS ENERGY, SE, 30.60; BOMGAARS, SU, 29.94; CITY EMPLOYEE, RE, 1654.74; BROWN SUPPLY, SU, 2567.86; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 100.00; CLARITUS, SU, 135.00; DEARBORN NATIONAL LIFE, SE, 1942.60; DUTTON-LAINSON, SU, 308.32; ED. M FELD EQUIPMENT, SU, 105.00; ERMA BARKER, SE, 45.00; CITY EMPLOYEE, RE, 1750.21; GERHOLD CONCRETE, SU, 988.00; GODFATHER PIZZA, SU, 244.00; GP GFOA, FE, 50.00; HOMETOWN LEASING, SE, 259.98; JEO CONSULTING GROUP, SE, 1106.00; KARI BALDWIN, RE, 100.00; MODEL ELECTRIC, SE, 294.45; NE LIBRARY COMMISSION, FE, 766.00; NE PUBLIC HEALTH, SE, 169.00; N.E. NEB AMERICAN RED CROSS, RE, 59.24; PIEPER & MILLER, SE, 3653.00;

PITNEY BOWES, SE, 648.00; QUILL, SU, 124.39; REAMS SPRINKLER SUPPLY, SU, 462.00; SKARSHAUG TESTING LAB, SE, 939.62; UNITED WAY, RE, 12.40; VERIZON, SE, 99.09; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 289.68

Councilmember Giese arrived at 5:31 p.m.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

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

Mayor Chamberlain declared the month of October as “Head Start Awareness Month.”

Phil Monahan, Fire Chief, requested Council consideration to approving the membership application of Jacob Flynn to the Wayne Volunteer Fire Department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to approve the membership application of Jacob Flynn to the Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

Sandy Brown, representing the Wayne Green Team, gave a report on what they have been doing over the past few years and what they are currently working on.

Brian Kesting, Information Technology Specialist, and Joel Hansen, Building Inspector, gave a demonstration of the new GIS system. Council gave the direction to go live with the product.

Councilmember Eischeid introduced Ordinance No. 2014-28, and moved for approval of the second reading thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2014-28

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

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

Councilmember Eischeid introduced Ordinance No. 2014-29, and moved for approval of the second reading thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2014-29

AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor

declared the motion carried. The third and final reading will take place at the next meeting.

Discussion took place on placing 4-way stop signs at all four corners of the Elementary School. Mayor Chamberlain received communication from Sonya Tompkins who was in favor of the 4-way stop signs. Another suggestion he received was to make Douglas and Sherman Streets one way from 7<sup>th</sup> to Third Street. This is all in an effort to help the traffic flow around the school.

Councilmember Eischeid did not think the 4-way stop sign suggestion would help the traffic flow around the school. While he wants the kids to be safe, he thought this was overreacting or jumping the gun on the situation.

Mayor Chamberlain opined this was not a reaction to the accident that happened at 7<sup>th</sup> and Sherman Street. This is an effort to get the one police officer on duty away from directing traffic.

Councilmember Eischeid thought the school needed to take more responsibility of the traffic control in that area. He did not think it was the Police Chief's responsibility to have an officer there every day controlling traffic.

While Councilmember Sievers agreed with Councilmember Eischeid, she did like the police presence in the area.

Joel Hansen, Street Superintendent, stated according to federal highway guidelines, stop signs should not be used to control speed. That is not their purpose. A four-way stop is supposed to be used for guidance when you have two streets that intersect where it is unclear as to which street has precedence or more traffic than the other one. He had concerns about 4<sup>th</sup> Street having stop signs on it, especially at both

Sherman and Douglas Streets. In addition, Third Street is an arterial street, which means it is meant to hold a higher volume of traffic.

Councilmember Eischeid suggested setting up a meeting with representatives from the School and the Police Department to discuss the matter.

Mayor Chamberlain stated that maybe it is also time to discuss with the School the hiring of a school resource officer. He would contact school officials to come up with a proposed date and time in which to discuss these matters.

Councilmember Giese introduced Ordinance No. 2014-30, and moved for approval of the second reading thereof; Councilmember Sievers seconded.

#### ORDINANCE NO. 2014-30

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Verdel Lutt was present representing Wayne East Prime Stop to request Council consideration to allowing the off sale to go until 2:00 a.m. He felt that Council has set precedence by granting previous requests made by only one person. He asked for city continuity to follow what the State has done and what the council has approved for other individuals and/or businesses.

Councilmember Eischeid stated this is something the City of Wayne can do to actively try to prevent house parties from 1:00-2:00 a.m. If this does that, then they have succeeded as a Council.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor

declared the motion carried. The third and final reading will take place at the next meeting.

The following Ordinance would amend Sec. 22-37 of the Wayne Municipal Code to increase the electric and water utility franchise fees as follows:

- Electric from 8.5% to 10.5%
- Water from 7% to 8%
- Sewer would remain the same at 7%

These franchise fees have not been amended since 2007. This additional revenue has already been built into the budget.

Councilmember Muir introduced Ordinance No. 2014-31, and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2014-31

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 22, ARTICLE II. OCCUPATION TAX BY ADDING SECTION 22-37 UTILITY FRANCHISE FEES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

The following Ordinance would amend Sec. 22-33 of the Wayne Municipal Code to increase the natural gas franchise fees as follows:

<b>CUSTOMER CLASS</b>	<b>FEE</b>
Residential	<del>\$2.50</del> 4.00/month/customer
Commercial	<del>\$5.00</del> 7.00 /month/customer
Industrial	\$50.00/month/customer

These franchise fees have not been amended since 2007.

Councilmember Giese introduced Ordinance No. 2014-32, and moved for approval thereof; Councilmember Greve seconded.

ORDINANCE NO. 2014-32

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, SECTION 22-33 OF THE WAYNE MUNICIPAL CODE REGARDING NATURAL GAS COMPANIES; FRANCHISE FEE; TO REPEAL THE ORIGINAL SECTION; AND PROVIDE AN EFFECTIVE DATE.

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

Agenda item nos. 13 and 14 regarding ordinances to create both a water extension district and a sewer extension district were placed on the agenda for discussion purposes only. The area of the district proposed would extend west on both sides of Grainland Road from the east boundary of the Wayne County Fairgrounds west to the west boundary of the right-of-way of South Pheasant Run Road. We have received a request from Kelby Herman who has purchased property going west on the south side of Grainland Road. He wants to annex, subdivide and develop the property.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to table action on Ordinance No. 2014-33 until brought back by city staff. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

Mayor Chamberlain pushed back Ord. 2014-34 as well.

Administrator Johnson stated the following Resolution would accept the proposal and approve the agreement with Advanced Consulting Engineering Services for the design and construction phase services for the North Main Street Water Main Improvement Project. The fee for said services would be a sum not to exceed \$18,000.

Councilmember Sievers introduced Resolution No. 2014-86 and moved for its approval; Councilmember Giese seconded.

#### RESOLUTION NO. 2014-86

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING THE SHORT FORM OF AGREEMENT BETWEEN THE CITY OF WAYNE AND ADVANCED CONSULTING ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE NORTH MAIN STREET WATER MAIN IMPROVEMENT PROJECT.

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

Administrator Johnson stated the following Resolution would authorize the borrowing of \$70,000 from the City of Wayne's electric fund for airport improvements.

Mayor Chamberlain stated this would be a loan, and is gap financing between the bills they need to pay and the insurance money they have yet to receive. The Resolution has been prepared without interest, but Council can change that. It was noted that Finance Director Nancy Braden thought the loan would be repaid within one year.

Councilmember Eischeid thought interest should be assessed, and had concerns about always borrowing money from the Electric Fund.

Councilmember Sievers thought interest should be charged just as they do with the LB840 loans.

Councilmember Giese thought there needed to be more specific terms of the loan identified in the Resolution. He was not comfortable with the wording in the resolution.

Attorney Miller stated normally when you loan someone money, they are giving you a lien on their property. There has to be something in return they are giving you, so

there has to be some sort of an interest rate or some other consideration they are giving you; otherwise, it is not enforceable. In addition, you have to have a start date and an end date in order for it to be enforceable.

Councilmember Eischeid wanted to make sure that before the City loans \$70,000, that there are designated places for this money to go because they have outstanding bills, etc.

Administrator Johnson stated improvements have been made at the airport which were not covered by insurance, and most of this \$70,000 is for that (concrete). They are trying to make everything the way they want it to be and do it all at the same time, so they burned through the \$70,000 they received from the City for last year. He will have the Finance Director list out the information requested.

Councilmember Eischeid had concerns about doing all of the improvements now and not worrying about a wish list for the future. He wondered whether these improvements could have been put off for a year.

Councilmember Sievers opined you do not spend money that you do not have.

Councilmember Sievers made a motion, which was seconded by Councilmember Eischeid, to table action on Resolution 2014-87. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would accept the proposal and approve the interlocal agreement with Wayne County regarding the repair of Bridge C009011620, located on 857<sup>th</sup> Road between Sections 5 and 8, T26N, R4E.

Administrator Johnson stated the \$71,080 (Bridge Repair – Cost from FEMA Project Workshop) is 87.5% of the estimated cost that only includes planking the east third of the bridge where the planks came loose. They are planning to plank all of the bridge, which is the right thing to do.

Councilmember Eischeid had concerns about the County ordering the engineering study and questioned why that would be part of the City's responsibility, especially when the annexation took place well after the time the engineering study was ordered.

Mayor Chamberlain noted that the damaged part of the bridge belongs to the City. The County was ready to let the project. The City's share of that engineering study would be about \$9,000, and he did not think it would take long to save that amount of money with the County putting gravel on the road and maintaining the road for us. The County has been more than willing to step up and bring their excavator in and do dirt work for us.

Our estimated cost or share in this project will be about \$18,500.

Councilmember Sievers introduced Resolution No. 2014-88 and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2014-88

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH WAYNE COUNTY REGARDING THE REPAIR OF BRIDGE C009011620, LOCATED ON 857<sup>TH</sup> ROAD BETWEEN SECTIONS 5 AND 8, T26N, R4E, WAYNE COUNTY, NEBRASKA.

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

Brian Kesting, Information Technology Specialist, was present to request Council consideration to approving the interlocal agreement with Wayne County regarding the 2015 Pictometry Flight Project. The City's share in this project would be \$9,962.75. The County Commissioners approved this interlocal agreement this morning. The last time we did this on our own was in 2013.

After discussion, Councilmember Sievers made a motion to introduce and approve Resolution 2014-89.

Councilmember Giese thought that 2013 was too recent and did not think this expenditure would be fiscally responsible. Councilmember Eischeid agreed.

The said motion died for lack of a second.

Discussion took place in regard to a request to extend sidewalk from Pac N Save west to Pheasant Run Road and then north to the far north end of Bomgaars' fence.

Administrator Johnson stated that our City Code states that as our town develops, sidewalks develop with it, and it's the responsibility of the property owners. We have received two requests from residents in Western Ridge for sidewalks to be extended along Highway 35 west to Pheasant Run Road and north into the Bomgaars' entrance. Our obligation now is to give the property owners notice that they need to install sidewalks.

Mayor Chamberlain stated another area he has heard a lot about, but has not received a formal request about yet, is on the north side of the highway where it stops by the cemetery going west to Western Ridge.

We have a 50% cost-share program for replacement of existing sidewalks, but no incentive to install original sidewalks.

BJ Woehler spoke in favor of pushing forward with sidewalks or reinstating sidewalk districts that used to be done several years ago.

No action was taken on the matter.

A pay request has been received from Robert Woehler & Sons Construction for the “Highway 15 and 10<sup>th</sup> Street Intersection Project” for \$51,915.73. The engineer on the project has approved the same. This the final pay request on this project..

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Pay Application No. 2 (Final) for \$51,915.73 to Robert Woehler & Sons Construction for the “Highway 15 and 10<sup>th</sup> Street Intersection Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

Discussion took place regarding foreclosure proceedings on 111 Fairgrounds Avenue.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid to start the foreclosure proceedings on 111 Fairgrounds Avenue.

City Attorney Miller explained the procedures that would have to take place to foreclose on this property.

Councilmember Giese amended his motion, and Councilmember Eischeid seconded the amendment, to start the foreclosure proceedings on 111 Fairgrounds Avenue and to allow Amy Miller, City Attorney, to execute the process at her discretion. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the

exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

Discussion took place regarding the Nebraska Street Park.

Mayor Chamberlain stated he had somebody come forward and talk to him about whether or not the City would have an interest in selling that piece of property so he could turn it into a pay parking lot. This will get the property back on the tax roll, and we will not have to maintain it anymore. This would relieve pressure off the streets. This person has not made an offer as of yet.

Councilmember Brodersen questioned why we would take it out of being park. It's a nice green space. She did not think the City had enough green space.

Councilmember Eischeid thought a public hearing should take place for people to voice their opinion.

Mayor Chamberlain suggested sending a letter to the residents in the area asking for their opinion in lieu of holding a public hearing.

No further discussion took place on that matter.

Administrator Johnson stated the following Ordinance would amend Sec. 30-12 of the Wayne Municipal Code regarding Candidate Qualifications. Attorney Miller explained that a high school student has paid the fee to be a write-in candidate for Mayor, and she is 18 years old. Nebraska law states that you have to be 18 years old by the time you take office. The City Code states, however, that you have to be the age of majority, which is 19. In the 1970's, the age of majority, for federal purposes, went to 18, but in Nebraska, it stayed at 19. Their office has discussed the matter and done some research, and they think the City Code should be the same as what the State Statute is so that there

are no discrimination issues. Generally, you can make your laws stricter, but this is probably not the area to do it in. It should conform with State Statute. Ms. Miller also suggested the three readings be waived at this time.

It was also noted that if the code was not amended and it was challenged in court, we would probably lose.

Councilmember Giese introduced Ordinance 2014-35, and moved for its approval; Councilmember Greve seconded.

#### ORDINANCE NO. 2014-35

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 30 ELECTIONS, SECTION 30-12 CANDIDATE QUALIFICATIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Giese made a motion and Councilmember Brodersen seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2014-35. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:59 p.m.

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## CLAIMS LISTING NOVEMBER 4, 2014

ALL-AMERICAN PUBLISHING	CAC AD	294.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,163.86
APPEARA	LINEN & MAT SERVICE	107.54
ARNIE'S FORD-MERCURY INC	POLICE CAR REPAIRS	600.79
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	15.00
BLACK HILLS ENERGY	GAS BILLS	311.37
BLUETARP FINANCIAL, INC.	FREE FREIGHT RENEWAL	42.59
BOMGAARS	BATTERIES/FASTENERS/SOLAR LIGHT ETC	426.69
CITY EMPLOYEE	SAFETY BOOTS	150.00
BROWN PLUMBING	WATER HEATER INSTALLATION	230.50
CENTURYLINK	TELEPHONE CHARGES	314.33
CHEMQUEST, INC.	COOLING TOWER CHEMICAL	1,622.50
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	350.00
CITY OF WAYNE	CAT TRAP REFUND	20.00
CITY OF WAYNE	DISCOUNT FOR CAC MEMBERSHIPS	25.00
CITY OF WAYNE	DRIVEWAY DEPOSIT REFUND	500.00
CITY OF WAYNE	PAYROLL	62,577.47
CITY OF WAYNE	UTILITY REFUND (REISSUED)	225.00
CLEAN TO A T	JANITORIAL SERVICE	1,300.00
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	4.00
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DITCH WITCH OF OMAHA	CABLE ASSEMBLY	181.59
ECHO GROUP INC JESCO	BEAM CLAMPS	49.07
CITY EMPLOYEE	HEALTH REIMBURSEMENT	187.66
ELECTRIC FIXTURE & SUPPLY	FUSE	174.63
ELECTRONIC RECYCLERS INC	ELECTRONIC RECYCLING	3,500.00
FASTENAL CO	BOLTS/WASHERS/SCREWS	40.61
FIREMAN'S ASSOCIATION	WSC FIRE CONTRACT	5,000.00
FLOOR MAINTENANCE	TOILET PAPER/AIR FRESHENERS	168.80
FREDRICKSON OIL CO	KEROSENE	28.15
GALE GROUP	BOOKS	93.56
GEMPLER'S INC	HOSE / ADAPTERS	204.40
GERHOLD CONCRETE CO INC.	CONCRETE	89.00
GROSSENBURG IMPLEMENT INC	MOWER DECK WHEEL	26.94
HACH COMPANY	SENSOR CAP	125.79
HELENA CHEMICAL CO.	GRASS SEED	384.00
HOLIDAY INN-DOWNTOWN	LODGING-ELECTRIC WORKSHOP	768.65
ICMA RETIREMENT	RETIREMENT	6,831.62
IRS	FEDERAL WITHHOLDING	22,714.29
CITY EMPLOYEE	SAFETY BOOTS	150.00
KAY CONTRACTING, INC.	EXCAVATE WATER MAIN	87.50
KELLY SUPPLY COMPANY	HV PUMP	656.05
CITY EMPLOYEE	MILEAGE REIMBURSEMENT	36.96
CITY EMPLOYEE	NSFVA REGISTRATION/MEALS	280.98

KRIZ-DAVIS COMPANY	WIRE	126.74
KTCH AM/FM RADIO	ELECTRONIC RECYCLING ADS	400.40
LIVING HERE	SUBSCRIPTION RENEWAL	17.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	16.00
NE DEPT OF ENVIRONMENTAL	WW LICENSE-D ECHTENKAMP/A JUNCK	300.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,198.74
NE NEB INS AGENCY INC	INSURANCE	85.00
NORTHEAST NE PUBLIC POWER	ELECTRICITY	3,751.00
NOVELTY MACHINE & SUPPLY	MECHANICAL SEALS	286.15
CITY EMPLOYEE	HEALTH REIMBURSEMENT	5.55
PREMIER HOSPITALITY DEVEL	LODGING-R KORN	210.00
ROBERT WOehler & SONS	10TH STREET INTERSECTION	51,915.73
SIOUX CITY WINNELSON	REPAIR CLAMP	43.26
SIOUXLAND TURF PRODUCTS	FERTILIZER	132.00
STATE ELECTRICAL DIVISION	STATE ELECTRIC LICENSE	50.00
STATE NEBRASKA BANK	LIBRARY PETTY CASH/CAC SIGN UPS	249.97
THOMPSON ELECTRIC CO	REWIRE RELAYS ON VFD'S	1,081.50
TOM'S BODY & PAINT SHOP	DOOR ADJUSTMENT	27.50
CITY EMPLOYEE	SAFETY BOOTS	150.00
TYLER TECHNOLOGIES	UTILITY ONLINE BILLING	200.00
UTILITIES SECTION	POWER GENERATION/TRANSFORMER CONF	1,015.00
VIAERO	CELL PHONES	218.60
VOSS LIGHTING	LED BULBS	198.60
WAYNE COUNTY COURT	BOND	300.00
WAYNE SENIOR CENTER	EVENING MEAL REIMBURSEMENT	850.00
WAYNE STATER	ELECTRONIC RECYCLING ADS	144.00
CITY EMPLOYEE	NSFVA REGISTRATION/MEALS	367.33

CORRECTION ON ADDITIONAL CLAIMS LISTING OCTOBER 21, 2014  
MID PLAINS GRAIN - TIF \$193,000.00

**ORDINANCE NO. 2014-28**

**AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. That Chapter 78, Article III, Section 78-128 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

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

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

1. The south side of the centerline of Westwood Road from the west line of Sherman Street west to the city limits.
2. The north side of the centerline of Crescent Drive from the west line of Sherman Street west to the point where Crescent Drive turns north and then on the east side of the centerline north to the south line of Westwood Road.
3. The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits.
4. The east side of the centerline of Meadow Lane from the north line of Westwood Road north to the city limits.
5. The east side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road.
6. The east side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road.
7. The north side of the centerline of West 13<sup>th</sup> Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
8. The south side of the centerline of West 13th Street from the west line of Main Street west to the east line of Lincoln Street.
9. The north side of the centerline of West 12th Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
10. The south side of the centerline of West 12th Street from the west line of Main Street west to the east line of Sherman Street.

11. The north side of the centerline of West 11th Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
12. The south side of the centerline of West 11th Street from the west line of Main Street to the east line of Sherman Street.
13. The south side of the centerline of West 10<sup>th</sup> Street from the west line of Main Street west to the east line of Sherman Street.
14. The south side of the centerline of West 9<sup>th</sup> Street from the west line of Main Street west to the east line of Lincoln Street; thence from the west line of Douglas Street west to the east line of Sherman Street.
15. The south side of the centerline of West 8<sup>th</sup> Street from the west line of Main Street to the east line of Sherman Street.
16. The north side of the centerline of West 7<sup>th</sup> Street from the west line of Main Street west to the city limits.
17. The east side of the centerline of Sherman Street from the north line of West 7<sup>th</sup> Street north to the city limits.
18. The east side of the centerline of Douglas Street from the north line of West 7<sup>th</sup> Street north to the south line of Park Street.
19. The west side of the centerline of Douglas Street from the north line of Park Street south to the north line of West 13<sup>th</sup> Street.
20. The east side of the centerline of Lincoln Street from the north line of West 7<sup>th</sup> Street to the north line of Park Street.
21. The west side of the centerline of Lincoln Street from the south line of Park Street south to a point 150 feet south of the south line of West 13<sup>th</sup> Street.
22. The east side of the centerline of Pearl Street from the north line of West 7<sup>th</sup> Street north to the south line of West 13<sup>th</sup> Street.
23. The north side of the centerline of Park Street from the east line of Lincoln Street west to the west line of Douglas Street.
24. The south side of the centerline of Park Street from the west line of Lincoln Street west to the east line of Douglas Street.
25. The south side of the centerline of West 13<sup>th</sup> Street from the west line of Douglas Street west to the east line of Sherman Street.
26. The west side of the centerline of Main Street from the north line of East 7<sup>th</sup> Street north to the south line of East 14<sup>th</sup> Street.
27. The west side of the centerline of Sherman Street from the north line of West 7<sup>th</sup> Street north for a distance of 100 feet.

- 28. The east side of the centerline of Haas Avenue from the north line of West 7<sup>th</sup> Street north to the east line of Neihardt Avenue.**
- 29. The east side of the centerline of Neihardt Avenue from the north line of Wightman Circle north to the south line of Bressler Court.**
- 30. The south side of the centerline of Neihardt Avenue from the north line of Bressler Court west to the east line of Brookdale Drive.**
- 31. The east side of the centerline of Brookdale Drive from the north line of Haas Avenue north to the south line of Neihardt Avenue.**
- 32. The south side of the centerline of LaPorte Street from the west line of Brookdale Drive west to the city limits.**
- 33. All of Wightman Circle from the east line of Neihardt Avenue to and including the entire cul-de-sac.**
- 34. All of Savidge Court from the east line of Neihardt Avenue to and including the entire cul-de-sac.**
- 35. All of Bressler Court from the east line of Neihardt Avenue to and including the entire cul-de-sac.**
- 36. The east side of the centerline of Pheasant Run Road from the north line of West 7<sup>th</sup> Street north to the city limits.**
- 37. The west side of the centerline of Pheasant Run Road from the north line of West 7<sup>th</sup> Street north to the city limits.**
- 38. The east side of the centerline of Milo Drive from the north line of West 7<sup>th</sup> Street north to the city limits.**
- 39. The west side of the centerline of Milo Drive from the north line of West 7<sup>th</sup> Street north to the city limits.**

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

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

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

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

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**ORDINANCE NO. 2014-29**

**AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. That Chapter 78, Article III, Section 78-129 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

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

- (a) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:
1. The north side of the centerline of West 13th Street from the north-south alley between Main Street to the east line of Lincoln Street.
  2. The north side of the centerline of West 13th Street from the west line of Douglas Street to the east line of Sherman Street.
  3. The north side of the centerline of West 12th Street from the west line of the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street.
  4. The north side of the centerline of West 11<sup>th</sup> Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street.
  5. The north side of the centerline of West 10<sup>th</sup> Street from the west line of Main Street to the east line of Sherman Street.
  6. The north side of the centerline of West 9<sup>th</sup> Street from the west line of Main Street to the east line of Lincoln Street.
  7. The north side of the centerline of West 9<sup>th</sup> Street from the west line of Douglas Street to the east line of Sherman Street.
  8. The north side of the centerline of West 8<sup>th</sup> Street from the west line of Main Street to the east line of Sherman Street.
  9. The west side of the centerline of Pearl Street from the north line of West 7<sup>th</sup> Street north to the city limits.
  10. The west side of the centerline of Lincoln Street from the north line of West 7<sup>th</sup> Street north to a point 150 feet south of the south line of West 13th Street.
  11. The west side of the centerline of Douglas Street from the north line of West 7<sup>th</sup> Street north to Park Street.
  12. The west side of the centerline of Sherman Street from the north line of West 7<sup>th</sup> Street to the city limits.
  13. The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits.

14. The north side of the centerline of Crescent Drive from the west line of Sherman Street west to the point where Crescent Drive turns north and then on the west side of the centerline north to the south line of Westwood Road.
15. The north side of the centerline of Westwood Road from the east line of Sherman Street west to the city limits.
16. The west side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road.
17. The west side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road.
- 18. The west side of the centerline of Haas Avenue from the north line of West 7<sup>th</sup> Street north to the west line of Neihardt Avenue.**
- 19. The west side of the centerline of Neihardt Avenue from the north line of Wightman Circle north to the north line of Bressler Court.**
- 20. The north side of the centerline of Neihardt Avenue from the north line of Bressler Court west to the north line of LaPorte Street.**
- 21. The west side of the centerline of Brookdale Drive from the north line of Haas Avenue north to the south line of LaPorte Street.**
- 22. The north side of the centerline of LaPorte Street from the north line of Neihardt Avenue west to the city limits.**

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

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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting, as required by law.

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

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**ORDINANCE NO. 2014-30**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. That Chapter 6, Sections 6-18 of the Wayne Municipal Code is hereby amended to read as follows:

Sec. 6-18. Hours of sale

(a) It shall be unlawful for any licensed person or his agents to sell any alcoholic beverages within the city, except during the following hours:

**HOURS OF SALE**

Alcoholic Liquors (except beer and wine):

Secular Days:

Off Sale.....6:00 a.m. to 1:00 a.m.  
On Sale..... 6:00 a.m. to 2:00 a.m.

Sundays:

Off Sale..... **6:00 a.m.** ~~12:00 Noon~~ to 1:00 a.m.  
On Sale..... **6:00 a.m.** ~~12:00 Noon~~ to 2:00 a.m.

Beer and Wine:

Secular Days:

Off Sale.....6:00 a.m. to 1:00 a.m.  
On Sale..... 6:00 a.m. to 2:00 a.m.

Sundays:

Off Sale.....6:00 a.m. to 1:00 a.m.  
On Sale..... 6:00 a.m. to 2:00 a.m.

(b) No person shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed in this section for stopping the sale of alcoholic beverages on the premises. For the purposes of this section, the term "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment. The term "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

(c) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

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

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

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2014-31**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 22, ARTICLE II. OCCUPATION TAX BY ADDING SECTION 22-37 UTILITY FRANCHISE FEES; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. That Chapter 22, Article II, Occupation Taxes shall be amended by adding the following section:

Sec. 22-37. Utility (Electric, Water and Sewer) Franchise Fees.

There is hereby assessed a Franchise Fee for the distribution of electricity for sale in an amount equal to ~~8.5~~ 10.5% of the gross receipts derived from the business of distributing and selling electricity. Payment shall be made to the Clerk on a monthly basis.

There is hereby assessed a Franchise Fee for the distribution of water for sale in an amount equal to ~~7~~ 8% of the gross receipts derived from the business of distributing and selling water. Payment shall be made to the Clerk on a monthly basis.

There is hereby assessed a Franchise Fee for the processing of sewer in an amount equal to 7% of the gross receipts derived from the business of processing sewer. Payment shall be made to the Clerk monthly.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

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

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

ORDINANCE NO. 2014-32

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, SECTION 22-33 OF THE WAYNE MUNICIPAL CODE REGARDING NATURAL GAS COMPANIES; FRANCHISE FEE; TO REPEAL THE ORIGINAL SECTION; AND PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 22, Article II, Section 22-33 of the Municipal Code of Wayne, Nebraska, be amended to read as follows:

**§22-33 NATURAL GAS COMPANIES; FRANCHISE FEE.**

- A. Imposed. All natural gas companies selling, distributing or transporting natural gas in the City are required to collect from their customers located within the corporate limits of the City and pay a franchise fee in an amount based on the following fee schedule:

CUSTOMER CLASS	FEE
Residential	<del>\$2.50</del> 4.00/month/customer
Commercial	<del>\$5.00</del> 7.00 /month/customer
Industrial	\$50.00/month/customer

*The amount collected and paid by natural gas companies shall be in lieu of, and natural gas companies shall be exempt from, all other occupation, license, excise, or right-of-way permit fees or taxes.*

*Natural gas companies shall list the local franchise fee collected from customers as a separate item on bills for utility service issued to customers. If at any time any authority having proper jurisdiction prohibits such recovery, then natural gas companies will no longer be obligated to collect and pay the franchise fee herein contemplated.*

- B. When Paid. Payment of the franchise fee levied herein shall be made to the City on a quarterly basis, using the calendar quarter year as a basis for computing the amount due. Each quarterly payment shall be due within thirty (30) days after the end of each calendar quarter year. The franchise fee levied herein shall be paid to the City Clerk who shall furnish a proper receipt upon payment. The amount of payment shall be recorded and credited by the Clerk to the City General Fund.
- C. Delinquent Payments. Payments of the franchise fee, as provided in this section which are made after the due date, shall be subject to a penalty of one percent (1%) of the amount due for each month or fraction of a month past due. This amount shall be paid in addition to the fee which is due. Such statement shall be certified by an authorized representative.

- D. Adjustments. Each succeeding payment of the franchise fee levied pursuant to this section may include any adjustment which is shown on any previous report. Such adjustments may include uncollectible amounts or other amounts that cause an increase or decrease in the amount of the franchise fee paid in any previous quarterly period.
- E. Records. The City shall have the right, at any reasonable time, to require any natural gas company to produce all books and records necessary to verify any report submitted pursuant to this section.
- F. Collection. In case any natural gas company shall fail to make payment of the franchise fee provided for by this section, the City shall have the right to sue in any court of competent jurisdiction for the amount of such franchise fee due and payable under the terms and provisions of this section and may recover judgment against any such company for such amount so due, together with interest and penalties, and may have execution thereon.

Section 2. Original Section 22-33 and any other sections in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force beginning \_\_\_\_\_, 2014, after its passage, approval, and publication or posting as required by law.

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

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

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## Betty McGuire - Airport Authority Loan request

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**From:** Nancy Braden  
**To:** Council  
**Date:** 10/27/2014 1:58 PM  
**Subject:** Airport Authority Loan request  
**CC:** Airport

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Dear Council Members:

I understand the council had questions regarding the request from the Airport Authority for a \$70,000 loan. If I have not answered all questions please let me know your additional concerns.

Last year the airport started out with \$101,510 cash reserve. The events of October 4 caused major concerns for us. We ended up with additional costs that we had not anticipated. There were items that were not covered by insurance. The three major pieces of equipment that were not totally covered were the tractor, the courtesy car and the pickup with snowplow. The cost of the house was not totally covered by insurance either, as the square footage was a little larger. We have about \$20,000 in claims to the insurance company to receive yet and we also have about \$9,000 in FEMA funds that we have not received.

The major expenditures that the board had not counted on were the realigning of the West drive way. The East drive is a very dangerous if you are turning into the airport for the West. Stan Morris and several board member have had very close calls at that drive. The cost to realign the West drive was \$42,000 and paving the East drive was \$19,000. We did receive about \$6,000 from FEMA to repair the East and West drives to pre-tornado condition (asphalt).

The other major expenditure we incurred was a drainage issue around the terminal and hangar. The drainage issue was causing water and mud running into the hangar and the storage building used by our airport manager. The cost of the concrete and grading was an additional \$32,000.

The time to make these improvements was while we had a contractor available and the site was already tore up. All of the improvements were authorized by the Wayne Airport Authority.

The additional expenditures can be handled within our budget over two fiscal years. We would anticipate repayment of the loan within 18 to 24 months. If we have sufficient cash we would pay off the loan before the end of 24 month we will. We would request that the loan be scheduled with semiannual payments.

*Nancy L. Braden*

**RESOLUTION NO. 2014-87**

**A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND FOR AIRPORT IMPROVEMENTS.**

**WHEREAS**, it has been determined that it is in the best interest and necessary to borrow funds from the City of Wayne Electric Fund to be transferred to the Wayne Airport Authority to cover the costs of the airport improvements resulting from the October 4, 2013, tornado.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of Wayne, Nebraska, that the Wayne Airport Authority shall borrow from the City of Wayne Electric Fund the amount of \$70,000.00 at 3% interest, payable in equal payments over a period of two years, and that the Mayor of the City of Wayne, Nebraska, is authorized and directed to execute on behalf of the City of Wayne, Nebraska, the Promissory Note and Security Instruments with such modifications as are deemed appropriate.

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

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**RESOLUTION NO. 2014-90**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE A CONTRACT BETWEEN THE CITY OF WAYNE AND THE NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT FOR THE COMPLETION OF AN ENVIRONMENTAL REVIEW FOR THE WAYNE HOUSING AUTHORITY'S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT CAPITAL FUNDS AWARD.**

WHEREAS, the Wayne Housing Authority has received a Capital Funds award from the Department of Housing and Urban Development; and

WHEREAS, the Wayne Housing Authority is required to complete an environmental review in order for the funds to be released; and

WHEREAS, the City of Wayne has an interlocal agreement with the Northeast Nebraska Economic Development District (NENEDD), and NENEDD has provided a service contract in the amount of \$1,500.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the City of Wayne, Nebraska, that the City approve an environmental review contract for \$1,500 with the Northeast Nebraska Economic Development District.

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

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT  
AGREEMENT FOR SERVICES**

- A. Parties.** This Agreement is between the City of Wayne and the Northeast Nebraska Economic Development District, (NENEDD).
- B. Purpose:** The purpose of this Agreement is to conduct an environmental review.
- C. Terms and Conditions:**
- C1. Scope of Work.**
- C1a.**  
Federally funded projects are subject to the provisions of NEPA [24 USC 432-14347] and the HUD regulations implementing NEPA [24 CFR Part 58]. Recipients of federal funds are required to complete an environmental review prior to receiving environmental clearance from the Nebraska Department of Economic Development. The type of project a recipient is completing will determine the level of environmental review and the necessary documents that will be required.
- Completion of the Environmental Review Process for Wayne Housing Authority properties located in Wayne, NE which includes:
- C1b.** The Environmental Review Process consists of the following steps:
- Project aggregation – Develop a project description aggregating all project activities
  - Identifying Environmental Review responsibilities
  - Determination of Level of Review
  - Establishing an Environmental Review Record that includes all narratives, checklists, agency contacts and responses, maps and photographs for all activities
  - Publish/post all required public notices
  - Completion of Request for Release of Funds/Certification Form and Affidavit of Publication
  - Obtain and address all comments received
  - Obtain Environmental Clearance from the Department of Housing and Urban Development
- C2. Compensation.** The City of Wayne agrees to compensate NENEDD \$60.00/hour plus mileage, not to exceed \$1,500.00 in order to complete the Scope of Work. Reimbursement under this contract shall be based on billings, supported by appropriate documentation of costs actually incurred. The Environmental Review Record (ERR) is valid for six (6) months from the date Environmental clearance is obtained. If the ERR lapses and more work is required, then additional compensation will be negotiated.
- C3. Office space, equipment and supplies.** NENEDD will supply its own office space, equipment and supplies.
- C4. Amendments and Termination.** This Agreement may be amended by mutual written agreement of the parties. This Agreement may be terminated with 30 days notice by either of the parties.
- D. Timeframe.** The effective date of this contract shall be the date of the Determination of Level of Review, November 4, 2014. The termination date of this Agreement shall be when the Scope of Services is complete. This Agreement may be extended upon mutual agreement of the parties.
- E. Independent Contractor.** The parties intend that NENEDD will not be considered an employee of the City of Wayne, but will act as an independent contractor.

The following parties agree to the terms of this Agreement.

**THE CITY OF WAYNE, NEBRASKA**

BY: \_\_\_\_\_

TITLE: Mayor \_\_\_\_\_

DATE: \_\_\_\_\_

**NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT**

BY: \_\_\_\_\_

TITLE: Executive Director \_\_\_\_\_

DATE: \_\_\_\_\_

**RESOLUTION NO. 2014-91**

**A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN STORM SEWER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA (WINDOM STREET STORM SEWER PROJECT).**

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the hiring of Advanced Consulting Engineering Services as engineers for the construction of certain storm sewer improvements (Windom Street Storm Sewer Project) to be constructed in the City of Wayne is hereby reaffirmed, and that the plans, specifications and estimate of cost of \$ \_\_\_\_\_, as prepared by the City's engineer and filed in the office of the City Clerk for the construction of said storm sewer improvements of the City of Wayne, are hereby approved, and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City's Engineer.

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

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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