

AGENDA
CITY COUNCIL MEETING
October 4, 2016

1. [Approval of Minutes – September 20, 2016](#)

2. [Approval of Claims](#)

The City Council will be hearing public comments on the following agenda items: _____

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. [Action on a request to amend the Wayne Municipal Code to eliminate the midnight to 5:00 a.m. parking ban on the west side of Logan Street between 8th and 9th Streets — Hilda Pearson](#)

Background: This item was postponed from last meeting. Hilda is requesting that overnight parking be allowed on one block of Logan Street on the west side. Attached is a petition of property owners and tenants in the block supporting that request.

Recommendation: The decision is a simple prerogative of the elected officials. The recommendation of Joel Hansen, Street Superintendent and the Public Works' employees is to not approve the request. The recommendation of Lowell Johnson, City Administrator, is that if you do approve it, you do so on a one-year trial basis with a review scheduled in October of 2017 to see how it is working.

4. [Action on the Animal Permit Application of Kim and Jerry Hamik to have a “mini pig” inside city limits](#)

Background: The Wayne City Code specifically lists those animals that are allowed as pets inside city limits. Any other animals must have individual City Council action to approve on a case-by-case basis.

Recommendation: There is no recommendation yet.

5. [Resolution 2016-67: Establishing a Bullying Policy for the Community Activity Center](#)

Background: Attached is a more robust policy than our current brief policy to help educate our participants and parents about personal behavior and the new legal aspects involved and to clarify our staff response to issues when they occur. This has been vetted by our City Attorney.

Recommendation: The recommendation of Bryce Meyer, Recreation Services Director, and Lowell Johnson, City Administrator, is to approve the new policy.

6. [Resolution 2016-68: Approving Agreement between the City of Wayne and Providence Medical Center for ambulance services](#)

Background: This amends our current agreement for ambulance services with Providence Medical Center to increase the amount from the City to \$15,000 per year, instead of \$10,000 per year.

7. [Resolution 2016-69: Amending the Sidewalk Cost-Share Policy by increasing the cost-share from \\$2.25 per sq. ft. to \\$3.00 per sq. ft.](#)

Background: This updates our existing cost-share rate for residential and commercial sidewalk replacement to more closely match 50% of current bids we are seeing on contract projects. New construction sidewalks are not eligible.

8. [Discussion of the progress and a request for a sense of the Council on the new street project from the south end of the Community Activity Center parking lot, around the new pool and east to connect with 5th Street](#)

Background: The School Board has informally approved the extension of a one-lane, one-way city street around the pool and is working with us on a memorandum of understanding. The School will swap land to the City that we built a portion of the pool on and to build a 14-foot wide, one lane, paved street at city cost. In return, the City will release old street right-of-ways that still exist through the school track and football field and true up some irregular parcels. Our guys have almost completed replacement of the sidewalk from the school that was there before the pool.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, and Lowell Johnson, City Administrator, is to open this new street as a gravel street when the sidewalk is completed and pave the street next year using city crews.

9. [Discussion/Action on the process of changing one Council seat in each ward to an “At-Large” position](#)

Background: This matter was discussed at the Council Retreat. Attached are State Statutes regarding procedures for elections by wards/at large.

10. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

**MINUTES
CITY COUNCIL MEETING
September 20, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, September 20, 2016, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Nick Muir, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 8, 2016, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 6, 2016, 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 Sievers who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERITAS, SE, 58.91; AMERITAS, SE, 127.56; AMERITAS, SE, 2614.60; APPEARA, SU, 304.72; ASP ENTERPRISES, SU, 958.00; BAKER & TAYLOR, SU, 12.25; BAKER & TAYLOR, SU, 886.50; BAKER, ALLISON, RE, 89.54; BARONE SECURITY SYSTEMS, SE, 138.00; BID RED RENOVATORS, SE, 2500.00; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BOK FINANCIAL, RE, -94030.63; BOK FINANCIAL, RE, 94030.63; BOLINGER, LISA, RE, 15.06; BSN SPORTS, SU, 118.69; BURSON, KASSIDI, RE, 36.16; CARROLL DISTRIBUTING, SU, 89.00; CHRISTIANSEN CONSTRUCTION, SE, 267273.36; CITY EMPLOYEE, RE, 26.54; CITY EMPLOYEE, RE, 125.25; CITY EMPLOYEE, RE, 64.62; CITY EMPLOYEE, RE, 108.00; CITY EMPLOYEE, RE, 316.35; CITY EMPLOYEE, RE, 277.54; CITY EMPLOYEE, RE, 676.17; CITY EMPLOYEE, RE, 234.63; COMMUNITY HEALTH, RE, 3.00; COPY WRITE, SE, 86.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 71.16; DEARBORN NATIONAL LIFE, SE, 2112.54; DUTTON-LAINSON, SU, 1701.11; EASYPERMIT POSTAGE, SU, 1755.60; ECHO GROUP, SU, 198.20; ED. M FELD EQUIPMENT, SU, 447.50; ENGINEERED CONTROLS, SE, 384.00; ERIKSEN CONSTRUCTION, SE, 109685.62; FLOOR MAINTENANCE, SU, 458.46; FREDRICKSON

OIL, SU, 1100.00; GEMPLER'S, SU, 85.00; GERHOLD CONCRETE, SU, 3355.10; GRAPHIC CONTROLS, SU, 525.67; HARTNETT, DANIEL, RE, 300.00; HERITAGE HOMES, RE, 100.00; HERMAN, KELBY, RE, 100.00; HORIZON CONSTRUCTION, RE, 250.00; HUNDERTMARK CLEANING SYSTEMS, SU, 6865.00; ICMA, SE, 7612.84; INGRAM BOOK CO, SU, 931.28; INVENTORY TRADING COMPANY, SU, 508.00; IRS, TX, 2879.10; IRS, TX, 12310.80; IRS, TX, 11286.64; JACK'S UNIFORMS, SU, 770.00; JAY COLLIER, RE, 65.00; JOHN'S WELDING AND TOOL, SE, 944.94; KATHLEEN A LAUGHLIN, RE, 243.00; KAUP SEED & FERTILIZER, SU, 640.00; KELSEA SIEBRANDT, RE, 150.00; KNIFE RIVER MIDWEST LLC, SE, 714.15; KRIZ-DAVIS, SU, 1436.43; KTCH, SE, 556.00; L.G. EVERIST, SU, 1312.56; LUTT OIL, SU, 4398.95; MAIN STREET AUTO CARE, SE, 100.00; MARCO, SE, 126.36; MIDWEST LABORATORIES, SE, 1112.50; MUNICIPAL SUPPLY, SU, 1033.23; NE DEPT OF REVENUE, TX, 3791.77; NE SAFETY COUNCIL, SE, 147.79; NPPD, SE, 394129.77; NORFOLK DAILY NEWS, SE, 75.00; OVERHEAD, SU, 517.00; PAC N SAVE, SU, 286.08; PAUL DANGBERG, RE, 500.00; PEERLESS WIPING CLOTH, SU, 320.00; PENGUIN RANDOM HOUSE, SU, 102.00; PITNEY BOWES, SE, 1497.56; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PRONUNCIATOR, SU, 450.00; QUALITY 1 GRAPHICS, SU, 150.00; QUALITY FOOD, SU, 11.30; RECYCLE ACROSS AMERICA, SU, 184.90; RESCO, SU, 835.19; SCHNEIDER ELECTRIC, SE, 1157.00; SCHULTZ, STEVEN, RE, 25.20; SHARER, MATT, RE, 100.00; SHOPKO, SU, 156.01; SPARKLING KLEAN, SE, 2839.91; SPARKLING INSTRUMENTS, SU, 1225.36; STAPLES CONTRACT & COMMERCIAL, SU, 299.79; STATE NEBRASKA BANK, RE, 94055.63; STATE NEBRASKA BANK, RE, 77212.50; STEFFEN, SE, 8041.88; THRASHER, RE, 100.00; UNITED RENTALS, SE, 598.24; UNITED WAY, RE, 5.00; VAKOC CONSTRUCT, SU, 41.02; WAYNE COUNTY COURT, RE, 150.00; WAYNE HERALD, SE, 15.95; WESCO, SU, 528.58; WISNER WEST, SU, 27.01; AMAZON.COM, SU, 245.66; APPEARA, SE, 60.29; BROWN SUPPLY, SU, 2759.44; CITIZENS STATE BANK, RE, 1786.85; CITIZENS STATE BANK, RE, 2123.29; CITY EMPLOYEE, RE, 573.52; CITY EMPLOYEE, RE, 151.98; CITY EMPLOYEE, RE, 218.00; CITY EMPLOYEE, RE, 118.57; CITY EMPLOYEE, RE, 198.42; CITY EMPLOYEE, RE, 192.34; CITY OF WAYNE, PY, 70367.03; CITY EMPLOYEE, RE, 58.97; COUNTRY NURSERY, SU, 617.00; DANKO EMERGENCY EQUIP, SU, 5869.00; DGR & ASSOCIATES, SE, 4180.00; DOBIAS, JESSICA, RE, 143.71; ED. M FELD EQUIPMENT, SU, 327.00; GALE GROUP, SU, 196.87; GRAHAM TIRE SIOUX CITY, SU, 1606.79; HAUFF MID-AMERICAN SPORTS, SU, 319.00; HD SUPPLY WATERWORKS, SU, 2,505.24; ISLAND SPRINKLER SUPPLY, SU, 501.89; JERRY BRUNGARDT, SE, 300.00; KELLY SUPPLY, SU, 77.02; KRIZ-DAVIS, SU, 274.78; LAUREL SUMMER RECREATION, FE, 200.00; LESEBERG MASONARY & CONST, SE, 3750.00; LOUIS BENSCHOTER, RE, 2158.77; MID PLAINS GRAIN, RE, 6228.09; MILO MEYER CONSTRUCTION, SE, 4450.00; MZRB LLC, RE, 2820.29; NE LIBRARY ASSOCIATION, FE, 480.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 242.00; NEBRASKA COMMUNITY FOUNDATION, RE, 20.00; NNPPD, SE, 12579.22; NWEA, FE, 180.00; OLINGER, KYLE, RE, 80.91; SCHMIDT, PEYTON, RE, 301.07; TRUDY SCHULZ, RE, 150.00; SEBADE CONSTRUCTION, SE, 9275.00; STADIUM SPORTING GOODS, SU, 387.75; STAPLES CONTRACT & COMMERCIAL, SU, 633.89; THOMPSON ELECTRIC, SE, 2,466.57; UNITED RENTALS, SE, 544.95; VERIZON, SE, 550.25; WAYNE AUTO PARTS, SU, 358.83; WAYNE COUNTRY CLUB, SU, 13601.28; WAYNE HOSPITALITY, RE, 20577.34; WESCO, SU, 845.30; WINDOM RIDGE, RE, 1037.20

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

Tony Demir of Green Star Gasifiers was present to keep the dialog going on the possibility of bringing a renewable fuel power plant to Wayne. He was hoping to start identifying site locations soon. While no action was taken, Council consensus was to keep the dialog going until we find out what the outcome with the Big Rivers contract will be.

Councilmember Sievers arrived at 6:04 p.m.

Brad Wieland was present requesting Council consideration to granting him a variance to install a privacy fence on his property located at 1222 Pearl Street on the city's right-of-way. The property line on the north side of his house on 13th Street is 19' from the curb. He would like to install a privacy fence 15' from the curb. The fence would go from the corner of his house to the end of his deck, which would provide some privacy from the apartments to the north. If Mr. Wieland would install the fence where the City says he needs to, it would only be 5' from his house. The fence will not cause any obstruction for the street or the alley. If a problem would arise, he would tear the fence down and move it back at his own cost.

Attorney Miller recommended that the City grant Mr. Wieland an easement to put the fence on city property.

Councilmember Eischeid stated this might be a problem if there were ever going to be a sidewalk on the north side of Mr. Wieland's house, but because of the lay of the land, that will

probably never happen. Councilmember Eischeid felt there were extenuating circumstances with this request, and did not see an issue with granting this request. The Council has the discretion of taking these matters on a case-by-case basis.

Councilmember Eischeid made a motion, which was seconded by Councilmember Haase, approving the request of Brad Wieland to allow him to install a privacy fence on his property at 1222 Pearl Street, with the understanding that if a situation arises where he is required to remove said fence, all costs will be borne by him to do so. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, Mayor Chamberlain declared the motion carried.

Chad Sebade presented a proposed housing development that would be built on property south of the O'Riley Auto Parts store that he is in the process of purchasing. He would like to build townhomes with garages. As of right now, there is no plan to build basements. He would like to purchase the site with tax increment financing funds. However, attorney's fees to undertake a TIF project is about \$5,000. Mr. Sebade wanted to get a sense of the Council about the project and using TIF funds before he made payment to the attorney to start drafting the documents.

Councilmember Giese stated he thought Council had made a decision to stop incentivizing housing using tax increment financing. He thought this project fit extremely well into that area though.

Mayor Chamberlain stated he did not think there was a better project that fit TIF than what Mr. Sebade has presented. Councilmember Eischeid agreed. Council consensus was for Mr. Sebade to pursue the project.

Rusty Parker was present to review the proposed Memorandum of Understanding between the City and the Wayne Country Club. The Country Club would like to renovate the clubhouse (tear down the deck, put an addition on the east side of the clubhouse and remodel the entire upstairs). The Country Club would like to transfer ownership of the clubhouse to the City

and seek donations to help fund the renovations. The gifts or donations can then be considered as charitable, and the Country Club would not have to pay income tax on those gifts or donations. The Country Club's goal is to secure \$300,000 in pledged donations within one year of the date of this memorandum. They will also look at making an application for LB840 funds. The current clubhouse was built in 1968, and it is time they made some improvements.

Mayor Chamberlain stated the benefits of this is that the donor can use it as a tax write-off, and the Country Club can use 100% of the funds towards the project. If they are not successful in raising the funds, then nothing happens as far as transferring the property.

Councilmember Giese introduced Resolution No. 2016-62 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2016-62

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND THE WAYNE COUNTRY CLUB, INC.

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

Agenda item no. 7 - Action on a request to amend the Wayne Municipal Code to eliminate the midnight to 5:00 a.m. parking ban on the west side of Logan Street between 8th and 9th Streets — Hilda Pearson was postponed until the next meeting.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding a Use by Exception Request in the B-3 Neighborhood Commercial District, specifically Sec. 90-425(7), Special Conditions and Conditions for Granting Exceptions. The applicant, Power Wash USA, is seeking the request to add onto the existing structure located at 120 E. 7th Street.

It was discovered that when the car wash was first built in 1994, it had not gone through the use by exception process, which is the reason for having to do this now.

Councilmember Sievers had people share some concerns with her regarding Super Wash adding onto their building:

- More cars exiting onto Logan dripping water which could cause the roads to become icier in the winter; and
- More snow, which is piled in the corner (Logan and Main) causing visibility issues.

Joel Hansen, Zoning Administrator, stated the Planning Commission held a public hearing on this matter on September 13, 2016, and recommended approval thereof, subject to the following “Findings of Fact:”

1. Staff’s recommendation;
2. Consistency with the current and future land use maps; and
3. That the north exterior lighting be facing down.

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

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

Councilmember Eischeid introduced Resolution 2016-63, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2016-63

A RESOLUTION APPROVING THE APPLICATION OF POWER WASH USA FOR A ZONING USE BY EXCEPTION PERMIT TO ADD ONTO THEIR EXISTING STRUCTURE LOCATED AT 120 E. 7TH STREET.

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

The following Resolution would amend the wage and salary schedule by adding the position of “Lineman I.”

Councilmember Eischeid introduced Resolution 2016-64, and moved for its approval; Councilmember Giese seconded

RESOLUTION NO. 2016-64

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE BY ADDING LINEMAN I POSITION.

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

Joel Hansen, Street Superintendent, stated the following Resolution would approve Supplemental Agreement #1 to the Program Agreement for the Wayne Trail Phase II Project by having the Nebraska Department of Roads assuming the Responsible Charge responsibilities and clarifying that the preliminary engineering is an eligible project expense.

Councilmember Giese introduced Resolution 2016-65, and moved for its approval; Councilmember Greve seconded

RESOLUTION NO. 2016-65

A RESOLUTION APPROVING THE SIGNING OF PROGRAM AGREEMENT SUPPLEMENT NO. 1 — FEDERAL-AID FUNDING.

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

The following Resolution would approve the schedule of fees, which now includes equipment rental, materials and labor. In addition, it includes the firearms purchase permit and campground parking fees.

Councilmember Sievers introduced Resolution 2016-66, and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2016-66

A RESOLUTION AMENDING SCHEDULE OF FEES AND CHARGES.

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

Administrator Johnson stated, in the City loan documents, if you sell your business or do not make your payments, the loan becomes in default. We have made written contact with the borrower and the former owner of the NAPA business, and they are not responding. They have sold the business and are in the process of selling the building. The City has a lien on the

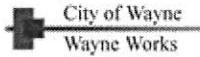
property, and we need to start the foreclosure process. In addition, they have stopped making payments on the loan.

Councilmember Giese made a motion, which was seconded by Councilmember Brodersen, directing the City Attorney to begin foreclosure proceedings on the NAPA Loan. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Change Order No. 6, which is an increase of \$7,548.26 on the “Wayne Aquatic Center Project” to Christiansen Construction Co., LLC for additional grading and concrete removal.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 6, which is an increase of \$7,548.26 on the “Wayne Aquatic Center Project” to Christiansen Construction Co., LLC, for additional grading and concrete removal. 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 6:43 p.m.



Vendor	Payable Description	Payment Total
AMERICAN RED CROSS	PAYROLL DEDUCTION	10.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,405.61
BIG RED RENOVATORS	DISPOSAL FEES	500.00
BLACK HILLS ENERGY	GAS BILLS	326.87
BOMGAARS	TAPE/WASH/WAX/TOWELS/CONE	186.45
C. H. GUERNSEY & COMPANY	POWER & TRANSMISSION SERVICES	4,473.58
CARROLL DISTRIBUTING	CUTTING BLADE	178.00
CDS INSPECTIONS	FORM 5 SUBMISSION	50.00
CENTURYLINK	TELEPHONE CHARGES	416.35
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,402.28
CITY EMPLOYEE	VISION REIMBURSEMENT	246.80
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	34.55
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	57.78
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	11.98
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	74.89
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	73.91
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	96.28
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	49.98
CITY OF WAYNE	PAYROLL	67,849.96
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	3.00
COMMUNITY REDEVELOPMENT AUTHORITY	ECONOMIC DEVEL TRANSFER	44,906.00
CRESCENT ELECTRIC SUPPLY CO	CONTACT CARTRIDGE	57.14
CUMMINS CENTRAL POWER, LLC	GENERATOR INSPECTION	322.75
DANKO EMERGENCY EQUIPMENT	LED SCENE LIGHT	1,458.94
DAS STATE ACCTG-CENTERAL FINANCE	DAS COMMUNICATIONS	448.00
DE LAGE LANDEN FINANCIAL	COPIER SR	154.00
DEMCO INC	BOOK COVERS/BOOKMARKS	487.36
ECHO GROUP INC JESCO	LED BULBS/BALLAST/ELECTRIC TAPE	958.75
FASTENAL CO	WASP SPRAY/STAY GEL LUBE	106.34
FIRST CONCORD GROUP LLC	FLEX FEES	4,559.47
FLOOR MAINTENANCE	NAPKINS/CUP LIDS	86.35
GEMPLER'S INC	LATEX GLOVES	48.45
GERHOLD CONCRETE CO INC.	SIDEWALK/CONCRETE	5,474.89
H.K. SCHOLZ COMPANY	STRIP CHART DISCREPANCY LABOR	1,050.00
HACH COMPANY	CHLORINE TABLETS	514.82
HAUFF MID-AMERICAN SPORTS	FOOTBALL BELTS	132.80
HAWKINS	AZONE	514.81
IRS	TAX WITHHOLDING	25,199.24
JAMES FRANK	BUILDING PERMIT DEPOSIT REFUND	100.00
JEO CONSULTING GROUP	SLUDGE REMOVAL/GENERAL ENGINEERING	5,394.25
JILL CHRISTIANSEN	AUDITORIUM DEPOSIT REFUND	150.00
JOHN HUGHES	SIDEWALK COST SHARE	243.33
JORGENSEN, KEN	TIF	50,000.00

KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTIONS	243.00
KAUP SEED & FERTILIZER	GRASS AT POOL	320.00
KRIZ-DAVIS COMPANY	COPPER REELS/ARRESTERS/CLAMP/WIRE	1,885.00
LAYNE CHRISTENSEN CO	WELL 6 REPAIRS	21,272.95
MARRIOTT HOTELS	LODGING- G HANSEN	104.00
MERRICK CO SENIOR SERVICES	REGISTRATION-D BERTRAND	90.00
N.E. NE AREA ON AGING	AGENCY AUDIT COST SHARE	175.00
N.E. NEB ECONOMIC DEV DIST	JUN 16 CIS SERVICES	1,140.00
N.E. NEB ECONOMIC DEV DIST	AUG 16 WRLF SERVICES	45.00
NASC	MEMBERSHIP DUES	20.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,577.21
NE DEPT OF ROAD	WINDOM ST E 3RD-7TH ST	18,091.32
NE PLANNING & ZONING ASSOC	REGISTRATION- S SHADDEN	70.00
NORTHEAST NE PUBLIC POWER	RATE DISPUTE	726.87
OLSSON ASSOCIATES	AIRPORT PUMP STATION	231.05
ORIENTAL TRADING CO INC	MAGNETS/STICKERS/PENCILS/NOTEPADS	201.45
PAC N SAVE	SENIOR CENTER MEALS	741.70
PING TREE SERVICE	GRIND STUMPS	734.00
QUALITY 1 GRAPHIC	DECALS	100.00
RESCO	ELBOW JACKET SEAL	496.96
SANDS, KERI	UTILITY REFUNDS	300.00
SPARLING INSTRUMENTS, INC.	FREIGHT ON MODULE	18.42
SPENCER SHADDEN	LODGING REIMBURSEMENT	119.00
STADIUM SPORTING GOODS	VOLLEYBALL SHIRTS/EMBROIDERY	593.00
STATE NEBRASKA BANK-PETTY CASH	CAC PETTY CASH	19.77
T & S TRUCKING	TRANSPORT ROCK	645.68
TASER INTERNATIONAL, INC.	CARTRIDGE SIMULATION	306.12
UNITED WAY	PAYROLL DEDUCTION	5.00
VIAERO WIRELESS	CELL PHONES	221.63
WAYNE EAGLES CLUB	ENERGY INCENTIVE	461.32
WESCO DISTRIBUTION INC	FUSES	162.11
WISNER WEST	FD-GASOLINE	41.05
WRIEDT PROPERTIES	TRAILER LOT RENT ON DEMOLISHED TRAILERS	1,600.00

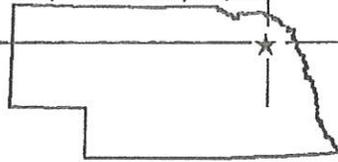
RECEIVED
SEP - 6 2016

City of Wayne

306 Pearl • P.O. Box 8
Wayne, Nebraska 68787

(402) 375-1733
Fax (402) 375-1619

BY: _____
Incorporated - February 2, 1884



REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. If you have additional documentation which would be beneficial to the topic, please attach to this form. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Event insurance is required for anyone wishing to use city right-of-way (e.g. block off streets for block parties, block off sidewalks and/or alleys).

Name: Hilda M. Pearson

Address: 816 Logan St.
Wayne, Ne. 68787

Telephone No.: 402-833-1321 / 307-214-0612 c

Date of Request: 08/21/16

Description of Requested Topic: _____

Removal of the two signs
located on the west side of
8th + Logan that read: No
Parking from Midnight til
5:00 A.M.



AMENDMENT REQUEST

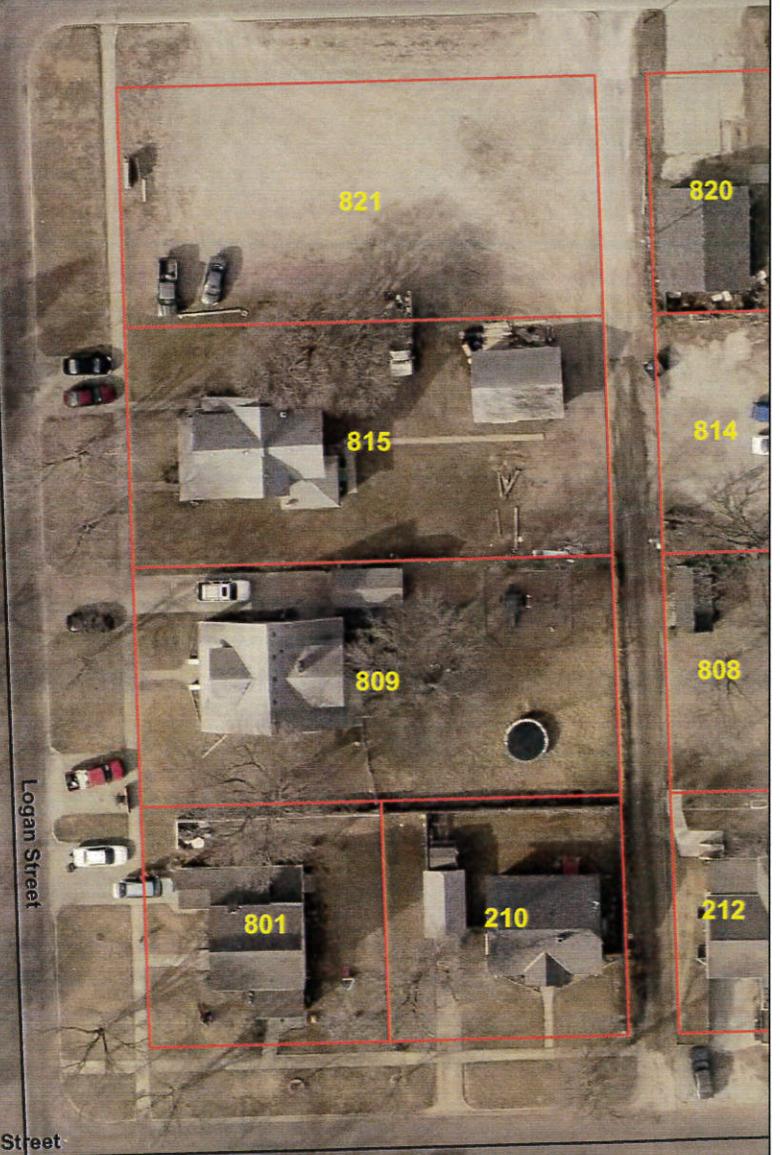
We, the undersigned, residing at 8th and Logan St., Wayne, Nebraska, Wayne County, are requesting the city code be amended to eliminate the Midnight to 5:00 A.M. parking ban on our block and that the two No Parking, Midnight to 5:00 parking signs located on the west side of Logan Street may be removed.

ADDRESS	Resident/Owner	Date Signed
816 Logan	Jason A. Buelma	7-8-16
816 Logan	Justin Ell	7-8-16
816 Logan	[Signature]	7/24/16
816 Logan	Terry Moser	7-7-16
816 Logan	Hilda Pearson	06/22/16
820 Logan	Joel Lipp	6/27/16
820 Logan	Wynne Nespor	6/27/16
820 Logan	Taylor Clark	6/27/16
820 Logan	Shyler Roberts	6/27/16
820 Logan	Allegra Glaser	6/29/16
812 Logan	Chris Hansen	7-21-16
812 Logan	Elizabeth Connealy	7-12-16
812 Logan	Michael Marcin	9/20/16
810 Logan	Gilbert Vaughan	6/29/16
802 Logan	Jim Maty	6-29-16
801 Logan	Matt Risinger	6-29-16
809 Logan	Angela Sievers	6-29-16
815 Logan	[Signature]	8-1-16
815 Logan	[Signature]	6-29-16
815 Logan	Ben Klameth	6-29-16
815 Logan	[Signature]	8-20-16
812 ^{1/2} Logan	Estela Lopez	8-21-16
812 ^{1/2} Logan	Ramon H Ruiz	8-21-16

a21 Neb
a21 Neb

landlord

Landlord



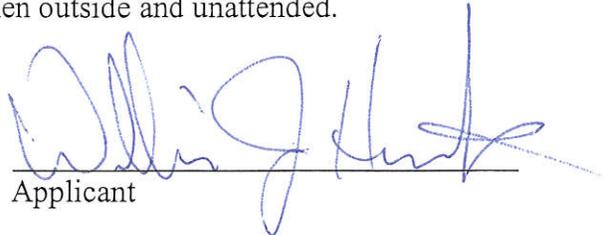
Animal Permit Application

Date 9-19-16
Owner(s) Name Kim & Jerry Hamik
Address 1003 W. 3rd Street
Species of Animal(s) Mini Pig
Name of Animal(s) Maggie & Mae
Age of Animal(s) 3 months
Address where Animal(s) Housed 1003 W. 3rd Street
Animal(s) Tag Number(s) _____
Certificate of Vaccination(s) _____ Yes No (Copy Attached)

- A. Applicant(s) shall provide to the City, a list of all property owners and residents (if other than owner) including names and address, located across the street and abutting where the animal(s) will be housed.
- B. Applicant(s) shall provide completed permit and all requested information 14 days prior to the hearing date.

The animal(s) will be required to be leashed when outside and unattended.


Applicant


Applicant

APPROVED this _____ day of _____, _____.

Chief of Police

Zoning Administrator

APPROVED this _____ day of _____, _____.

Mayor

City Clerk

Dave + Karla Hix 913 W. ~~3rd~~ St. Wayne, NE 68787

John Meyer 221 Oak Drive Wayne, NE 68787

Jarin Jensen 1008 W. 2nd Ave Wayne, NE 68787

Chris Tee Weixelman 1002 W 2nd Ave Wayne, NE 68787

RESOLUTION NO. 2016-67

A RESOLUTION ESTABLISHING A BULLYING/HARASSMENT POLICY FOR THE WAYNE COMMUNITY ACTIVITY CENTER.

Whereas, people of all ages and abilities have the right to be safe from physical and emotional attack; and

Whereas, the City of Wayne supports the rights of its members and staff to attend the Community Activity Center and that it be safe and free from violence and harassment; and

Whereas, the City of Wayne has developed a “Bullying/Harassment Policy,” which is attached hereto and incorporated herein by reference, for the Wayne Community Activity Center to be used in order to provide a safe environment and to protect all of its members and staff from those who fail or refuse to comply with guidelines regarding the treatment of others.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the City of Wayne, Nebraska, that the attached “Bullying/Harassment Policy” for the Wayne Community Activity Center is hereby approved and shall take effect upon the passage and approval hereof.

PASSED AND APPROVED this 4th day of October, 2016, at Wayne, Nebraska.

THE CITY OF WAYNE, NEBRASKA

By _____

Mayor

ATTEST:

City Clerk

Anti-Bullying Policy

The City of Wayne recognizes that an agency that is physically and emotionally safe and secure for all participants promotes good citizenship, increases attendance, and supports achievement. To protect the rights of all participants and groups for a safe and secure environment, the City of Wayne prohibits acts of bullying, harassment, and other forms of aggression and violence.

Bullying or harassment, like other forms of aggressive and violent behaviors, interferes with a participant's ability to learn and limits involvement. All administrators, staff, parents, volunteers, and participants are expected to refuse to tolerate bullying and harassment and to demonstrate behavior that is respectful and civil. It is especially important for adults to model these behaviors (even when disciplining) in order to provide positive examples for participant behavior.

"Bullying" or "harassment" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e., cyber bullying, through the use of internet, cell phone, personal digital assistant (pda), computer, or wireless handheld device, currently in use or later developed and used) that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy. Such behaviors are considered to be bullying or harassment whether they take place on or off City of Wayne property, at any City of Wayne sponsored function, or in a City of Wayne vehicle or at any time or place where a staff or participant's imminent safety or overall well-being may be an issue.

Bullying or harassment is conduct that meets all of the following criteria:

- Is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear or physical harm or emotional distress;
- Is directed at one or more individuals;
- Is conveyed through physical, verbal, technological or emotional means;
- Substantially interferes with educational opportunities, benefits, or programs of one or more individual;
- Adversely affects the ability of an individual to participate in or benefit from City of Wayne activities by placing the individual in reasonable fear or physical harm or by causing emotional distress; and,
- Is based on an individual's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

I have read this policy and agree to comply in all City of Wayne programs and facilities

Parent/Member Signature

Date

WAIVER FORM

This form is **REQUIRED BEFORE** participation in: Volleyball or Football

Parent's permission to administer anesthetic and/or emergency treatment as required?

Yes

No

Basic Information:

Child's Name _____

Date of Birth			Age	Grade	Male	Female	Are they a CAC Member?		T-Shirt Size
Month / Day / Year							Yes	No	

Parents' Names: _____ and _____

Address _____ E-Mail _____

Home Phone # _____ Cell Phone # _____

Emergency Contact:

Name _____ Relation _____

Contact Phone # _____

Physician's Name _____ Phone # _____

Health Questions:

Does your child have any medical conditions or allergies? No Yes

Explain: _____

Has your child had any operations or serious injuries or illnesses? No Yes

Explain: _____

Does your child have any restrictions to activities? No Yes

Explain: _____

Other Health Related Concerns _____

- I understand that the Wayne Community Activity Center will NOT assume responsibility for injuries or illnesses which my child may attain as a result of his/her physical condition or resulting from his/her participation in any athletic activities, sports, equipment usage, exercise or other activities. I acknowledge on behalf of myself and my children that I assume the risk for any and all injuries and illnesses that may result from my child's participation in these activities. I hereby release and discharge the Wayne Community Activity Center, its agents, servants, and employees from any and all claims for injury, death, loss, or damage which he/she may suffer as a result of his/her participation in these activities.
- *I understand that the Wayne Community Activity Center is NOT responsible for personal property lost or stolen while using the CAC facility or property.*
- I understand that some games/practice might not be within the CAC building and that CAC staff might not be able to have full supervision at all times in some areas around the CAC.
- I acknowledge and understand the above information and accept the conditions termed.

Wayne Community Activity Center Bullying/Harassment Policy

Purpose: All members have the right to attend the Wayne Community Activity Center free from verbal and physical harassment and bullying. The purpose of the Harassment and Bullying Policy is to protect all members and staff from those who fail or refuse to comply with these guidelines regarding the treatment of others. Refer to chart below for our program rules.

Infraction	1 st Intervention/ Consequence	2 nd Intervention/ Consequence	3 rd Intervention/ consequence
Written or oral harassment: including profane or abusive language/gestures towards staff or students, bullying, jokes, slurs, graphic or verbal comments about an individual's body of a sexual nature or racial background.	Call to parents.	Call to parents and removed from facility/practice/game for the remainder of that day or event (or placed in Bryce/Cassie office until parents can pick child up).	Call to parents and remove from facility. Suspended for 1 week from the Activity Center- including practices/games for 7 calendar days.
Physical harassment/abuse/bullying: Intentional or obvious unwelcome or offensive physical contact.	Call to parents and removed from facility/practice/game Must sit out of sports competition for next 1 game. Can't come to Activity Center for 3 days (if non sport child)	Call to parents and remove from facility/practice/game Must sit out of sports competition for next 3 games. Can't come to Activity Center for 7 days (if non sport child)	Call to parents and remove from facility/practice/game Will be removed from Rec Sport Program AND/OR can't come to the Activity Center for 1 month

Parent/Guardian Signature: _____ Date: _____

RESOLUTION NO. 2016-68

A RESOLUTION APPROVING AN AGREEMENT FOR AMBULANCE SERVICE BETWEEN THE CITY OF WAYNE, NEBRASKA, AND PROVIDENCE MEDICAL CENTER.

WHEREAS, the City of Wayne has entered into agreements with Providence Medical Center, wherein the City of Wayne agrees to provide financial support to Providence Medical Center each fiscal year to help defray the cost of operation and provide funds for the replacement of an ambulance and equipment; and

WHEREAS, the City of Wayne proposes to enter into an Agreement for Ambulance Service with Providence Medical Center, under which the amount provided by the City of Wayne will be \$15,000 each fiscal year commencing October 1, 2016, and continuing for the balance of the Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the proposed Agreement for Ambulance Service between the City of Wayne and Providence Medical Center to provide financial support in the amount of \$15,000 each fiscal year for five years, is hereby approved, and the Mayor and City Clerk are hereby authorized to execute the necessary documents to complete the transaction.

PASSED AND APPROVED this 4th day of October, 2016.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

AGREEMENT

WHEREAS, the Providence Medical Center, a non-profit corporation, has provided ambulance service for the City of Wayne, a Nebraska Municipal Corporation, and surrounding areas as a governmental service under an arrangement by which the City of Wayne provided funds to defray a part of the cost of the operation of said ambulance; and

WHEREAS, on September 28, 1982, Providence Medical Center and the City of Wayne entered into a long-term contract which expired on August 1, 1989, and which contract was entered into following a public hearing pursuant to Section 13-303 of the Revised and Reissued Statutes of the State of Nebraska; and

WHEREAS, on February 19, 1990, said contract was extended by the parties through the period of August 1, 1996, and again through August 2003; and

WHEREAS, said contract provides that the parties may mutually agree to extend the same, which they now wish to do, pursuant to this agreement.

NOW, THEREFORE, IT IS AGREED by and between Providence Medical Center and the City of Wayne as follows:

1. The City of Wayne will provide the sum of \$15,000 to Providence Medical Center each fiscal year beginning in the 2016-2017 fiscal year and extending for a period of five years thereafter and until termination of agreement. Payments shall be made on the fifteenth of October.

2. Providence Medical Center will be responsible for the operation of said ambulance service on a twenty-four hour basis and shall provide the necessary drivers and attendants for all calls made by the ambulance service. In addition to the aforementioned primary ambulance service, Providence Medical Center shall maintain one or more backup ambulance units as needed.

3. Regarding the purchase of a new replacement ambulance, Providence Medical Center shall appoint a selection committee to review and make recommendations regarding a new replacement ambulance and said selection committee shall have one or more representatives from the City.

4. Providence Medical Center will assume the responsibility for providing the ambulance service in the City of Wayne and surrounding areas provided by Providence Medical Center during the term of this contract.

5. Providence Medical Center shall provide separate operating statements regarding the ambulance service, which shall be submitted to the City of Wayne on an annual basis prior to July 1 of each year.

6. This agreement may be modified by the parties at any time by written supplemental agreements hereto and approved by the parties, as required by law.

8. This contract will automatically renew each year on October 1, unless either party gives at least six months advanced notice to the other party of its intent to terminate.

Executed in duplicate this _____ day of _____, 2016.

Providence Medical Center,
A Non-Profit Corporation

ATTEST:

Secretary

By _____
President

The City of Wayne,
A Municipal Corporation,

ATTEST:

Clerk

By _____
Mayor

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RESOLUTION NO. 2016-69

A RESOLUTION AMENDING SIDEWALK COST-SHARE POLICY PERTAINING TO SIDEWALK REPAIR, REPLACEMENT, AND CONSTRUCTION.

WHEREAS, as a way to encourage homeowners to replace sidewalk that is in poor condition without having to go through the process of establishing sidewalk districts, the Council established a "Sidewalk Cost-Share Policy;" and

WHEREAS, the aforesaid policy is being amended to increase the reimbursement rate from \$2.25 per sq. ft. to \$3.00 per sq. ft.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the City of Wayne Sidewalk Cost-Share Policy, a copy of which is attached hereto and incorporated herein by reference, is hereby approved.

PASSED AND APPROVED this 4th day of October, 2016.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Sidewalk Cost-Share Policy

A. Criteria for Improvement:

1. Any slab having a crack or joint where the abutting edges differ vertically by more than one-quarter (1/4) inch.
2. Any slab having a crack(s) in it that is one-quarter (1/4) inch wide or more or the City's representative determines that the crack is not properly sealed. Properly sealed is defined as sealed with a polyurethane sealant recommended for use on concrete and recommended to withstand temperatures ranging from -30 degrees Fahrenheit to 150 degrees Fahrenheit.
3. Any slab having a hole two (2) inches or more in diameter and one-quarter (1/4) inch deep or more or that is cracked or broken with missing or loose pieces.
4. Any slab that has surface spalling affecting more than twenty-five (25) percent of the block's surface.
5. Any slab that is shattered or badly cracked and structurally unsound.
6. Any slab that is up-heaved or depressed, thereby causing an abrupt change in grade of five (5) percent or more. (One (1) inch vertical in twenty (20) inches horizontal.) Exceptions may be made by the City's representative if they deem that the slope of the sub-grade creates a hardship.
7. Any material used as covering over a sub-grade that does not meet approved sidewalk according to City Code or standards.

B. The City shall reimburse the property owner at a rate of ~~\$2.25~~ **3.00** per square foot for sidewalk replacement in instances where funds are budgeted and available.

C. Where the City's representative deems a tree within the street right-of-way should be removed to protect the integrity of the sidewalk being replaced or constructed, the City shall share up to fifty percent (50%) of the cost for removal with the abutting property owners. The City's representative will first meet with the property owner to determine if the sidewalk can be constructed around the tree in order to save the tree.

D. Where the City's representative deems a tree on private property should be removed for general pedestrian safety, and to protect the integrity of the sidewalk, the abutting property owner shall be responsible for its removal.

32-534. Certain cities of the first class; officers; wards; terms; qualifications.

(1) In a city of the first class except a city having adopted the commissioner or city manager plan of government, a mayor shall be elected at large and council members shall be elected by ward or at large and by ward as provided in section 32-554. If members are elected by ward, one or two council members shall be elected from each ward, except that there shall be at least four council members, and two council members shall be required for each ward in any city having fewer than four wards. The council may provide for the election of the treasurer and clerk as provided in section 16-302.01.

(2) All elected officers in a city of the first class shall serve for terms of four years or until their successors are elected and qualified. The council members shall be nominated at the statewide primary election and elected at the statewide general election. The council members shall meet the qualifications found in section 16-302.01.

Source: Laws 1994, LB 76, § 130; Laws 2001, LB 730, § 2; Laws 2002, LB 970, § 2.

32-554. Village, county, school district, or certain cities; elections at large or by district or ward; procedure.

(1)(a) Any city not under a home rule charter, village, county, or school district nominating and electing members to its governing board at large may, either by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section, submit, at a general election, the question of nominating and electing members to its governing board by district or ward.

(b) Any city not under a home rule charter, village, county having not more than three hundred thousand inhabitants, or school district nominating and electing members to its governing board by district or ward may, either by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section, submit, at a general election, the question of nominating and electing members to its governing board at large.

(c) Any city of the first class, except a city having adopted the commissioner or city manager plan of government, nominating and electing members to its governing body by ward may, either by ordinance by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section, submit, at a general election, the question of nominating and electing some of the members to its governing body by ward and some at large. No more than four members of the city council may be elected on an at-large basis, and at least four members of the city council shall be elected by ward. The ordinance of the governing body or petition shall specify the number of at-large members to be elected. At the first election in which one or more at-large members are to be elected to the city council, the members shall be elected to serve for initial terms of office of the following lengths: (i) If one at-large member is to be elected, he or she shall serve for a four-year term; (ii) if two at-large members are to be elected, the candidate receiving the highest number of votes shall be elected to serve for a four-year term and the other elected member shall be elected to serve for a two-year term; (iii) if three at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected member shall be elected to serve for a two-year term; and (iv) if four at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected members shall be elected to serve for two-year terms. Following the initial term of office, all at-large council members shall be elected to serve for four-year terms. No candidate may file as both an at-large candidate and a candidate by ward at the same election.

(2) Petitions for submission of the question shall be signed by registered voters of the city, village, county, or school district desiring to change the procedures for electing the governing board of the city, village, county, or school district. The petition or petitions shall be signed by registered voters equal in number to twenty-five percent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing board. Each sheet of the petition shall have printed the full and correct copy of the question as it will appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election, and no signatures shall be added or removed from the petitions after they have been so filed. Petitions shall be verified as provided in section 32-631. If the petition or petitions are found to contain the required number of valid signatures, the county clerk or election commissioner shall place the question on a separate ballot to be issued to the registered voters of the city, village, county, or school district entitled to vote on the question.

(3)(a) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board by district or ward to nominating and electing some or all of such members at large shall notify the public and instruct the filing officer to accept the appropriate filings on an at-large basis. Candidates to be elected at large shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

(b) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board at large to nominating and electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected by district or ward at the next primary and general election following submission of the question. When district or ward elections have been approved by the majority of the electorate, the governing board of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal decennial census except as provided in subsection (2) of section 32-553.

(4) Except as provided in section 14-201, each city not under a home rule charter, village, county, and school district which votes to nominate and elect members to its governing board by district or ward shall establish districts or wards so that approximately one-half of the members of its governing board may be nominated and elected from districts or wards at each election. Districts or wards shall be created not later than October 1 in the year following the general election

at which the question was voted upon. If the governing board fails to draw district boundaries by October 1, the procedures set forth in section 32-555 shall be followed.

Source: Laws 1994, LB 76, § 150; Laws 1997, LB 595, § 3; Laws 1997, LB 764, § 50; Laws 2001, LB 730, § 4; Laws 2003, LB 444, § 4; Laws 2005, LB 566, § 30; Laws 2013, LB299, § 3.