

**AGENDA**  
**CITY COUNCIL MEETING**  
**April 20, 2010**

**5:30 Call to Order**

- 1. Approval of Minutes – April 6, 2010**
- 2. Approval of Claims**
- 3. Proclamations — “April as Sexual Assault Awareness Month”  
“Safe Drinking Water Week”**

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.

Anyone desiring to speak on an agenda item is invited to do so, and should limit themselves to three minutes. After being recognized by the Chair, proceed to the rostrum and state your name and address for the record.

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.

4. Presentation of Dividend Check (\$23,610.41) from EMC Insurance Company — Cap Peterson, Northeast Nebraska Insurance Agency
- 5. Request from Mayor’s Youth Council Committee Regarding:**

➤ **Need for a Pool Lift and Action to Purchase Swimming Pool Lift**

**Background:** We received a request last summer for a pool lift to assist non-ambulatory swimmers. One committee of the Mayor’s Youth Council took this project and is making a recommendation to you for the type of lift they would like us to install. \$5,500 has been included in the current budget to install a lift for this season. The students will have a recommendation for you at the meeting.

➤ **Closing Streets for Street Dance**

**Background:** Another committee of the Mayor’s Youth Council has been working on student generated activities to be held in Wayne. They are preparing a request for approval to hold a street dance this spring. The students will have a recommendation for you at the meeting.

➤ **Permission to put Trash Containers on Trail**

**Background:** Another committee of the Mayor’s Youth Council wants to purchase and install garbage containers along the Phase I Pedestrian Trail. They are asking for your approval. It would be the responsibility of city staff to monitor and empty the trash containers. They will bring a proposal for containers to present to you at the meeting.

## **6. Action on Accepting/Returning Grant for the Pedestrian Underpass**

**Background: We have had a lot of discussion on this project. The history of this project and the grant application process is as follows:**

- 2003:** Wayne Industries and the City Council were jointly seeking ways to stabilize school enrollment, which had been declining, and we looked for land close to the school for future affordable single-family housing development. The property west of the cemetery held potential for a lot of future affordable family housing expansion, and the new land owners offered to sell parcels to a private developer.
- 2001:** A master plan for pedestrian trails was developed by the City Council to add dedicated pedestrian routes to connect neighborhoods, schools and public facilities in Wayne for the fitness/health/safety and the family recruitment benefits they offer.
- 2002:** The Phase I Trail was funded with \$473,333 from NDOR (Nebraska Department of Roads) TE (Transportation Enhancement) Funds and local funds and built.
- 2004:** \$342,000 in NDOR TE funding, plus \$45,000 in Game and Parks, and \$24,000 in Lower Elkhorn NRD funding for the Phase II Trail was approved. NDOR is now scheduled to bid this out for 2011 construction.
- 2000:** The voters approved bonds to build a Community Activity Center. We were able to also get \$650,000 in public grant funds and \$125,000 in private donations. At that time, we planned to build a connecting sidewalk to the elementary school. The 600 foot connecting sidewalk did not get built when the building was completed, and we decided to seek future trail or grant funds to build it.
- 2006:** A private developer began designing the first 17-lot affordable single-family housing project west of the cemetery. In our discussions with that developer, the concept was first proposed by councilmembers to convert the Hwy 35 at-grade trail crossing by the cemetery to a pedestrian underpass to connect the entire new area with the school campus. However, the Nebraska Department of Roads had a policy that no additional cost-share funding would be added to a trail project once it has been approved for a community.

The City was able to secure a \$387,000 grant for the private developer to help lower the development cost of the lots for single-family affordable homes. The developer retained an engineer and completed a preliminary plat for an affordable housing subdivision.

- 2007:** The private developer gave notice to the City that he would not complete the subdivision. At the direction of the Council, we advertised Requests for Proposals in regional and state newspapers for another private developer to take over the project and assume the grant. When we received no responses, the Council decided to have the (CDA) Community Development Agency take over and complete the affordable housing development project rather than return the \$387,000 grant.

- 2008:** A private developer approached the CDA to purchase affordable housing lots using federal income tax credits to build 10 more single-family homes for income qualified families, and the subdivision construction project was expanded to 34 lots.
- 2007:** NDOR created the “Safe Routes to Schools Program” and set aside new funding for grants for alternative pedestrian routes to schools. The City and the School jointly applied for grant funding for street improvements and sidewalks in the elementary school area, but we were not funded. We decided to build the sidewalk connection between the school and Activity Center using \$18,000 of our own funding.
- 2008:** We applied for a Safe Routes to Schools \$250,000 grant to build a pedestrian underpass, but were not approved because there were no houses in the Western Ridge Subdivision yet.
- 2009:** NDOR allocated extra funding for TE funding, in addition to the “Safe Routes to Schools Program.” We applied for grant funding for a Hwy 35 pedestrian underpass and were awarded the \$338,000 grant currently under discussion. City staff does not have the authority to apply for grant funding without Council approval. The '07, '08 and '09 grant applications were approved by City Council Resolutions.

**Some observations about the history of Wayne planning and grant application process since the 1970's and the process we have used on this pedestrian underpass project:**

- 1) The Wayne City Council, Planning Commission and Wayne Industries historically have focused planning for transportation, job growth and subdivisions on population growth, and school enrollment.**
- 2) Capital projects take a long time from start to finish. The Library/Senior Center, Rainbow World and City Auditorium renovation took about 10 years to fund and complete after they were picked as START Program projects in the 1980's community plan.**
- 3) As each area of the U.S. was settled with population inflow, the private investments came first and the public infrastructure followed.**
- 4) Now Nebraska and other areas of population outflow communities are having to put in place the public infrastructure first as the incentive for private investment to follow. This created a new role for government, as risk taker. Since the 1970's, that's been successful at Wayne. Wayne Industries, with help from the City, began doing this in the 1970's, and we have grown with Timpte Trailer (now Great Dane), First Bankcard Center, MPM Dairy Farms, Sand Creek Post and Beam, the Opportunity Building Grant, DVI Industries, Fyre Tech, Concord Components, plus others in the original 1970's Industrial Park. A future investment coming is a motel project with local investors that kicked off in 2002 and should break ground this summer after eight years.**
- 5) No one individual project, including the underpass at hand, makes or breaks Wayne's long-term track record of new growth and wealth generation from capital investment. The cumulative effect of these completed projects is a**

stable community that is going against the current economic trend by having jobs and a quality of life that can support large ticket items, such as a stable labor pool, stable school enrollment, quality hospital, car dealerships and both small and large retail.

- 6) Wayne Industries and the City have historically operated on the policy of using as much state funding and outside grants as possible to build capital projects, and to use local money only as a match. An example of this is \$132,000 in city sales tax funds the Airport Board will ask you to approve in May to match the \$3.2 million in State and Federal aviation gas tax funding to re-pave the runways.
- 7) These projects all depend on the willingness of the community to support the local match for the grant funding. This support ebbs and flows over time with public perception of individual projects and as the public deals with government spending issues in general. Once a project is decided on, we start applying for grants. Institutions grant money every year to some project. The timing of grant funding is always on the schedule of the grant sources and doesn't always work with the timing for local projects. Sometimes it's too soon and sometimes it's too late. It's our job, as city staff, to continue to work as closely as possible with these multiple sources for projects you want to build. If your support or the public support for a project changes over the time it takes to arrange the funding, then it is to everyone's benefit to stop the project in the earliest stage possible. Regarding this underpass project, we have not expended city funds for this to date. If you continue with the underpass project, the next Council action will be to sign the project funding agreement with NDOR.
- 8) As City staff, we have been consistently directed by the Mayor and Council, since 2003, to lower the city mill levy for each succeeding annual budget from 53.77 mills to 45.45 mills for this year, while demands for capital projects were to still be met. In Wayne utilities, water rates remain at \$1 per 1,000 gallons, and our electric rates have only passed through NPPD's rate increases. However, sewer rates will increase substantially to pay for a new treatment plant to meet new EPA standards for Logan Creek.

**Attachments:** 1) Photo of Norfolk trail underpass  
2) Photo of Laurel underpass  
3) Traffic Flow trends

**Recommendation:** We have two basic options to consider:

**Option #1: No Build -** Leave the trail crossing as designed. This at-grade crossing design meets current existing Nebraska DOR safety standards at current average daily traffic count. At this time, NDOR will need several months yet to finalize their traffic safety improvements for the at-grade crossing. However, it is reasonable to assume that NDOR will lower the speed limit at the City's request and add warning signage in the area of the at-grade crossing as they have done for the east trail crossing on Hwy 35. They won't add another traffic crossing stoplight, as it would be too disruptive to traffic flow. This is less safe overall, but saves the most local cost. We can continue to provide before and after school police coverage for this area and at St. Mary's.

The School is also initiating a crossing guard program for the Sherman Street spotlight as an alternative to crossing at the west edge of the cemetery.

**Option #2: Build – To complete the underpass.** Staff recommendation at the time of the applications for grants for the underpass was to build it for safety and quality of life to serve the Western Ridge area, the southwest area of Wayne, the School, and make a better trail crossing. Our recommendation remains the same. As with all public decisions, it is the role of the elected officials to determine whether the improvement is worth the cost. At the town hall meetings, we were asked a lot of good questions about the cost. As with all grant applications, we submitted costs for this project that we were sure would cover the actual costs. We can eliminate most of the \$85,000 retaining wall cost by leveling the north approach area since we own all of the land on both sides, the \$18,000 lighting cost proposal is solar power and can be cut substantially by using regular electric power, and the engineering fees were estimated at a high fixed fee rather than the not to exceed/per hour ala carte contracts we are making firms sign now. We will have the project engineer at the meeting in case you have questions.

Based on the increasing Hwy 35 traffic flow into Wayne from both directions, the recommendation of NDOR engineers and the State TE Grant Review Committee was to prioritize state funding for the underpass as their preference. It still requires the community to allocate the local match.

**7. Resolution 2010-23: Establishing Wayne Firefighter Cadet Program**

**Background:** This recruitment program is being successfully used by other departments. Increased firefighter training requirements and liability issues are conflicting more with current job and family requirements for volunteers. The Wayne Department is about 10 members below its current authorized size.

**Attachment:** Proposed program details and waiver

**Recommendation:** Recommendation from the Fire Chief and department members is to approve the program. We have a very well trained department, and they are doing this additional work to recruit on their own to keep the department professional and competent. This proposal is cleared by both our attorney and insurance carrier

**8. Public Hearing: To Consider the Planning Commission's Recommendation in regard to amending Section 74-293 Fees, of the Municipal Code, specifically Chapter 74 of Subdivisions. The applicant, City of Wayne, is seeking the request to lower the park fee percentage to one (1) percent of the fair market value of the total land area for new non-annexed, non-contiguous subdivisions, which are outside of the city limits, in the extraterritorial jurisdiction and not served by any city services.**

**9. Ordinance 2010-9: Amending Wayne Municipal Code, Section 74-293 Fees**

**Background:** This is a subdivision development impact fee and is currently set at 8% for Council action, and the money is deposited into one of two park improvement accounts to be used for buying land for parks or improving park equipment and buildings. Past Council discussion has indicated a desire to reduce or eliminate this park fee requirement for rural subdivisions not being annexed into the city.

**Attachments:** Letter/Recommendation from the Planning Commission

**Recommendation:** The Planning Commission's recommendation is to make the change as proposed.

**10. Ordinance 2010-5: Creating Street Improvement District No. 2010-1 (Second Reading)**

**11. Ordinance 2010-6: Creating Sidewalk Improvement District No. 2010-2 (Second Reading)**

**12. Ordinance 2010-7: Creating Sidewalk Improvement District No. 2010-3 (Second Reading)**

**13. Ordinance 2010-8: Creating Sidewalk Improvement District No. 2010-4 (Second Reading)**

**14. Ordinance 2010-4: Amending Wayne Municipal Code Sec. 18-84, Duties of - Building Inspector (Second Reading)**

**15. Action to Rescind the Offer of the Agricultural Practices Reporting Agreement to the Property Owner of City Well #10 and Approve a Memorandum of Understanding with Richard Milligan**

**Background:** In 1988, the City of Wayne purchased the exclusive rights to pump water from beneath farmland owned by two landowners north of Wayne and permanent easements for the surface use of the land. The easements require the owner to obtain written permission to apply fertilizers and chemicals on the land. This "Memorandum of Understanding" establishes a set of guidelines for the City's and farmers' reporting expectations, but does not alter the requirements of the easements the City purchased in 1988.

**Attachment:** Memorandum of Understanding

**Recommendation:** The recommendation of the City Administrator, Mayor and City Attorney is to approve the MOU as presented.

**16. Resolution 2010-24: Adopting Council Goals**

**Background:** This is the Council action to move forward with the goals developed at the annual retreat. As staff, we operate off of these goals until the next retreat and prepare our proposed budget to match it.

**Attachment:** Resolution and timeline for plan

**Recommendation:** Council prerogative -- no staff recommendation.

**17. Action to Authorize Staff to Seek Bids for Lease Agreement for Transfer Station**

**Background:** The Green Team, Garry Poutre, Gene Hansen, and I have been reviewing ways to reduce our garbage costs in Wayne and preserve or improve our recycling system. We have prepared a draft “Garbage Service and Recycling Proposal” for your consideration to either improve, move forward on, or stop working on.

**Attachment:** Draft “Garbage Service and Recycling Proposal”

**Recommendation:** None at this time until you have had a chance to review and comment on.

18. [Presentation on Recycle Bank Program — Bernie Gill, Gill Hauling](#)
19. [Update on Title VI Requirements — Joel Hansen, Building Inspector/Planner/Cert. Street Supt.](#)

**Background:** A new set of non-discrimination compliance requirements for accepting federal funding was approved by Congress in 1998. Those requirements are now starting to be enforced for all recipients of federal funding. We, as staff, are in the process of establishing the operating structure and determining staff responsibilities to meet these new requirements. Joel will explain some of the new requirements, which are not optional. No Council action is needed at this time.

**20. Recess**

- a. [Convene as Community Development Agency](#)
- b. [Approve Minutes – March 16, 2010](#)
- c. [Approve Claims](#)

**Background:** In 2003, the Unicameral passed legislation to require cities and counties to pay real estate taxes on properties they own that generate revenue. The property owned by the CDA is subject to property tax, and the 2009 taxes are due in May.

21. [Adjourn as Community Development Agency and Reconvene As Council](#)
22. [Adjourn](#)

**APPROVED AS TO FORM AND CONTENT:**

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Mayor

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City Administrator

**[Wayne Airport Authority Minutes \(Jan. 11, 2010 / Feb. 8, 2010 / Mar. 18, 2010\)](#)**  
**[Waste Water Treatment Plant Progress Report \(Apr. 13, 2010\)](#)**

April 6, 2010

The Wayne City Council met in regular session at City Hall on Tuesday, April 6, 2010, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Kathy Berry and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander, Doug Sturm, and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on March 25, 2010, 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 and seconded by Councilmember Chamberlain, whereas the Clerk has prepared copies of the Minutes of the meeting of March 16, 2010, 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 Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved, as corrected.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ALARM PROS, SU, 192.38; AMERITAS, RE, 2127.05; APPEARA, SE, 136.05; ARNIE'S FORD-MERCURY, RE, 60.05; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 210.00; CITY EMPLOYEE, RE, 284.53; BERT GURNEY & ASSOCIATES, SU, 2350.04; BIG T ENTERPRISES, SU, 184.90; BLACK HILLS ENERGY, SE, 1086.44; BLACKBURN MANUFACTURING, SU, 252.40; BOMGAARS, SU, 1070.79; CITY EMPLOYEE, RE, 96.25; CARROLL DISTRIBUTING, SU, 39.00; CENTRAL STATES GROUP, SU, 33.32; CITY OF WAYNE, RE, 1250.00; CITY OF WAYNE, PY, 53979.22; CITY OF WAYNE, RE, 2240.47; COMMUNITY HEALTH, RE, 4.00; COMPRESSION SYSTEMS, SU, 5667.75; CREDIT BUREAU SERVICES, RE, 251.25; DE LAGE LANDEN

FINANCIAL, SE, 77.00; FIRE FIGHTER, RE, 146.00; DUGAN BUSINESS FORMS, SU, 1043.13; ECHO GROUP, SU, 187.00; ED M FELD EQUIPMENT, SE, 150.29; EGAN SUPPLY, SU, 206.49; ELECTRIC FIXTURE, SU, 54.71; ELECTRONIC ENGINEERING, SU, 2150.00; ELLIS PLUMBING & HEATING, SU, 37.50; ENGINEERED CONTROLS, SE, 6730.00; FAITH REGIONAL, FE, 25.00; FIRST CONCORD GROUP, SE, 3824.78; FLOOR MAINTENANCE, SU, 544.43; FORT DEARBORN LIFE, SE, 1700.76; GAMBLE, BRIAN, RE, 500.00; GEMPLER'S, SU, 27.90; HAUFF MID-AMERICAN SPORTS, SU, 966.55; HD SUPPLY WATERWORKS, SU, 1963.97; ICMA, RE, 5542.53; CITY OF WAYNE, RE, 99750.00; INTERNATIONAL CODE, SU, 222.95; INTERSTATE ALL BATTERY, SU, 44.70; INTERSTATE INDUSTRIAL, SE, 194.27; IRS, TX, 17544.50; JACK'S UNIFORMS, SU, 240.55; JEO CONSULTING GROUP, SE, 80430.73; CITY EMPLOYEE, RE, 258.76; KIRKHAM MICHAEL, SE, 1390.00; KNIFE RIVER MIDWEST, SU, 405.99; KNOEPFLER CHEVROLET, SE, 266.48; KRIZ-DAVIS, SU, 108.11; L.G. EVERIST, SU, 932.95; LOREN PARK, RE, 500.00; LUNDAHL, EARL, FE, 350.00; MERCY MEDICAL CLINICS, SE, 52.00; MIDLAND COMPUTER, FE, 4150.31; MUNICIPAL SERVICE, SU, 32.13; NNEDD, SE, 550.00; NE DEPT OF HHS, FE, 80.00; NE DEPT OF REVENUE, TX, 2592.71; NE FOREST SERVICE, FE, 5.00; NE NEB INS AGENCY, RE, 304.50; NE NEB INS AGENCY, SE, 61502.00; NE PLANNING & ZONING, FE, 420.00; NE PUBLIC HEALTH, SE, 550.00; NE SAFETY COUNCIL, SE, 279.00; NMPP ENERGY, SU, 21941.25; OLSSON ASSOCIATES, SE, 1971.57; OMB POLICE SUPPLY, SU, 20.00; ORIENTAL TRADING CO, SU, 26.97; OTTE CONSTRUCTION, RE, 1000.00; PEERLESS WIPING CLOTH, SU, 202.50; CITY EMPLOYEE, RE, 125.58; PIERCE COUNTY COURT, RE, 300.00; PITNEY BOWES, SE, 648.00; CITY EMPLOYEE, RE, 677.03; CITY EMPLOYEE, RE, 136.41; PROGRESSIVE BUSINESS PUBL., SU, 299.00; PROVIDENCE MEDICAL CENTER, SE, 104.00; QWEST, SE, 427.94; QWEST, SE, 180.14; RON'S RADIO, SE, 526.69; SEAN SPANN, SE, 120.00; STATE NATIONAL BANK, RE, 1650000.00; STATE NATIONAL BANK, RE, 439.30; THE FINAL TOUCH, SU, 769.18; THE MAX AGAIN, RE, 500.00; TODD BARNER, RE, 500.00; US BANK, SE, 4447.39; VERIZON, SE, 566.91; VIAERO, SE, 131.80; WAYNE COUNTY ATTORNEY, FE, 10.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE STATE COLLEGE, RE, 400.00; CITY EMPLOYEE, RE, 209.06; WELLS FARGO FINANCIAL, SU, 17008.20; WESCO, SU, 750.83; WAPA, SE, 33472.40; FIRE FIGHTER, RE, 175.00; 4IMPRINT, SU, 934.81; CITY EMPLOYEE, RE, 3800.00; BLACK HILLS ENERGY, SE, 407.67; BROWN SUPPLY, SU, 1088.79; CHARTWELLS, SE, 6092.10; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 413.39; COPY WRITE PUBLISHING, SE, 288.54; COUNTRY NURSERY, SU, 50.00; DAVE'S DRY CLEANING, SE, 177.00; DAVE SWANSON, SE, 46.86; DIGITAL ALLY, SU, 19.50; CITY EMPLOYEE, RE, 73.07; DUTTON-LAINSON, SU, 47.93; EGAN SUPPLY, SU, 18.00; EMPLOYERS MUTUAL CASUALTY, RE, 500.00; FIRST SOURCE TITLE&ESCROW, SE, 25.00; FLOOR MAINTENANCE, SU, 485.93; FREDRICKSON OIL, SU, 1255.53; GILL HAULING, SE, 2441.00; GLEN'S AUTO BODY, SE, 284.46; GREAT PLAINS ONE-CALL, SE, 74.02; HARDING & SHULZ, SE, 43.00; HD SUPPLY WATERWORKS, SU, 13222.39; HEIKES AUTOMOTIVE, SE, 47.93; HEWLETT-PACKARD, SU, 1346.00; INGRAM BOOK COMPANY, SU, 883.25; J.P. COOKE COMPANY, SU,

133.45; JOHN'S WELDING AND TOOL, SE, 129.72; CITY EMPLOYEE, RE, 918.47; KELLY SUPPLY, SU, 163.66; CITY EMPLOYEE, RE, 54.62; LP GILL, SE, 6000.80; MES-MIDAM, SU, 1541.67; MICROFILM IMAGING SYSTEMS, SE, 1233.10; MIDLAND EQUIPMENT, SU, 19.25; MSC INDUSTRIAL, SU, 148.34; MUNICIPAL SUPPLY, SU, 71.78; NNEDD, SE, 650.00; NE CODE OFFICIAL ASSOC., FE, 100.00; NEBRASKA ENVIRONMENTAL, SE, 721.91; NIAGARA CONSERVATION CORP, SU, 609.73; NNPPD, SE, 1967.56; PAC N SAVE, SU, 35.44; PAMIDA, SU, 20.67; PEPSI-COLA, SU, 728.23; PETERSON INDUSTRIAL ENGINE, SU, 18620.00; PIEPER, MILLER & DAHL, SE, 2106.00; PLUNKETT'S PEST CONTROL, SE, 40.00; PROVIDENCE MEDICAL CENTER, SE, 104.00; PUSH-PEDAL-PULL, SU, 557.70; QUALITY 1 GRAPHICS, SU, 30.00; QWEST, SE, 1177.02; RITA MCLEAN, RE, 500.00; SHAWN STORY, SE, 180.00; SIRSIDYNIX, SE, 2891.68; SKARSHAUG TESTING LAB, SE, 211.33; SLEEP INN & SUITES HOTEL, SE, 319.96; CITY EMPLOYEE, RE, 150.00; WATERLINK, SE, 1053.42; WAYNE COUNTRY CLUB, RE, 6130.00; WAYNE COUNTY CLERK, SE, 67.00; WAYNE GRAIN & FEED, SE, 120.00; WAYNE STATE COLLEGE, RE, 1100.00; WAYNE STATER, SE, 35.00; WAYNE VETERINARY CLINIC, SE, 392.00; WESCO, SU, 2108.70; ZACH HEATING & COOLING, SU, 34.50;

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

Mayor Shelton 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, she advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Alexander arrived at 5:33 p.m.

Mayor Shelton proclaimed the week of April 11<sup>th</sup> through April 17<sup>th</sup> as both "Public Safety Telecommunicator's Week", and "National Library Week."

Councilmember Sturm arrived at 5:35 p.m.

Nancy Braden, Finance Director, along with Mitch Nissen, Chair of the Wayne Airport Authority gave a report on the status of the Airport Project and the results of the bid opening. There will be four phases to this project. The low bid for this project was 32% under the engineer's estimate. The total bid was \$3,647,416.90, of which the FAA will pick up 95% of that amount. We have received a \$50,000 grant from the State of Nebraska, which leaves the local match at \$132,370.84.

Mayor Shelton stated the time was at hand for the public hearing regarding the application for a Retail Class C Liquor License for BaHa, Inc., d/b/a "The Rain Tree."

Joseph and Kari Baldwin, co-owners of The Rain Tree, were present to answer questions. They are modifying their existing liquor license from a Class D to a Class C so they can have wine tasting events without the need of going through the special designated liquor permit process.

Wes Blecke, representing Wayne Area Economic Development and Main Street, supported the Class D liquor license application of BaHa, Inc., d/b/a "The Rain Tree."

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

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

Councilmember Sturm introduced Resolution No. 2010-18 and moved for its approval; Councilmember Chamberlain seconded.

#### RESOLUTION NO. 2010-18

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS D LIQUOR LICENSE — BAHA, INC., D/B/A "THE RAIN TREE."

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

Mayor Shelton declared the time was at hand for the public hearing regarding the contract amendment to the Nebraska Department of Economic Development for Community Development Block Grant No. 07-TFHP-5044, which is "Housing Development."

Lisa Hurley of Northeast Nebraska Economic Development District was present to answer questions. She advised the Council that they have been working with DED to amend the program guidelines, and now they are proceeding to amend the contracts and budget, as well as the number of accomplishments. They will be decreasing the houses being built in Western Ridge from 17 to 6, for those will be low-to-moderate income families. While the budget decreases significantly because of the types of mortgages involved, the grant funds will remain the same. DED has approved the amended guidelines that were approved by the City Council at the last meeting.

The original contract budget was:

NAHTF Funds	-	\$ 387,416
Other Funds	-	\$2,340,525
Total Funds	-	\$2,727,941

The proposed budget after the amendment will be:

NAHTF Funds	-	\$ 387,416
Other Funds	-	\$ 794,525
Total Funds	-	\$1,181,941

Nancy Braden, Finance Director, stated the purpose of this amendment is to be able to access all of the grant dollars.

Ms. Hurley also stated that DED is not allowing extensions on trust fund projects at this time, because the trust fund money at the State level is being looked at quite carefully due to budget shortages. They are trying to make sure all trust fund dollars that are allocated get out of the State coffers in a timely manner, which is why we are doing this instead of requesting an extension.

City Clerk McGuire had not received any comments for or against this public hearing.

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

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the budget amendment to the Nebraska Department of Economic Development for Community Development Block Grant Project No. 07-TFHP-5044 - Housing Development. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would begin the process of creating the downtown sidewalk/street improvement districts. At the town hall meeting held a couple of weeks ago, it was clear that there was only support for replacing the sidewalk in the downtown district and not adding the decorative light poles or bricks. That is how we instructed JEO to move forward. The proposal this evening is to do Option C on West First Street, from Main Street to Pearl Street, the north and south sides of 2<sup>nd</sup> Street, from Pearl Street east to Logan Street, the north and south sides of 3<sup>rd</sup> Street, from Pearl Street east to Logan Street, and the east side of Pearl Street, from 1<sup>st</sup> Street north to 3<sup>rd</sup> Street. The Resolution is the Council's declaration that you have looked at the general conditions of the sidewalks in the area and find it necessary to

replace the same. We have a grant deadline to meet to match the funds we have distributed for the building fronts and the ADA accessibility locations. We have enlarged the project area that was not included in the grant. He would like to see the projects broken into smaller phases so there is more opportunity for local construction companies to bid on it.

Ms. Hurley stated the area that is in the grant (East 2<sup>nd</sup> Street, East 3<sup>rd</sup> Street, and Pearl Street) needs to be completed by the grant deadline. During the planning phase, the entire area had been looked at from Logan to Pearl, but when they were putting together the applications for Phase II, they limited the area because of costs.

Administrator Johnson stated the grant the City received for the ADA accessibility, building fronts and improvements was for an area that included only the west side of Main Street. Because of the condition of some of the sidewalks and some interest of those property owners on the east side of Main Street, staff included that area also.

Administrator Johnson stated another option for the Council to think about is whether or not they want to spend the money (about \$2 per foot) to lay conduit for future street lighting. If Council would like to do it, now would be the time rather than to tear up concrete later. The approximate cost to do that would be \$15,000 for the entire area.

Garry Poutre, Supt. of Public Works and Utilities, in response to Councilmember Frevert's question, stated the light poles are steel, they've been painted once, the fixtures have been changed, but their life expectancy could be a long time.

Councilmember Frevert thought the poles would outlast the sidewalks.

Ms. Braden stated the sidewalks were last replaced in 1976, so they are 34 years old.

Terry Mead with JEO Consulting Group was present to answer questions.

Councilmember Sturm introduced Resolution No. 2010-19 and moved for its approval; Councilmember Chamberlain seconded.

#### RESOLUTION NO. 2010-19

A RESOLUTION FINDING THE NECESSITY FOR IMPROVEMENT OF CERTAIN SIDEWALKS IN THE CITY OF WAYNE, NEBRASKA, AND APPROVING THE HIRING OF SPECIAL ENGINEERS FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN SIDEWALK IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA.

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

Administrator Johnson stated the following Ordinance would create Street Improvement District No. 2010-01 which consists of the property from West 1<sup>st</sup> Street from Main Street west to the west right-of-way line of Pearl Street.

Councilmember Chamberlain introduced Ordinance No. 2010-5, and moved for its approval thereof; Councilmember Sturm seconded.

#### ORDINANCE NO. 2010-5

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2010-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Randy Rubendahl wanted to know if the request to include the east side of Main Street came from the business owners. Administrator Johnson responded that the request came from two business owners. However, both sides of Main Street were originally included, but the project was cut back because of costs.

Mr. Rubendahl stated since the grant was issued for the west side only, he would recommend at this time the Council delete the east side.

Mayor Shelton stated the property owners will be given the opportunity to object to the district if they want to.

Councilmember Sturm stated that there may not be any grant money which would decrease the cost in the future. Some of what we are doing concerns ADA and safety issues.

Mr. Mead stated once you remove a sidewalk, it has to be put back to meet ADA standards. Whatever can be done to help accessibility will be an improvement for the downtown.

Councilmember Chamberlain made a motion to waive the statutory requirement for three readings. The same died for lack of a second. The second reading of the ordinance will take place at the next meeting.

Administrator Johnson stated the following Ordinance would create Street (Sidewalk) Improvement District No. 2010-02 which consists of the property on the north and south sides of 2<sup>nd</sup> Street from Pearl Street east to Logan Street.

Councilmember Sturm introduced Ordinance No. 2010-6, and moved for its approval thereof; Councilmember Chamberlain seconded.

ORDINANCE NO. 2010-6

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-2 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Councilmember Chamberlain made a motion to waive the statutory requirement for three readings. The same died for lack of a second. The second reading of the ordinance will take place at the next meeting.

Administrator Johnson stated the following Ordinance would create Street (Sidewalk) Improvement District No. 2010-03 which consists of the property on the north and south sides of 3<sup>rd</sup> Street from Pearl Street east to Logan Street.

Councilmember Sturm introduced Ordinance No. 2010-7, and moved for its approval thereof; Councilmember Chamberlain seconded.

ORDINANCE NO. 2010-7

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-3 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Administrator Johnson stated the following Ordinance would create Street (Sidewalk) Improvement District No. 2010-04 which consists of the property on the north and south sides of 3<sup>rd</sup> Street from Pearl Street east to Logan Street.

Councilmember Chamberlain introduced Ordinance No. 2010-8, and moved for its approval thereof; Councilmember Alexander seconded.

#### ORDINANCE NO. 2010-8

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-4 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Administrator Johnson stated letters would be sent to the property owners in the districts advising them that the ordinances to create the districts have been passed on their first reading.

Councilmember Sturm made a motion to approve the installation of electrical conduit for future lighting at the time the sidewalks downtown are removed, and Councilmember Haase seconded. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A report was given on the "pedestrian underpass." Administrator Johnson had distributed to the Council information from the town hall meeting held on March 23, 2010, regarding the pedestrian underpass. He and Joel Hansen are working with the Department of Roads to look and see what options there are in lieu of an underpass (e.g.

30 or 25 mph speed limit and flashing lights). There is a volunteer crossing guard group starting by the School. The \$538,000 did include the \$38,000 cost of connecting the underpass to the old trail. The responses back from the Department of Roads are in terms of weeks and months – it's not a quick turn around. We are trying to get a feel for what they will do and then bring those to you for a formal request.

The DOR is softening their positions from when Ms. Winter first got there. Their approach is different. He did not see a hesitation on the City's part if there is another option.

Ms. Braden stated that this is a Transportation Enhancement Grant, which is the same as the trail. They figured it would be two years before it would be designed and constructed, but if you are not going to go forward, we need to let them know so the grant dollars can be used by another municipality.

Councilmember Berry stated she has heard that we want it – we don't need it, and if another community actually needs the money, they should get it, instead of us just spending it because we have it.

Councilmember Sturm stated there were people at the town hall meeting that felt there was a great need for the underpass.

Ms. Braden stated she had heard a comment from someone at the town hall meeting who said the council needed to keep in mind that this is a transportation system and that it's best if transportation systems do not intersect or meet each other.

Mayor Shelton did not think they could wait until the DOR responded to the options.

Ms. Braden also stated that when staff went down to the Transportation Enhancement meeting, the reason this grant was approved was because of the safety needs. The DOR felt this was a safety need which is why it ranked as high as it did at that meeting.

Councilmember Alexander stated anybody in his ward that has talked to him about the underpass has not been for it.

Councilmember Sturm stated that they, as a Council, have increased the volume of pedestrian traffic at this location through the trail system and the Western Ridge development, which leads him to the next question of how do we get those people safely from one side of the highway to the other. At this time, we have an opportunity to do something at this one place and he thought it was a good idea to do it.

Councilmember Alexander stated if we are just doing this because of a trail issue, for him it is not going to happen, because people aren't there at 8:00 a.m. walking on the trail or at 3:30 p.m. in the afternoon during the time school is in session.

Councilmember Haase stated that out of everybody he has talked to, only one person was for it.

Councilmember Frevert was disappointed that no one that lives in Western Ridge was at the town hall meeting.

Mayor Shelton stated there were probably a lot of people who did not know about the town hall meeting.

There was no further discussion on the agenda item.

Administrator Johnson stated the following Resolution would place a lien on 120 W. 8<sup>th</sup> Street for unpaid snow removal costs. This took place during the time the enforcement of snow removal was put back in place.

There were other properties during this time frame that also had to have the snow removed, but those property owners have paid their bill. This property owner has failed to pay her bill.

Councilmember Chamberlain introduced Resolution No. 2010-20 and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2010-20

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY UNPAID SNOW REMOVAL COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 75' OF LOT 3, EXCEPT THE NORTH 10', BLOCK 7, BRITTON & BRESSLER'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 120 WEST 8<sup>TH</sup> STREET, WAYNE, NEBRASKA.

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

Administrator Johnson stated that the following Resolution would amend the sewer rate schedule to extend the start date from April 1<sup>st</sup> to May 1<sup>st</sup> and establish usage for customers who have had no usage during the months of December, January and February to be 2,000 gallons for single occupancy and 5,000 gallons for double or more occupancy.

Councilmember Sturm introduced Resolution No. 2010-21 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-21

A RESOLUTION AMENDING SEWER SERVICE AND USE RATES.

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

Administrator Johnson stated that the following Resolution is an annual action that the Council takes to apply for funds for the handi-van.

Councilmember Sturm introduced Resolution No. 2010-22 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-22

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS.

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

Administrator Johnson stated the following Ordinance would amend Sec. 18-84 Duties of the Building Inspector. We do not have an Electrical Inspector on staff. This clarifies that the Electrical Inspector has the authority to enter the properties to do the electrical inspections for the City of Wayne. This simply clarifies and authorizes them to do what we have already been doing.

Councilmember Chamberlain introduced Ordinance No. 2010-4, and moved for its approval thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2010-4

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE BY AMENDING SECTION 18-84 DUTIES OF THE BUILDING INSPECTOR; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE

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

Greg VanderWeil was requesting Council consideration to allowing them to close off the east end of 10<sup>th</sup> Street from Providence Road to the First Bank Card Center for an electric vehicle rally on Saturday, April 24, 2010, from 6:30 a.m. until 5:00 p.m. OPPD and NPPD will be providing the required \$1,000,000 liability insurance coverage and naming the City as an additional insured.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the request of Greg VanderWeil to close off the east end of 10<sup>th</sup> Street from Providence Road to the First Bank Card Center for an electric vehicle rally on April 24, 2010. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Lance Webster, Police Chief, gave a report/update on the new E911 Software that gives them the ability to locate cell phone callers.

Councilmember Alexander made a motion and seconded by Councilmember Van Delden to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:45 p.m.

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## CLAIMS LISTING APRIL 20, 2010

AMAZON	BOOKS	449.50
AMERICAN TEST CENTER	BUCKET TEST ANNUAL INSPECTION	400.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,990.50
APPEARA	MATS & LINEN SERVICE	101.03
ARNIE'S FORD-MERCURY INC	THERMOSTAT/STEERING WHEEL/WIPER	1,102.42
CITY EMPLOYEE	SAFETY SHOES	145.51
BAKER & TAYLOR BOOKS	BOOKS	608.05
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	210.00
FIRE FIGHTER	FIRE SCHOOL REIMBURSEMENT	51.00
BIG T ENTERPRISES, INC	BATTERY	88.95
CITY EMPLOYEE	HEALTH REIMBURSEMENT	334.33
CITY EMPLOYEE	HEALTH REIMBURSEMENT	124.08
FIRE FIGHTER	FIRE SCHOOL REIMBURSEMENT	51.00
BROWN SUPPLY CO	OIL TEMP BROOM	172.92
CARHART LUMBER COMPANY	BITS/FLOODLIGHT/DUGOUT REPAIRS ETC	1,259.45
CARTRIDGE WORLD	TONER REFILL	428.97
CITY OF WAYNE	AUDITORIUM REFUND	50.00
CITY OF WAYNE	BUILDING DEPOSIT REFUNDS	1,500.00
CITY OF WAYNE	CAC OVERAGE	13.34
CITY OF WAYNE	PAYROLL	54,975.43
CITY OF WAYNE	UTILITY REFUNDS	92.20
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
CREDIT BUREAU SERVICES	PAYROLL DEDUCTION	251.25
CULVER COMPANY	ENERGYWISE PROGRAM	776.00
DAKOTA BUSINESS SYSTEMS	LIBRARY COPIER LEASE	100.00
DUSTROL, INC	ASPHALT MILLING 10TH ST	6,746.68
DUTTON-LAINSON COMPANY	LOCKNUT/POLY COVER REGISTER	636.94
EASYPERMIT POSTAGE	POSTAGE	500.00
ECHO GROUP INC JESCO	LIFT STATION CONTROL BOX	429.63
ED M FELD EQUIPMENT INC	HUB CONTROL MODULE REPAIR	644.00
EGAN SUPPLY CO	EXTENSION POLE/WAND/BELT	145.47
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	906.90
FORT DEARBORN LIFE	DISABILITY & LIFE INSURANCE	1,617.40
FREDRICKSON OIL CO	TIRE REPAIR	5.00
GALE GROUP	BOOKS	136.25
FIRE FIGHTER	FIRE SCHOOL REIMBURSEMENT	51.00
HD SUPPLY WATERWORKS, LTD	WATER METERS/REMOTE WIRE	1,099.54
HIGHSMITH INC	BOOKMARKS & BAGS	138.18
HIRERIGHT SOLUTIONS INC	COLLECTION FEES	155.70
ICMA RETIREMENT TRUST	RETIREMENT	5,630.20
CITY OF WAYNE	DOWNTOWN REVITILIZATION	1,633.00
IRS	FEDERAL WITHHOLDING	18,239.65
JACK'S UNIFORMS	LIGHT BAR BULBS	40.79
JOHN'S WELDING AND TOOL	ENGINE HEAD LABOR	105.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	139.20

KIRKHAM MICHAEL	BANK STABILIZATION	2,780.00
KNOEPFLER CHEVROLET CO	PIPE	13.60
KRIZ-DAVIS COMPANY	FOCUS ELECTRIC METERS/WIRE	1,378.45
KTCH AM/FM RADIO	RADIO ADS	605.00
CITY OF WAYNE	DOWNTOWN REVITILIZATION	5,770.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	126.65
MIDWEST LABORATORIES, INC	BOD TESTING	69.15
MIDWEST TAPE LLC	AUDIO BOOKS	224.94
RICHARD A BROWN	ENERGY INCENTIVE	500.00
FIRE FIGHTER	MILEAGE REIMBURSEMENT	76.00
MSC INDUSTRIAL	BITS/WRENCH SET	193.13
N.E. NEB ECONOMIC DEV DIS	WESTERN RIDGE	887.50
NATIONAL LEAGUE OF CITIES	LEAGUE DUES	1,117.00
CITY EMPLOYEE	VISION REIMBURSEMENT	147.19
NE DEPT OF REVENUE	STATE WITHHOLDING	2,702.76
NEBR PUBLIC POWER DIST	ELECTRICITY	193,342.42
NMPP ENERGY	MEMBERSHIP DUES	1,497.03
NORTHEAST EQUIPMENT	FILTER ELEMENTS/WASHERS/SCREWS	130.96
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	10,708.54
PAC N SAVE	FD APPRECIATION DINNER	98.98
PAMIDA STORE # 165	RING BINDERS/COFFEE/KLEENEX	83.52
CITY EMPLOYEE	HEALTH REIMBURSEMENT	104.23
PITNEY BOWES INC	POSTAGE METER & FOLDER LEASE	648.00
CITY EMPLOYEE	VISION REIMBURSEMENT	171.88
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,182.24
QUALITY FOOD CENTER	APPRECIATION DINNER	121.90
QUILL CORPORATION	OFFICE SUPPLIES	336.17
QWEST	TELEPHONE CHARGES	118.14
RANDOM HOUSE	BOOKS	536.00
SPARKLING KLEAN	JANITORIAL SERVICE	1,394.66
STATE NATIONAL BANK	PUBLIC SAFETY BONDS	45,511.25
TURFWERKS	END SPACER/WHEEL/SPANNER	86.12
UTILITIES SECTION	WASTE MANAGEMENT REGISTRATION	150.00
WAYNE AREA ECONOMIC DEVEL	MAR/APR 10 CONTRIBUTIONS	12,766.66
WAYNE COUNTY VETS MEMORIAL	TOURISM	11,309.00
WAYNE HERALD	ADS AND NOTICES	1,547.84
WESCO DISTRIBUTION INC	MARKING PAINT	162.95
WESTERN AREA POWER ADMIN	ELECTRICITY	32,282.44
FIRE FIGHTER	FIRE SCHOOL REIMBURSEMENT	156.00
ZACH OIL COMPANY	GASOLINE	4,922.88
ZACH PROPANE SERVICE INC	CYLINDER FILL	16.50
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	75.03
CITY EMPLOYEE	HEALTH REIMBURSEMENT	2,536.26

*Proclamation for Sexual Assault Awareness Month  
Take Back the Night Rally*

*Office of the Mayor*

Whereas, sexual assault is an intolerable violent crime with public health implications for every person in Wayne as a victim/survivor or as a family member, significant other, neighbor or co-worker of a victim/survivor.

Whereas, no one person, organization, agency or community can eliminate sexual assault on their own—we must work together to educate our entire population about what can be done to prevent sexual assault, support victim/survivors and the people in their lives, and increase support for agencies providing services to victim/survivors; and

Whereas Haven House, for 30 years, has led the way in Wayne and surrounding counties in addressing sexual assault. The SAVE Program at WSC joins their efforts in providing services to victims/survivors and their significant others as do the medical and law enforcement resources on campus and in the community; and

Whereas, ending sexual assault in Wayne must include active public and private efforts to *Speak Out Against Sexual Violence* in collaboration with Haven House, the SAVE Program and other key Campus and Community Partners, including conversation about what sexual violence is, how to prevent it, how to help survivors connect with crucial counseling and other support services, and how every segment of our society can work together to better address sexual violence: and

Whereas, staff and volunteers of sexual assault programs in Wayne and on the Wayne State College campus work year round to encourage every person in Wayne to *Decide to End Sexual Violence* and to support survivors by providing prevention education and survivor empowerment information to schools, religious and civic organizations, as well as medical, mental health, law enforcement, education and criminal justice personnel regarding sexual assault issues;

Whereas, Haven House and the SAVE Program have set an important example of how forging collaborative relationships between service agencies and organizations serves to improve the quality of service for those most profoundly and directly impacted by sexual violence, thus laying the foundations for how the rest of the community might work together to find solutions to sexual violence:

Whereas, Have House and the SAVE Program request public support and assistance as they continue to bring real hope for freeing Wayne and the surrounding communities from the tragedy of sexual violence to create a future where all women, men and children can live free from violence and exploitation;

Now, Therefore, I Lois Shelton, Mayor of Wayne, do hereby recognize April as **Sexual Assault Awareness Month**

In Wayne County and I commend this observance to all citizens.

Lois Shelton  
Mayor  
City of Wayne Nebraska

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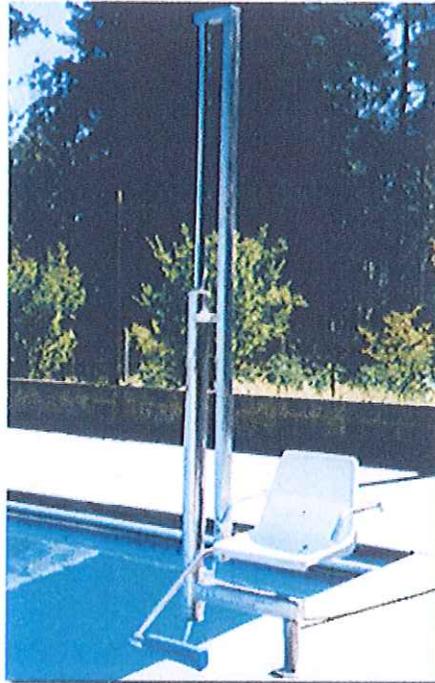
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## IGAT-180-AD



### Model IGAT-180 AD

(In-Ground Automatic Turn Above-Deck)

Designed to meet ADA and ABA and CBC guidelines.

- Automatic 180° clockwise seat turn
- Elevated Deck Clearance to allow for automatic pool covers or pool/spa combinations.
- Powered by Water Pressure -- lifts up to 350 LB. at 55-65 PSI while lifting or approx. 60 PSI static faucet pressure. \*
- Vertical Seat Travel - 42"
- Installs in Deck Socket (Socket Cover included)
- Flip-Up Footrest Included
- Can Be Padlocked in Seat-Up Position

Previously available as a custom design, the Model IGAT-180AD was designed to accommodate pools with automatic covers and some pool/spa combinations. This lift complies with the current recommendations and pending requirements of the Americans with Disabilities Act (ADA). It is user-operable, and its seat height is easily adjustable to accommodate various wheelchair heights. The 180° clockwise turn allows the greatest access from the deck for the user and any assistants. Side-to-side transfers are easy, the footrest flips up and the mounting arm is under the seat. This allows for unobstructed transfer. The seat rotates forward when entering the pool, and backward when exiting the water. The standard seat has a right arm only, but a flip-up outer arm is available. This unit also available in a 90-degree and 135-degree rotation. Just let us know your needs when ordering. We strive to make our lifts fit your needs. When you call to order, please let us know about your pool cover and/or adjacent spa. Refer to the [Aquatic Access Dimensional Worksheet](#) to determine what information we need to build this unit. You can download this form in .pdf format, fill the information required for your installation, and return the form to us with your order.

\*Static pressure (measured at faucet or hose with no water flowing) is affected by variables in the material, length, diameter, and rigidity of the water lines and hoses from the street to the lift, and by how many other faucets are open at the same time. Operating pressure requirement (measured while lifting) is not affected by these variables.

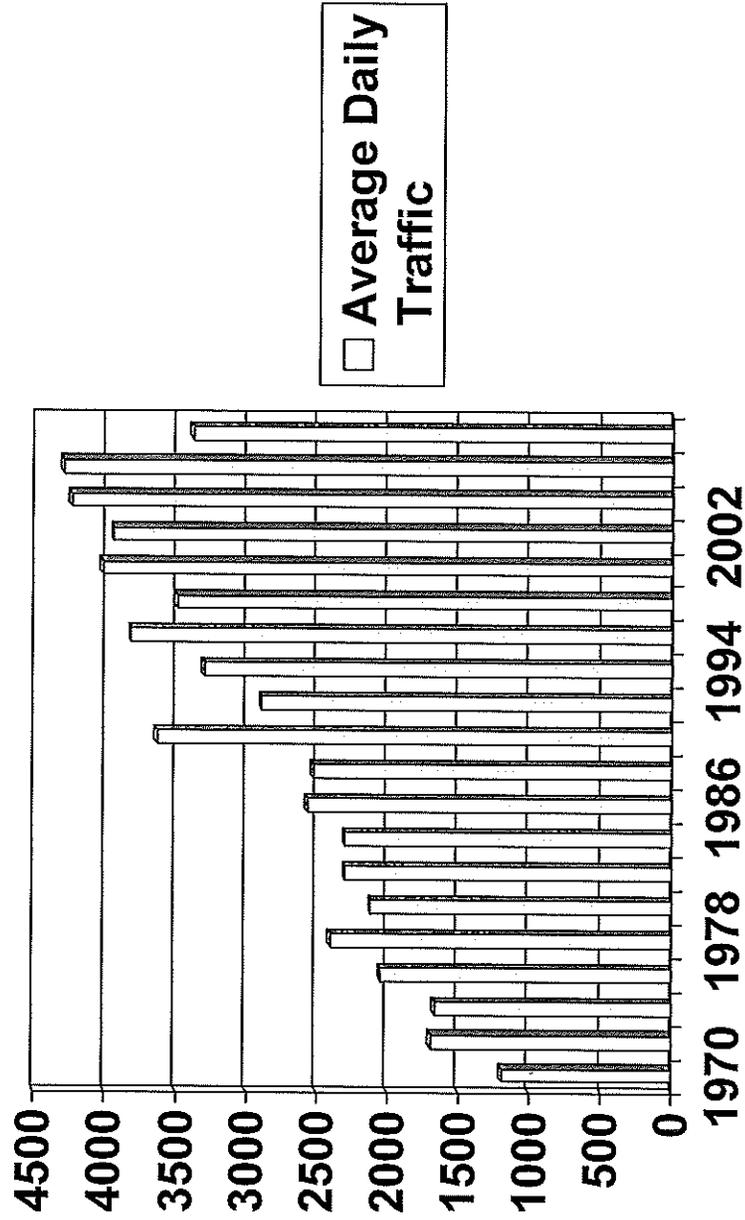
\*\* Opposite facing (opposite turn) units available (custom charges may apply).

Rev. 8/11/09





# Traffic Flow West of Wayne



**RESOLUTION NO. 2010-23**

A RESOLUTION PERTAINING TO THE ESTABLISHMENT OF A FIREFIGHTER CADET PROGRAM – WAYNE VOLUNTEER FIRE AND RESCUE.

WHEREAS, the concept of establishing a Firefighter Cadet Program of the Wayne Volunteer Fire and Rescue was discussed and recommended by the Wayne Volunteer Fire Department; and

WHEREAS, the City Council was presented a report by representatives of the Wayne Volunteer Fire Department outlining the program and how it could be implemented in Wayne.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that a Firefighter Cadet Program be established with the goal of providing the operational guidelines and the skills needed for high school students to prepare themselves to become a firefighter in any volunteer or career fire department, and that a document entitled “Firefighter Cadet Program – Wayne Volunteer Fire and Rescue”, which outlines the requirements, duties, course training subjects, etc., therein is attached hereto and incorporated herein by reference.

PASSED AND APPROVED this 20<sup>th</sup> day of April, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

## **FIREFIGHTER CADET PROGRAM WAYNE VOLUNTEER FIRE AND RESCUE**

### **PURPOSE:**

This program will provide the Operational Guidelines and the skills needed for high school students to prepare themselves to become a firefighter in any volunteer or career fire department. This program will be open to any applicant at least sixteen (16) years of age to the age of nineteen (19) and will not exceed six (6) cadets at any one time.

### **REQUIREMENTS:**

Each applicant must meet the following criteria:

1. Be between 16 years of age and the age of 19.
2. Must complete the membership application and the Parent's Consent Authorization Form.
3. Must provide a character reference from two (2) teachers.
4. Must be physically able to perform the duties of a Fire/EMT Cadet.
5. Must be able to follow strict orders.
6. Must provide proof the Fire/EMT Cadet maintains a "C" average or better while attending school.
7. Will be regularly assessed by high school teachers who will check with the advisor assigned to you.
8. May take First Responder or EMT-B training at earliest offering.
9. Must take basic Fire courses (in house) and other training when available.
10. Will follow all the rules set up in the Constitution and By-Laws of this Department.
11. Must adhere to the HIPPA Act.

### **ALLOWABLE DUTIES OF THE FIRE CADET:**

1. All Fire/EMT Cadets will attend regular meetings, in house training sessions and any Fire and Rescue Department activity, that will not interfere with school activities.
2. All Fire/EMT Cadets will be required to attend Cadet training classes and membership meetings.
3. All Fire/EMT Cadets will be allowed to respond to all emergency incident scenes, under the following conditions:
  - a. When permitted to respond to the emergency incident scene, the Fire/EMT Cadet's responsibility will be of support and aid nature only.
  - b. The Fire/EMT Cadet is prohibited to respond directly to any incident scene. All Fire/EMT Cadets shall report (non-emergency) to their assigned station first. Upon request of the Incident Commander, Chief Officer or Station Officer (and directly under adult supervision), shall the Fire/EMT Cadet respond to any incident scene.
  - c. The Fire/EMT Cadet's response may be in a department vehicle or department apparatus, provided the department vehicle or apparatus is not considered to be the first initial attack vehicle or apparatus arriving on scene.
  - d. The Fire/EMT Cadet will be allowed to assist the firefighters and EMT's with regular maintenance of station facilities, equipment and apparatus.
  - e. The Fire/EMT Cadet may operate (i.e., pump apparatus, set up equipment, etc.) the Fire Department's apparatus during a supervised (non-incident alarm) training session.
  - f. Fire/EMT Cadets will be utilized as support and aid personnel on scenes as long as they operate outside a minimum safety zone area during incidents.

- g. Fire/EMT Cadets shall be as support and aid nature only, at all emergency medical incidents, and shall be under the direct orders and supervision of the licensed EMTs on scene.
- h. Fire/EMT Cadets, support and aid, shall include retrieval of needed supplies, moving and lifting only.
- i. Complete school work assignments before Fire Department activities.
- j. Help department members with Health Fairs and Junior Fire Patrol.

**NON-ALLOWABLE DUTIES:**

The following Non-Allowable Duties shall be prohibited to all Fire/EMT Cadets:

- 1. No Fire/EMT Cadet shall be allowed to respond directly to any incident scene.
- 2. No Fire/EMT Cadet shall be allowed to be actively or directly involved in any of the following incidents:
  - a. Participate on any entry team while at the scene of a working structure fire or while conducting a live fire burn training scene.
  - b. Participate on any entry team at a vehicle fire.
  - c. Participate in any offensive fire attack at natural ground cover fires.
  - d. Participate at any hazardous material or pollution spill incident.
  - e. No Fire/EMT Cadet will be allowed to operate in any hands on emergency medical treatment until properly trained and under direct supervision of EMTs.
  - f. No Fire/EMT Cadet will be allowed to operate any emergency vehicle owned or used by the fire department on any public thoroughfare.
  - g. No Fire/EMT Cadet shall be authorized to have or install any emergency light or siren on their personal vehicle.
- 3. No Fire/EMT Cadet shall respond to the station for a call during school hours or during any time in which they are involved with a school sponsored event.
- 4. No Fire/EMT Cadet shall respond to the station for a call any time after 9:00 P.M., during the school year.

**COURSE TRAINING SUBJECTS:**

As a Guideline, the following course outline shall be the first step of training levels as established by this department and as recommended by the National Fire Protection Association.

- |                          |                                |
|--------------------------|--------------------------------|
| 1. Orientation           | 11. Salvage and Overhaul       |
| 2. Fire Behavior         | 12. Breathing Apparatus        |
| 3. Communications        | 13. Fire Hose                  |
| 4. Ropes and Knots       | 14. Fire Streams               |
| 5. Rescue Operations     | 15. Fire Ground Ladders        |
| 6. First Aid             | 16. Natural Ground Cover Fires |
| 7. Forcible Entry        | 17. Hazardous Materials        |
| 8. Ventilation           | 18. Vehicle Rescue             |
| 9. Fire Inspection       | 19. Lifting                    |
| 10. Automatic Sprinklers | 20. Moving                     |

**DISCIPLINARY CLAUSE:**

All Fire/EMT Cadets shall be required to operate under accepted operation guidelines, Constitution and By-Laws of this Department. Failure to accept or adhere to any guideline established shall be just cause for disciplinary action in the form of suspension or termination as a member of this Fire/EMT Cadet Program.

**WAYNE VOLUNTEER FIRE AND RESCUE  
PARTICIPATION WAIVER, CONSENT & RELEASE FORM**

The undersigned in my capacity as parent and legal guardian of \_\_\_\_\_, hereby consent to his/her participation in the Wayne Volunteer Fire and Rescue Cadet Program, sponsored by the Wayne Volunteer Fire and Rescue Department. Furthermore, I hereby acknowledge that there are inherent risks associated and accompanied with the above stated activity and that the child named above may be injured as a result of an accident arising out of participation in the named activity.

In consideration for permitting the individual named above to participate in the Wayne Volunteer Fire and Rescue Cadet Program, the undersigned releases and holds harmless the City of Wayne, Wayne Volunteer Fire and Rescue Department and / or its employees, et al, from any and all liability including, but not limited to, liability for injuries or damages sustained by the individual.

We give our permission to release his / her grades to the Wayne Volunteer Fire Department.

Printed Name \_\_\_\_\_  
Parent / Guardian

Signed Name \_\_\_\_\_  
Parent / Guardian

Date \_\_\_\_\_

Printed Name \_\_\_\_\_  
Parent / Guardian

Signed Name \_\_\_\_\_  
Parent / Guardian

Date \_\_\_\_\_

**CITY OF WAYNE  
INTEROFFICE MEMORANDUM**

**Date:** April 14, 2010

**To:** Mayor Lois Shelton  
Wayne City Council

**From:** Lowell D. Johnson, City Administrator

**Re:** Planning Commission Recommendation  
Meeting of April 5, 2010

At their meeting held on Monday, April 5, 2010 the Wayne Planning Commission held a public hearing regarding Section 74-293 Fees.

After some discussion, a motion was made by Commissioner Melena and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council for the amended language of Section 74-293 Fees of the Municipal Code, as stated in the attachment, with these changes, the amount of such fee shall be one percent of the fair market value of the total land area and the park fee for non-annexed, non-contiguous subdivisions to the city limits which are outside of the city limits, in the extraterritorial jurisdiction, and not served by any city services shall be one percent, with findings of fact being staff's recommendation and the Planning Commission. Chair Braun stated the motion and second, with the roll call vote as follows: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Herman – aye; Commissioner Melena – aye; Commissioner Kranz – aye; Commissioner Brogie – aye; and Chair Braun – aye. Chair Braun declared the motion carried unanimously.

LDJ:cb

**ORDINANCE NO. 2010-9**

**AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE, CHAPTER 74, ARTICLE VIII, SECTION 74-293 FEES; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. The Planning Commission, subsequent to a public hearing held April 5, 2010, 2009, recommended amending Section 74-293 Fees subject to the following "Findings of Fact": Staff and Planning Commission recommendation.

Section 2. That Chapter 78, Article VIII, Section 74-293 of the Wayne Municipal Code is hereby amended to read as follows:

**Section 74-293 Fees.**

The amount of land dedicated by a subdivider pursuant to this article shall be five percent of the land area comprising the total land area in the proposed subdivision as reflected in the final subdivision plat. If a subdivider so desires, the subdivider may elect to pay a fee in lieu of land dedication; provided, however, the city may reject the subdivider's election and require land donation. Where a subdivider is required to pay a fee in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land comprising the total land area as indicated in the final subdivision plat. The amount of such fee shall be eight percent of the fair market value of the total land area comprising the proposed subdivision as indicated in the final subdivision plat, except that **the park fee for new non-annexed, non-contiguous subdivisions, which are outside of the city limits, in the extraterritorial jurisdiction, and not served by any city services, shall be one percent.** Fair market value shall be determined as of the time of filing the final plat in accordance with the following:

- (1) The fair market value, as determined by the council based upon fair market value appraisals considering all of the uses and purposes for which it might reasonably be used; or
- (2) If the subdivider objects to the amount of valuation, the subdivider may, at its expense, obtain an appraisal of the land based on the highest and best use of the land by a qualified real estate appraiser approved by the city, which appraisal may be accepted by the council if found reasonable; or
- (3) The city and the subdivider may agree as to the fair market value.

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

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**CITY OF WAYNE, NEBRASKA**

**ORDINANCE NO. 2010-5**

**AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2010-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and City Council of the City of Wayne, Wayne County, Nebraska, hereby find and determine that it is in the best interests of the City that West 1<sup>st</sup> Street from Main Street west to the west right-of-way line of Pearl Street including the intersection of 1<sup>st</sup> Street and Pearl Street be improved as hereinafter described; and that it is in the best interests of the City of Wayne to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Wayne, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 2010-1, the outer boundaries of which shall contain the following property:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 27, ORIGINAL TOWN AS PLATTED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA; THENCE EASTERLY TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 28 OF SAID ORIGINAL TOWN; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 1 AND IT'S EASTERLY EXTENSION TO THE EAST LINE OF SAID BLOCK 28; THENCE NORTHERLY ON SAID EAST LINE TO THE NORTHEAST CORNER OF LOT 8 OF SAID BLOCK 28; THENCE CONTINUING NORTHERLY TO THE SOUTHEAST CORNER LOT 7, BLOCK 21 OF SAID ORIGINAL TOWN; THENCE CONTINUING NORTHERLY ON THE EAST LINE OF LOTS 7 AND 8 OF SAID BLOCK 21 TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE WESTERLY ON THE NORTH LINE OF LOTS 8 AND 6 OF SAID BLOCK 21 TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE CONTINUING WESTERLY TO THE NORTHEAST CORNER OF LOT 7, BLOCK 22 OF SAID ORIGINAL TOWN; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 7 TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE CONTINUING SOUTHERLY TO THE NORTHEAST CORNER OF SAID LOT 11, BLOCK 27; THENCE CONTINUING SOUTHERLY ON THE EAST LINE OF SAID LOT 11 TO THE POINT OF BEGINNING.

Within said District, West 1<sup>st</sup> Street from Main Street west to the west right-of-way line of Pearl Street including the intersection of 1<sup>st</sup> Street and Pearl Street shall be improved by grading and construction of curb and gutter, concrete paving, replacement and repair of brick street surfaces, storm sewer, sidewalk replacement and other necessary improvements and appurtenances.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Wayne, and shall be constructed in accordance with plans and specifications to be prepared by JEO Consulting Group, the City's engineers, which plans shall be approved by the Mayor and City Council. The improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 2010-1 shall be published in The Wayne Herald newspaper, a legal newspaper published in and of general circulation within the City of Wayne, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**CITY OF WAYNE, NEBRASKA**

**ORDINANCE NO. 2010-6**

**AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-2 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and City Council of the City of Wayne, Wayne County, Nebraska, hereby find and determine that it is in the best interests of the City that the sidewalks on the north side and the south side of 2<sup>nd</sup> Street from the centerline of Pearl Street east to the to the centerline of Logan Street, in the City of Wayne, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Wayne to create a Street (Sidewalk) improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Wayne, Nebraska, a Street (Sidewalk) improvement district to be known and designated as Street (Sidewalk) Improvement District No. 2010-2, the outer boundaries of which shall contain the following property:

Said District shall consist of all of the property contained in the following described boundaries:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 12, BLOCK 22, ORIGINAL TOWN AS PLATTED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA; THENCE EASTERLY TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 21 OF SAID ORIGINAL TOWN; THENCE EASTERLY ON THE SOUTH LINE OF LOTS 1 AND 17 TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE CONTINUING EASTERLY TO THE SOUTHWEST CORNER LOT 2, BLOCK 20 OF SAID ORIGINAL TOWN; THENCE CONTINUING EASTERLY ON THE SOUTH LINE OF LOTS 2 AND 17 OF SAID BLOCK 20 TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE CONTINUING EASTERLY TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 19 OF SAID ORIGINAL TOWN; THENCE NORTHERLY ON THE WEST LINE OF LOT 1 OF SAID BLOCK 19 TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE CONTINUING NORTHERLY TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 14 OF SAID ORIGINAL TOWN; THENCE CONTINUING NORTHERLY ON THE WEST LINE OF SAID LOT 6 TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE WESTERLY TO THE NORTHEASTERLY CORNER OF LOT 13, BLOCK 13 OF SAID ORIGINAL TOWN; THENCE CONTINUING WESTERLY ON THE NORTH LINE OF LOTS 13 AND 11 OF SAID BLOCK 13 TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE CONTINUING WESTERLY TO THE NORTHEAST CORNER OF LOT 8, BLOCK 12 OF SAID ORIGINAL TOWN; THENCE CONTINUING WESTERLY ON THE NORTH LINE OF LOTS 8 AND 6 OF SAID BLOCK 12 TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE CONTINUING WESTERLY TO THE

NORTHEAST CORNER OF LOT 7, BLOCK 11 OF SAID ORIGINAL TOWN; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 7 TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE CONTINUING SOUTHERLY TO THE NORTHEAST CORNER OF SAID LOT 12, BLOCK 22; THENCE CONTINUING SOUTHERLY ON THE EAST LINE OF SAID LOT 12 TO THE POINT OF BEGINNING.

Within said District the following sidewalks on the described street shall be improved by removal of existing sidewalks, grading and construction of concrete pedestrian sidewalks and other necessary appurtenant improvements:

Sidewalks on the north side and the south side of 2<sup>nd</sup> Street from the centerline of Pearl Street east to the to the centerline of Logan Street

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Wayne, and shall be constructed in accordance with plans and specifications to be prepared by JEO Consulting Group, special engineers for the project, which plans shall be approved by the Mayor and City Council. The improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street (Sidewalk) Improvement District No. 2010-2 shall be published in The Wayne Herald newspaper, a legal newspaper published in and of general circulation within the City of Wayne, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**CITY OF WAYNE, NEBRASKA**

**ORDINANCE NO. 2010-7**

**AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-3 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and City Council of the City of Wayne, Wayne County, Nebraska, hereby find and determine that it is in the best interests of the City that the sidewalks on the north side and the south side of 3<sup>rd</sup> Street from the centerline of Pearl Street east to the to the centerline of Logan Street, in the City of Wayne, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Wayne to create a Street (Sidewalk) improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Wayne, Nebraska, a Street (Sidewalk) improvement district to be known and designated as Street (Sidewalk) Improvement District No. 2010-3, the outer boundaries of which shall contain the following property:

Said District shall consist of all of the property contained in the following described boundaries:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 12, BLOCK 11, ORIGINAL TOWN AS PLATTED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA; THENCE EASTERLY TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 12 OF SAID ORIGINAL TOWN; THENCE CONTINUING EASTERLY ON THE SOUTH LINE OF LOTS 1 AND 17 OF SAID BLOCK 12 TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE CONTINUING EASTERLY TO THE SOUTHWEST CORNER LOT 2, BLOCK 13 OF SAID ORIGINAL TOWN; THENCE CONTINUING EASTERLY ON THE SOUTH LINE OF LOTS 2 AND 18 OF SAID BLOCK 13 TO THE SOUTHEAST CORNER OF SAID LOT 18; THENCE CONTINUING EASTERLY TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 14 OF SAID ORIGINAL TOWN; THENCE NORTHERLY ON THE WEST LINE OF LOT 1 OF SAID BLOCK 14 TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE CONTINUING NORTHERLY TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 3 OF SAID ORIGINAL TOWN; THENCE CONTINUING NORTHERLY ON THE WEST LINE OF SAID LOT 6 TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE WESTERLY TO THE NORTHEASTERLY CORNER OF LOT 13, BLOCK 4 OF SAID ORIGINAL TOWN; THENCE CONTINUING WESTERLY ON THE NORTH LINE OF LOTS 13 AND 11 OF SAID BLOCK 4 TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE WESTERLY TO THE NORTHEAST CORNER OF LOT 5, BLOCK 5 OF SAID ORIGINAL TOWN; THENCE CONTINUING WESTERLY ON THE NORTH LINE OF LOTS 5 AND 3 OF SAID BLOCK 5 TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE

CONTINUING WESTERLY TO THE NORTHEAST CORNER OF LOT 4, BLOCK 6 OF SAID ORIGINAL TOWN; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 4 TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING SOUTHERLY TO THE NORTHEAST CORNER OF LOT 12 OF SAID BLOCK 11; THENCE CONTINUING SOUTHERLY ON THE EAST LINE OF SAID LOT 12 TO THE POINT OF BEGINNING.

Within said District the following sidewalks on the described street shall be improved by removal of existing sidewalks, grading and construction of concrete pedestrian sidewalks and other necessary appurtenant improvements:

Sidewalks on the north side and the south side of 3<sup>rd</sup> Street from the centerline of Pearl Street east to the to the centerline of Logan Street

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Wayne, and shall be constructed in accordance with plans and specifications to be prepared by JEO Consulting Group, special engineers for the project, which plans shall be approved by the Mayor and City Council. The improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street (Sidewalk) Improvement District No. 2010-3 shall be published in The Wayne Herald newspaper, a legal newspaper published in and of general circulation within the City of Wayne, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**CITY OF WAYNE, NEBRASKA**

**ORDINANCE NO. 2010-8**

**AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET (SIDEWALK) IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-4 DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and City Council of the City of Wayne, Wayne County, Nebraska, hereby find and determine that it is in the best interests of the City that the sidewalks on the east side of Pearl Street from the centerline of 1<sup>st</sup> Street north to the to the centerline of 3<sup>rd</sup> Street, in the City of Wayne, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Wayne to create a Street (Sidewalk) improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Wayne, Nebraska, a Street (Sidewalk) improvement district to be known and designated as Street (Sidewalk) Improvement District No. 2010-4, the outer boundaries of which shall contain the following property:

Said District shall consist of all of the property contained in the following described boundaries:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 21, ORIGINAL TOWN AS PLATTED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 6 TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE CONTINUING WESTERLY ON THE WESTERLY EXTENSION OF SAID LOT 6 TO THE CENTERLINE OF PEARL STREET; THENCE NORTHERLY ON SAID CENTERLINE TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3, BLOCK 5 OF SAID ORIGINAL TOWN; THENCE EASTERLY ON SAID WESTERLY EXTENSION OF TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE CONTINUING EASTERLY ON SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE CONTINUING SOUTHERLY TO THE NORTHEAST CORNER OF LOT 1, BLOCK 12 OF SAID ORIGINAL TOWN; THENCE CONTINUING SOUTHERLY ON THE EAST LINE OF LOTS 1, 2, 3, 4, 5 AND 6 OF SAID BLOCK 12 TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE CONTINUING SOUTHERLY TO THE NORTHEAST CORNER OF LOT 1, BLOCK 21 OF SAID ORIGINAL TOWN; THENCE CONTINUING SOUTHERLY ON THE EAST LINE OF LOTS 1, 2, 3, 4, 5 AND 6 OF SAID BLOCK 21 TO THE POINT OF BEGINNING.

Within said District the following sidewalks on the described street shall be improved by removal of existing sidewalks, grading and construction of concrete pedestrian sidewalks and other necessary appurtenant improvements:

Sidewalks on the east side Pearl Street from the centerline of 1st Street north to the to the centerline of 3<sup>rd</sup> Street

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Wayne, and shall be constructed in accordance with plans and specifications to be prepared by JEO Consulting Group, special engineers for the project, which plans shall be approved by the Mayor and City Council. The improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street (Sidewalk) Improvement District No. 2010-4 shall be published in The Wayne Herald newspaper, a legal newspaper published in and of general circulation within the City of Wayne, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

ORDINANCE NO. 2010-4

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE BY AMENDING SECTION 18-84 DUTIES OF THE BUILDING INSPECTOR; TO PROVIDE FOR THE REPEAL OF CONFLICTING 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 18, Article III, Section 18-84 of the Wayne Municipal Code is hereby amended to read as follows:

(a) The building inspector shall examine or cause to be examined all electrical installations for which a permit has been issued.

(b) **A State Electrical Permit is required for any electrical work performed within the city limits and within the city's two-mile zoning jurisdiction; this includes an owner of property who resides at the principal dwelling more than 51% of the time. The State Electrical Inspector will conduct all electrical inspections, including remodels and additions for residential structures and any electrical work performed by the owner of the property who resides at the residence more than 51% of the time.** The building inspector shall not be required to make inspections on any electrical installations that are required to be inspected by state or federal authorities.

**(1) An owner of a property may perform electrical work on his or her principal residence where they reside more than 51% of the time, if such residence is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations in public-use buildings or facilities. The owner of the property does not need to be licensed by the State of Nebraska Electrical Division to perform such work. However the owner of the property may not perform electrical work on a relative's residence, their rental property or their recreational properties. If the owner of a property is purchasing a home or is presently building a home for their principal residence, the owner may not perform any electrical work.**

(c) The building inspector **or State Electrical Inspector** is authorized to examine or cause to be examined any electrical equipment or wiring within or on any building or premises. If such is found to be defective, or not in compliance with accepted standards of construction for safety to life and property, based upon minimum standards set forth in the National Electrical Code, or in any improper operating condition so as to constitute a danger to human life or a hazard to the public health, safety and welfare, the building inspector shall give written notice to the owner of such building or premises, stating the deficiencies found to exist and the date by which these deficiencies must be corrected. Such notice shall be served personally or mailed by United States mail upon the owner at his last known address and upon the electrician making the installation.

(d) The building inspector is vested with the authority to condemn and disconnect or order the electric utility supplier to disconnect the electrical service to any building or premises where such deficiencies in electrical equipment or wiring have not been corrected within the time specified by such notice duly served upon the owner, or in cases of emergency where the name is

necessary for the protection of life, limb, or property; and is further authorized to order the electric utility supplier to disconnect service to any building or premises

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 the passage, approval, and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
City Attorney

AFTER RECORDING RETURN TO: William C. Nelson, Attorney at Law, 301 S. 13<sup>th</sup> Street, Suite 400, Lincoln, NE 68508

\_\_\_\_\_(Space Above This Line for Recording Data)\_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING**

Notice is hereby given that pursuant to a certain water easement executed by Richard W. Milligan ("Milligan") as Grantor, and the City of Wayne, a Municipal corporation (the "City"), as Grantee, recorded in the office of the Register of Deeds of Wayne County, Nebraska at Microfilm No. 870656, wherein Milligan conveyed to the City an easement of right-of-way to enter upon and mine, drill, explore, develop, construct, operate, maintain, inspect, repair, remove, alter, relocate, and reconstruct its water transmission lines, water wells, water buildings, treatment facilities, and well buildings, and other equipment and improvements used in connection therewith, upon, over, and across the following described real estate:

The North Half of the Northeast Quarter (N 1/2 NE 1/4) of Section 14, Township 27 North, Range 3 East of the 6<sup>th</sup> P.M., Wayne County, Nebraska ("Property").

Pursuant to said easement, Milligan, as Grantor, was not to use, maintain, or operate within said easement area any chemical, fertilizer, or insecticide practices, without obtaining written approval from the City.

Therefore, Milligan and the City agree that Milligan, his successors and assigns, shall be entitled to use the Property for farming consistent with the following practices on the Property:

1. Providing the Property has been enrolled in the United States Department of Agriculture Conservation Reserve Program (CRP), Milligan shall be entitled to exercise all practices required to maintain the Property in compliance with the CRP Contract;
2. The application of fertilizer, herbicides, insecticides or other farm chemicals shall be consistent with practices established by the University of Nebraska guidelines as published on an annual basis; and
3. The application of fertilizer, herbicides, insecticides or other farm chemicals shall only be completed by individuals licensed as an applicator by the University of Nebraska Extension Service and according to existing guidelines and regulations of the Crop Protection Clinic.



**RESOLUTION NO. 2010-24**

**A RESOLUTION IDENTIFYING CITY OF WAYNE GOALS.**

WHEREAS, the Mayor and City Council met in open session on February 5 and 6, 2010, with the express purpose of identifying and developing goals for the City; and

WHEREAS, there were new and expanded items in addition to goals from the prior year that were considered during the retreat, some for their guidance of future strategies and policies, and many for their consolidated value as specific goals over one to five year periods; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, as follows:

**Goals:**

- Work with Economic Development to retain and expand employment base and retail opportunities; create a leadership "Think Tank";
- Support and enhance community marketing efforts;
- Explore community needs through focus groups with Leadership Wayne Class and WSC staff and students;
- Continue housing opportunity efforts;
- Promote energy use awareness through educational efforts on the role of trees, recycling and energy savings incentives for housing;
- Adopt storm water mitigation policies;
- Complete well head protection plan; and
- Improve communication efforts through ward meetings; and
- Research "Best Management Practices" through field trips and contacts at professional meetings.

The Council shall regularly evaluate the progress toward achieving the aforesaid goals.

The Mayor and Council shall consider the annual restatement and expansion of goals as a matter of policy.

PASSED AND APPROVED this 20<sup>th</sup> day of April, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

## ***DRAFT Garbage Service and Recycling Proposal***

### **Proposal for Change in Wayne Garbage Service and Recycling**

From: Lowell Johnson, City Administrator

To: Mayor Shelton and City Council

Date: March 30, 2010

#### **Background:**

The life cycle cost (from household to recycler) per pound of handling and transporting co-mingled (mixed) recycling is substantially more efficient than having people sort it on first. The bulk of the efficiency comes from: 1) gasoline saved and time saved by the public not driving to collection points with bags of different sorted items, and, 2) fuel, time and equipment savings from transporting mixed recycling in full truck loads rather than many small sorted loads or part loads.

The City of Wayne is within practical hauling distance of private recyclers that accept mixed recycling in both Omaha and Sioux Falls. Wayne currently has two recycling programs offered to the public by two high quality private garbage hauling services. Gill Hauling is currently collecting mixed recycling at curbside in Wayne and delivering it to a sorting facility in Omaha. Waste Connections is providing collection bins at the transfer station for sorted recycling but wants to transition to a co-mingled recycling drop-off trailer to be located at the transfer station. Waste Connections is also considering offering curbside pick-up of co-mingled recycling in Wayne.

The Wayne city code currently requires all residential garbage route collectors in Wayne to provide a recycling service for their customers. It also requires all garbage collected on routes in Wayne to dump their garbage locally in the Wayne transfer station. With newer larger and more efficient route trucks it has become more efficient to transport the route garbage directly to the nearest landfill at Jackson than to dump it loose into a roll-off at the city transfer station and then haul it un-compacted to a landfill.

**Opportunity:**

From past conversations we believe that both Gill and Waste Connections are interested in buying or leasing the Transfer Station to increase their service territory. If leased or sold, the proceeds could be allocated to finish paying for the Kardell Landfill stream bank stabilization project and to build a cash reserve for future problems with old Wayne landfills. Converting this to private operation can lower the garbage rates our residents are paying and free up one half of an existing full time city employee to work in another department.

**Proposal:**

Offer the entire transfer station property for lease to a private firm or public sale with a minimum price with the following terms .

- 1) the city will amend the city code to eliminate the requirement that garbage collected in Wayne be dumped at the transfer
- 2) the buyer would continue to operate it as a garbage facility and keep it open for a minimum of 8 hours per week to the public during a 3 year lease or 15 years after the sale
- 3) the buyer would provide a container on site to collect co-mingle recycling and metal scrap to be sold by the operator during one day time period each week for 15 years
- 4) the buyer would continue to provide access and space for the area Boy Scouts to operate their paper collection program
- 5) The operator would accept refrigeration appliances on behalf of the city and the city will drain them of coolant and certify them for scrap and add them to the metal scrap container
- 6) The city would retain ownership and use of the north storage building and 30 feet of property in front of it.
- 7) Any private residential garbage route collectors can still operate in Wayne with the new permit requirements that they: a. offer voluntary pay-to-throw pickup (pay by the bag instead of a flat fee per month) and b. provide a co-mingled recycling service (curbside or a drop off location).

## CDA MINUTES OF MARCH 16, 2010

Councilmember Chamberlain made a motion and seconded by Councilmember Ley to recess as Council and convene as the Community Development Agency. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Chamberlain called the meeting of the Community Development Agency to order. Those in attendance were: Members Jim Van Delden, Jon Haase, Lois Shelton, Doug Sturm and Kaki Ley; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Brian Frevert, Dale Alexander and Kathy Berry.

Chair 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.

The next item on the CDA agenda was to approve the minutes of the March 2, 2010, meeting.

Member Shelton made a motion and seconded by Member Ley approving the minutes of the March 2, 2010, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Member Sturm who abstained, the Chair declared the motion carried.

The next item on the agenda was to discuss and take action on the proposed Purchase Agreement for the sale of Lot 15, Western Ridge II Addition, to Habitat for Humanity.

Jeff Carstens, representing Habitat for Humanity, was present.

Administrator Johnson presented the final version of the Purchase Agreement. This is the standard form purchase agreement for lots being sold in Western Ridge, with the exception of Paragraph 9 – Additional Terms. The City will provide a grant of \$40,000 as an incentive for Habitat to use as follows:

- \$5,000 to purchase the lot from the CDA; and
- \$35,000 in reimbursement for construction costs incurred and invoiced before August 1, 2010 (basement and two-car garage, etc.).

This Purchase Agreement also provides that if the family sells the property, they will recapture their loan money and the City will recapture this grant money from the sale proceeds. This incentive is to assist Habitat for Humanity, not the homeowner.

Member Sturm made a motion and seconded by Member Shelton approving the Purchase Agreement for the sale of Lot 15, Western Ridge II Addition, to Habitat for Humanity. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the agenda was to discuss and take action on the sale of Lot 17, Western Ridge II Addition, to Wayne Community Housing Development Corporation.

Nancy Braden, Finance Director, stated that the sale of the lot to WCHDC would be similar to the sale to Habitat for Humanity. WCHDC will use the grant money to purchase the lot.

Member Sturm made a motion and seconded by Member Ley authorizing the lot purchase incentive for Wayne Community Housing Development Corporation (Lot 17, Western Ridge II Addition). Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Ley made a motion and seconded by Member Shelton to adjourn as the Community Development Agency and reconvene as Council. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

City of Wayne  
CDA Claims List  
April 20, 2010

Wayne County Treasurer – property taxes Western Ridge	5,531.90
Wayne County Treasurer – property taxes Kardell Industrial Tract	397.20

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WAYNE MUNICIPAL AIRPORT AUTHORITY  
January 11, 2010  
7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Wayne Municipal Airport's Pilots Lounge on the above date and time by Chairman Mitchell Nissen. The following members were present: Carl Rump, David Ley, David Zach and Mitchell Nissen. Also, attending the meeting were Nancy Braden and Clay Bode.

Zach moved and Rump 2nd to accept the minutes of December 14, 2009. Roll was called with the following results: Yeas: Nissen, Rump, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Zach moved and Rump 2nd that we approve the claims of January 11, 2010. Roll was called with the following results: Yeas: Rump, Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Rump moved and Zach 2nd that we advertise for bid Airport Improvement Program Project No. 3-31-0086-11. Roll was called with the following results: Yeas: Rump, Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Zach moved and Rump 2nd that we accept the resignation of Logan McClelland from the Airport Authority. Roll was called with the following results: Yeas: Rump, Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Zach moved and Rump 2nd that we accept the Disadvantaged Business Enterprise program for Wayne Municipal Airport. Roll was called with the following results: Yeas: Rump, Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal action was needed.

There being no further business Rump moved and Ley 2nd that the meeting be adjourned. All voting in the affirmative the meeting was adjourned.

David R. Ley

Secretary

WAYNE MUNICIPAL AIRPORT AUTHORITY  
February 8, 2010  
7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Wayne Municipal Airport's Pilots Lounge on the above date and time by Chairman Mitchell Nissen. The following members were present: Carl Rump, David Ley, David Zach and Mitchell Nissen. Also, attending the meeting was Nancy Braden.

Rump moved and Zach 2nd to accept the minutes of January 11, 2010. Roll was called with the following results: Yeas: Nissen, Rump, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Zach moved and Rump 2nd that we approve the claims of February 8, 2010. Roll was called with the following results: Yeas: Rump, Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal action was needed.

There being no further business Rump moved and Zach 2nd that the meeting be adjourned. All voting in the affirmative the meeting was adjourned.

David R. Ley

Secretary

WAYNE MUNICIPAL AIRPORT AUTHORITY  
March 18, 2010  
7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was postponed from 8th and called to order at the Wayne Municipal Airport's Pilots Lounge on the above date and time by Chairman Mitchell Nissen. The following members were present: David Ley, David Zach and Mitchell Nissen. Also, attending the meeting was Nancy Braden, Clay Bode, Tom Becker FBO and Tom Trumble Olsson Associates.

Zach moved and Ley 2nd to accept the minutes of February 8, 2010. Roll was called with the following results: Yeas: Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Zach 2nd that we approve the claims of March 18, 2010. Roll was called with the following results: Yeas: Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Zach 2nd that we approve Resolution 2010-1 authorizing Chairman Nissen to sign all necessary documents for AIP Project No. 3-31-0086-11/12. Roll was called with the following results: Yeas: Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Zach 2nd after negotiations that we execute the construction phase engineering fees of \$508,156.00. Roll was called with the following results: Yeas: Nissen, Zach and Ley. Nays: None. The Chairman declared the motion carried.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal action was needed.

There being no further business Ley moved and Zach 2nd that the meeting be adjourned. All voting in the affirmative the meeting was adjourned.

David R. Ley

Secretary

# Project Progress Report



**Project Title:** 2009-2010 Wastewater Treatment Facility Improvements

**Project Number:** 617S7

**Date:** April 13, 2010

**Report Prepared By:** Roger S. Protzman, P.E.

**Period of Report:** March - April 2010

**Summary of Progress:** Final plans and specification for the proposed improvements were completed and submitted to NDEQ, Fire Marshal, and HHS for code review on April 2, 2010.

**Planned Events for the Next Period:** We anticipate receiving comment letters by the end of April and then respond to them accordingly. If the comments are minor, then we will recommend beginning advertising for bids in May and receiving bids in June.

**Project Schedule:** We will meet with staff to review final plans. We plan to address any comments at the end of April or in May depending on timing of responses from agencies. Bids should be able to be received in June, award of contract in July, and preconstruction conference in August.

**Percent of Project Designed:** 100%

**Percent of Project Constructed:** NA

**Estimated Date of Completion:** Construction August 2011, demolition in January 2012.