

**AGENDA  
CITY COUNCIL MEETING  
December 21, 2010**

**5:30 Call to Order**

1. Mayoral Appointment of Fourth Ward Candidate
2. Swearing in of Fourth Ward Candidate
3. Approval of Minutes – December 7, 2010
4. Approval of Claims

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the City Council Chambers.

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.

5. Ordinance 2010-29: Authorizing the Release and Abandonment of Side Yard Utility Easements Located in Lots 8 and 9, Fairway Estates

**Recommendation:** The recommendation of the Zoning Administrator is to approve this action to void city utility easements that will never be used. The easements are between two lots that are being joined and will have one house built on them.

6. Ordinance 2010-30: Amending Wayne Municipal Code, Article II Building Code, Sections 18-41, 18-44, 18-81, 18-151, 18-181, 18-241, 18-242, and 18-209

**Background:** In 2008, the Council approved a Resolution approving all future National Building Codes by reference as they are released. The 2009 IRC Building Code requires all new single-family homes built after January 1, 2011, to have a fire sprinkler system installed. The State of Nebraska is not adopting this code and most local governments are not adopting this code or are amending it to eliminate the fire sprinkler requirement.

**Recommendation:** The recommendation of the Building Code Official is to adopt the 2006 IRC Code and approve Ordinance 2010-30 to end the automatic adoption of codes and to revert back to adopting each individual code by direct Council action after review and recommendation by the Building Code Official.

7. Resolution 2010-102: Accepting Bid and Awarding Contract on the Hauling of Stockpile of Mixed Fill Material that is Located Behind 1810 Industrial Drive

**Background:** A large pile of high organic matter soil was created on the site of the old landfill from the excavation and construction of Industrial and Summerfield Drives. That pile is in the floodway and must be moved. This proposal is for bids to haul 4,000 cubic yards to fill in the silt pond at Western Ridge to make it ready to convert to a neighborhood park. Bids have not been opened at the time this packet is going out.

8. [Action on Membership Application to the Wayne Volunteer Fire Department](#)

9. [Action on Recommendation from the LB840 Economic Development Advisory Committee to grant \\$10,000 to Wayne Area Economic Development for Community and Business Marketing](#)

**Recommendation:** The recommendation of the Citizens LB840 Sales Tax Advisory Committee is to allocate this annual allotment to be used by WAED for community marketing and promotion. This is the same amount as last year and is funded from a portion of the local option 1% sales tax revenues. It is an authorized use in the Economic Development Plan approved by the voters in 2008.

10. [Resolution 2010-97: Approving Memorandum of Understanding with the Northeast Nebraska Public Health Department](#)

**Recommendation:** The Northeast Nebraska Public Health Department has asked if they can use our fire hall as a back-up vaccination location in the event there is a need for a large immunization program. Recommendation of the City Administrator is to provide the fire hall for back-up emergency use by them.

11. [Resolution 2010-98: Amending Electric Rates](#)

**Background:** NPPD charges us for wholesale power through a combination of 5 different wholesale power rates: summer energy, winter energy, summer demand, winter demand and peak demand for the year. Each year when NPPD raises these rates, we hire a utility rate consultant to calculate the pass-through retail rate that Wayne needs to recover those cost increases from our retail customers. NPPD has raised the wholesale power rates the last five years, but Wayne absorbed the cost increases the past two years. For 2011, the NPPD rate increase for Wayne's wholesale power will average 9.3%.

Since we are a public utility, we operate the system to cover costs and maintain a \$6 million cash reserve with no profit margin. \$6 million is a little over one year's worth of revenues and is the amount recommended for coverage in the event of emergency costs which are not covered by insurance. These kinds of uninsured costs are mechanical failures in the power plant (a complete repair of one engine could cost \$1 million) and transformer failures (the cost of the single main transformer tying Wayne to NPPD in our substation is about \$600,000). In addition, none of the city's distribution lines are covered by insurance in case of ice or tornado damage. The cost is simply too high to insure.

**Recommendation:** Our rate consultant has recommended a 6% increase in all of our retail rates for 2011 to cover the NPPD rate increase. Western Area Power Administration had a 21% increase last year, but had none this year. We purchase about 16% of our wholesale power from WAPA.

12. [Ordinance 2010-31: Creating a Non-Exclusive Franchise to Huntel Cablevision, Inc.](#)

**Background:** In 2000, the City of Wayne and Huntel signed a 10-year, non-exclusive franchise agreement to operate a cable TV system in Wayne. That agreement expired this fall, and a new non-exclusive 15-year franchise agreement has been developed by city staff and American Broadband (ABB) for Council consideration. The basic terms of this agreement include:

- 5% franchise fee on gross revenues from basic cable service and pay television;
- ABB leases our electric utility poles as needed and pays us an annual fee per pole;
- When the city converts overhead power lines to underground service, ABB will take their cable off our poles and bury it with our service lines; and
- The city has no control over cable service subscription rates, programming or quality of service after congressional action in 1988 regarding cable TV systems.

13. [Resolution 2010-99: Approving Pole Use Agreement with Huntel Cablevision, Inc.](#)

**Recommendation:** We currently charge ABB \$8 per pole per year for about 700 electric utility poles. The Superintendent of Public Works and Utilities and City Administrator recommend the attached agreement which proposes to raise that to \$9 per pole for years 1-5; \$10 per pole for years 6-10; and \$11 per pole for years 11-15.

14. [Resolution 2010-100: Amending Resolution 2008-34 by adding Habitat for Humanity as a Participant in the Energy Saver Program](#)

**Background:** In 2009, the City of Wayne entered into a cooperative agreement to establish an “Energy Saver Program” to provide additional energy saving funds for new homes built by Wayne Community Housing Development Corporation (WHCDC) for income qualified families in Wayne. Our current energy incentive for utility customers has a limit of \$700 per household. The 2009 agreement provides up to \$2,000 for energy reduction practices for the income qualified homes.

Wayne Habitat for Humanity has also become an active builder of quality new affordable homes in Wayne for income qualified households. Wayne Habitat and WCHDO are meeting the same Council goals, providing valuable service to the community in adding a modest amount of new affordable housing stock, plus reducing future peak electrical loads on our system. WCHDC has been building an average of one new home per year in addition to many “Purchase-Rehab-Resell” homes. Habitat has been building an average of one new home every other year and has built three new homes in Wayne.

**Recommendation:** The recommendation of the City Administrator, Finance Director and Gene Hansen, Power Plant Superintendent and Administrator of our Energy Incentive Program is to add Wayne Habitat for Humanity as a cooperator in the Wayne Energy Saver Program.

15. [Resolution 2010-101: Amending Energy Incentive Program](#)

**Background:** The current Wayne Energy Incentive Program provides up to \$500 in rebate incentives for replacement windows, weather stripping, attic and sidewall insulation, attic ventilation, heat pumps and shade trees, but does not include insulated exterior doors. All federal energy programs include exterior door replacement when needed because the payback time for the cost is relatively short and considered a high priority. This amendment would add exterior doors to the Wayne program.

**Recommendation:** Because of the relatively short payback period, the recommendation of the Power Plant Superintendent/Administrator of our Energy Incentive Program is to add exterior doors as a qualified activity to our Energy Incentive Program.

16. Action to Name the Phase I Trail “Will Wiseman Trail” and Phase II Trail “Leila Maynard Trail”

**Background:** When I started working at Wayne in June of 2000, Will Wiseman led a major effort through the City Council's long range strategic plan, requesting that we form the Pedestrian Trail Committee, holding City of Wayne town hall meetings, and getting the support of the Wayne healthcare community in order to access the federal funding and develop some safe and alternative pedestrian pathways. That process developed the community Master Trail Plan working with JEO and the trail committee. The property acquisition and funding requirements for the Phase I and II trails have taken a long time, and Will has persevered behind the scenes making personal presentations to the major funding agencies, helping negotiate trail easements, and keeping the lengthy process energized and moving.

Leila Maynard was a Wayne resident who served in the U.S. military in the Pacific during World War II. Leila was captured by the Japanese. She was forced to endure the week-long Baton Death March in 1942 in the Philippines. Leila survived the inhumane ordeal through mass beatings, shootings, beheadings, bayoneting and with no food or potable water.

**Recommendation:** The unanimous recommendation of the Trail Committee is to acknowledge their respective contributions by naming the Phase I Trail segment the Will Wiseman Trail and the Phase II Trail the Leila Maynard Trail.

17. Adjourn

**APPROVED AS TO FORM AND CONTENT:**

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Mayor

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City Administrator

December 7, 2010

The Wayne City Council met in regular session at City Hall on Tuesday, December 7, 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, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on November 24, 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 Van Delden made a motion and seconded by Councilmember Frevert, whereas the Clerk has prepared copies of the Minutes of the meetings of November 16 and 23, 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.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** ALARM PROS, INC., SE, 79.13; AMERICAN BROADBAND, SE, 1120.46; AMERITAS, SE, 4673.24; APPEARA, SE, 203.70; ARNIE'S FORD-MERCURY, SE, 183.29; AS CENTRAL SERVICES, SE, 448.00; BAIRD, HOLM, McEACHEN, SE, 1850.00; BANK FIRST, FE, 390.00; BLACK HILLS ENERGY, SE, 194.34; CITY EMPLOYEE, RE, 32.55; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 3000.00; CITY OF WAYNE, RE, 185.00; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 57633.14; CITY OF WAYNE, PY, 64965.34; CITY OF WAYNE, RE, 1942.87; BOMGAARS, SU, 109.31; BROGIE,

ED, RE, 700.00; BROWN SUPPLY, SU, 321.95; CAREAGE OF WAYNE, RE, 5800.00; CARHART LUMBER CO, SU, 925.46; CITY EMPLOYEE, RE, 50.72; CHARTWELLS, SE, 5737.95; CITY EMPLOYEE, RE, 277.08; CITY OF NORFOLK, SE, 196.67; CIVICPLUS, FE, 3276.00; COMMUNITY HEALTH, RE, 3.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEMCO, SU, 129.89; DUTTON-LAINSON, SU, 606.97; ELECTRIC FIXTURE & SUPPLY, SU, 264.20; FIREMAN'S ASSOCIATION, RE, 5000.00; FIRST CONCORD GROUP, SE, 3824.78; FLOOR MAINTENANCE, SU, 280.58; FORT DEARBORN LIFE, SE, 1730.29; FREDRICKSON OIL, SU, 425.59; GALE GROUP, SU, 29.69; GERHOLD CONCRETE, SU, 207.80; GOVERNMENTAL ACCOUNTING, SU, 205.00; CITY EMPLOYEE, RE, 2515.46; HAROLD POLAND, RE, 289.81; CITY EMPLOYEE, RE, 66.24; CITY EMPLOYEE, RE, 103.80; CITY EMPLOYEE, RE, 135.61; ICMA, RE, 11071.82; INGRAM BOOK CO, SU, 493.32; INNOVATIVE PROTECTIVES, SU, 114.00; IRS, TX, 40076.66; JEO CONSULTING GROUP, SE, 28165.71; JOHN'S WELDING AND TOOL, SE, 120.00; JOHNSON HARDWARE, SU, 273.23; CITY EMPLOYEE, RE, 248.30; CITY EMPLOYEE, RE, 104.96; KELBY HERMAN, RE, 700.00; KEPSCO, SU, 11.20; KIRKHAM MICHAEL, SE, 1790.77; KLEIN ELECTRIC, SE, 8265.51; KRIS HINNERICHS, RE, 100.00; KRIZ-DAVIS, SU, 795.54; LEAGUE OF NEBRASKA, FE, 425.00; LIVING HERE, SU, 27.00; LOUIS BENSCOTER, RE, 700.00; MICROFILM IMAGING SYSTEMS, SE, 540.55; MIKE TOWNE, SE, 2100.00; NE DEPT OF ENVIRONMENTAL, SE, 4574.78; NE DEPT OF REVENUE, TX, 5934.49; NE EXPRESSWAYS, SE, 581.04; NE NEB INS AGENCY, RE, 500.00; NE PUBLIC HEALTH, SU, 310.00; NE STATE PATROL, SE, 15.00; NPPD, SE, 190285.30; NORTHEAST EQUIPMENT, SE, 690.53; N.E. NE AMERICAN RED CROSS, SE, 774.24; NNPPD, SE, 2287.59; OLSSON ASSOCIATES, SE, 1894.71; OPTIMUM DATA, SU, 680.00; ORIENTAL TRADING CO, SU, 36.95; CITY EMPLOYEE, RE, 79.74; PITNEY BOWES, SU, 648.00; POLLARD PUMPING, SE, 100.00; PROGRESSIVE BUSINESS PUB, SU, 299.00; PROVIDENCE MEDICAL CENTER, SE, 5000.00; QUILL, SU, 52.98; QWEST, SE, 309.13; QWEST, SE, 109.50; ROSE EQUIPMENT, SU, 1608.61; CITY EMPLOYEE, RE, 3160.43; CITY EMPLOYEE, RE, 117.00; SILVER LINING MULTIMEDIA, SU, 37.95; STADIUM SPORTING GOODS, SU, 1348.50; STATE NATIONAL BANK, RE, 350.00; STATE NATIONAL BANK, RE, 3117.50; TIM SCHAEFER, SE, 83.50; TYLER TECHNOLOGIES, SE, 138.00; UNITED STATES PLASTIC, SU, 184.08; UNITED WAY, RE, 13.98, VAN DIEST SUPPLY, SU, 87.42; VERIZON, SE, 259.41; VIAERO, SE, 135.34; VOSS LIGHTING, SU, 1,006.20; WAYNE ANDERSON, RE, 500.00; WAYNE AUTO PARTS, SU, 808.27; WAYNE COMMUNITY SCHOOLS, SU, 6002.75; WAYNE STATER, SE, 12.00; CITY EMPLOYEE, RE, 1571.13; WESCO, SU, 1437.22; CITY EMPLOYEE, RE, 354.13; AMERICAN BROADBAND, SE, 330.00; APPA, SE, 411.34; APPEARA, SE, 46.69; AWE, SU, 7556.00; BARTON SOLVENTS, SU, 548.32; BAUER BOOKS, SU, 32.77; CITY EMPLOYEE, RE, 320.97; BIG T ENTERPRISES, SU, 95.95; BMI, FE, 244.00; CITY EMPLOYEE, RE, 70.96; BOMGAARS, SU, 961.05; CITY EMPLOYEE, RE, 51.21; CITY OF NORFOLK, SE, 97.42; EASYPERMIT POSTAGE, SU, 1184.34; EH WACH, SU, 928.93; ELECTRIC FIXTURE, SU, 223.30; FLOOR MAINTENANCE, SU, 107.61; FREDRICKSON OIL, SE, 41.00; GALE GROUP, SU, 56.88; GEMPLER'S, SU, 118.75; GILL HAULING, SE, 133.00; GLEN'S AUTO BODY, SE, 608.93; GRAINGER, SU, 90.10; GREAT PLAINS

ONE-CALL, SE, 84.48; HACH COMPANY, SU, 28.94; CITY EMPLOYEE, RE, 514.94; HARDING & SHULTZ, SE, 10015.94; HAUFF MID-AMERICAN SPORTS, SU, 260.00; HD SUPPLY WATERWORKS, SU, 409.44; CITY EMPLOYEE, RE, 9.79; CITY EMPLOYEE, RE, 28.81; HOLIDAY LITES & TRIM, SU, 688.47; JASON CAROLLO, SE, 35.00; JEO CONSULTING GROUP, SE, 9161.00; JOHNSON HARDWARE, SU, 77.25; KELLY SUPPLY, SU, 273.39; KIRKHAM MICHAEL, SE, 890.00; KRIZ-DAVIS, SU, 95.25; KTCH, SE, 775.00; MATT PARROTT AND SONS, SU, 192.12; MERCY MEDICAL CLINIC, SE, 70.00; MIDWEST DIESEL, SE, 546.78; MIDWEST SERVICE & SALES, SU, 166.90; NE LIBRARY COMMISSION, SU, 895.00; NMPP ENERGY, SE, 1130.00; NORTHEAST EQUIPMENT, SU, 108.04; NNPPD, SE, 11634.98; PAMIDA, SU, 208.14; PIEPER, MILLER & DAHL, SE, 3400.00; CITY EMPLOYEE, RE, 512.53; REGGIE YATES, RE, 100.00; S & S WILLERS, SU, 585.78; STANLEY SECURITY SOLUTION, SU, 272.20; STATE NATIONAL BANK, SE, 151.31; THE DIAMOND CENTER, SU, 95.00; THE FINAL TOUCH, SU, 52.07; VERIZON, SE, 121.34; VOSS LIGHTING, SU, 971.50; WAED, RE, 6475.58; WAYNE COMMUNITY THEATER, SE, 9976.00; WAYNE COUNTY CLERK, SE, 17.50; WAYNE GROCERY, SU, 2.18; WAYNE HERALD, SE, 777.52; WSC SOFTBALL, SE, 100.00; WAYNE VETERINARY CLINIC, SE, 280.00; CITY EMPLOYEE, RE, 17.66; WESCO, SU, 115.02; WAPA, SE, 32051.27; ZACH HEATING & COOLING, SU, 19.50; ZACH OIL COMPANY, SU, 4856.63

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

Garry Poutre, Supt. of Public Works & Utilities, advised the Council that about a year ago, a vehicle driven by Timothy Krupicka slid into one the City's snowplows driven by Seth Liston at the intersection of Sherman and 8<sup>th</sup> Street. Seth was stopped at the corner. The Krupicka vehicle was coming south on Sherman Street. Mr. Krupicka was going around a car that was parked on the west side of Sherman Street, and started to brake, causing him to slide into the City's vehicle. Mr. Krupicka's vehicle caught the right front edge of the plow. The damage was to the passenger side door of the Krupicka vehicle. At that time, an accident report was filed and submitted to our insurance carrier, EMC. No one was cited. EMC denied payment of Mr. Krupicka's damages which was \$1,651.33.

Councilmember Sturm made a motion and seconded by Councilmember Frevert denying the claim of Timothy Krupicka in the amount of \$1,651.33. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a claim has been filed by Matthew and Melissa Eischeid in the amount of \$1,311.25. This is a result of extra construction costs incurred by the Eischeids when their contractor was trying to install a sewer line for their new home being built on Lot 12, Fairway Estates. Their contractor relied on the City's "as built" drawings to locate the sewer extension installed back in 2005. After digging extensively around the area shown on the "as built", the sewer extension was not found. The contractor abandoned, filled and re-compacted the hole he had created, and then installed an alternative sewer service line and routed it to a nearby sewer manhole. The Eischeids incurred extra costs through no fault of their own. His recommendation is to approve this claim and seek reimbursement from the contractor or engineering firm.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the claim of Matthew and Melissa Eischeid in the amount of \$1,311.25. 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.

Randy Goyette, Legal Counsel for the City, was present to update the Council on the legal process regarding the complaint against the City by Lieutenant Phil Shear and Police Chief Lance Webster with the Nebraska Equal Opportunity Commission (NEOC). He obtained an extension to respond to the charges. The response to Lieutenant Shear's complaint is due December 21, 2010. The response to Police Chief Webster's complaint is due January 3, 2011. After he prepares the responses to those charges, the NEOC will appoint investigators who will ask the City to produce certain documents they believe are relevant to the charges. They may also take statements from City employees. He may or may not participate in some of those statements. Ultimately, the NEOC will meet and they will make a determination as to whether or not there is reasonable cause to believe there has been a violation of either Federal acts or the Nebraska Fair Employment Practices Act, or they will determine there is no reasonable cause to believe a violation has occurred. The Commission will also encourage settlement during the course of the investigation. We are at the very early stages of the process, and it will probably take several months after we file a response before there is any determination made.

In response to Councilmember Van Delden's question, Mr. Goyette advised the Council that if the City would get to the point where they do want to discuss the merits of the complaints that have been made or discuss conciliation, that we do so in executive session. Under the open meeting laws, we are permitted to do that. He would also advise the Council that while they can have discussion during executive session, they cannot

take any action during that time. He noted that the charges have been filed and have been filed with the City Clerk.

Mayor Shelton gave her “State of the City” speech before stepping down from the dais.

Councilmember Sturm made a motion and seconded by Councilmember Ley to adjourn the meeting sine die. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

This being the time for the new Mayor and new Council to organize and Ken Chamberlain having qualified for Mayor, and Jim Van Delden, Dale Alexander, and Kaki Ley having qualified for Councilmembers of the 1st, 2nd, and 3<sup>rd</sup> Wards respectively, Judge Robert B. Ensz presented the oaths of office to Ken Chamberlain, Jim Van Delden, Dale Alexander and Kaki Ley.

Councilmember Alexander, with a second by Councilmember Ley, nominated Doug Sturm as Council President, and made a motion to cease nominations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain asked Council to cast their ballots, and Councilmember Sturm received the majority of votes from Council to be duly elected as Council President.

Councilmember Sturm made a motion and seconded by Councilmember Ley to reconvene the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain presented a plaque to Mayor Shelton in appreciation of her valued contributions made to the City of Wayne as Mayor from 2004-2010 and as Councilmember from 1996-2004.

Mayor Chamberlain stated he had received written notification via e-mail from Stephanie Hansen declining to serve as 4<sup>th</sup> Ward Councilmember due to the fact that she has moved to Kentucky and is not returning to Wayne.

Councilmember Sturm made a motion and seconded by Councilmember Ley to accept the refusal of Stephanie Hansen to serve as 4<sup>th</sup> Ward Councilmember. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Ley made a motion and seconded by Councilmember Sturm declaring a notice of vacancy in Ward Four and Authorizing the City Clerk to publish notice regarding the same.

It was noted that the deadline for submitting written submittals will be December 14<sup>th</sup>.

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

Discussion continued on the recommendation of the LB840 Citizens Advisory Committee to approve a \$10,000 zero percent interest loan to the Wayne Music Boosters to be paid back over 10 years to be used to assist with purchasing new band uniforms for the Wayne High School Band. The Wayne Music Boosters, at the last Council meeting, advised the Council that they would like the amount changed to a \$5,000 grant. Council tabled the matter at the last meeting.

Karen Parker was present and advised the Council that the Music Boosters would not consider a loan.

Councilmember Sturm was concerned where it would stop if they would approve this grant for band uniforms. The other sports teams represent the schools and communities, too.

Mayor Chamberlain agreed that the City was opening themselves up for other organizations coming forward to ask for LB840 funds. The idea of supporting the band uniform fundraiser isn't something that any of the Council is against, but he does not feel that this is the right vehicle for financing the same.

Councilmember Frevert said he would be in favor of letting them use the auditorium at no cost for a fundraising event.

Councilmember Sturm made a motion and seconded by Councilmember Frevert denying the recommendation of the LB840 Citizens Advisory Committee for a \$10,000 zero percent loan to the Wayne Music Boosters to purchase band uniforms. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Joel Hansen, Zoning Administrator, and Brian Kesting, Information Technology Specialist, were present to review the proposal they received from GIS Workshop to covert the current CAD system over to ESRI. The proposal is for \$36,000 (Phase One). The annual maintenance fee would be \$4,000 and covers any future software upgrades. The present CAD system is very cumbersome. The ESRI software is a much more user friendly, but sophisticated, system. This is phase one of what they are proposing. Phase two would be to obtain equipment that would allow staff to go out and record

geographical data on where utilities and things such as street signs are located. Phase three of the process would be possibly to go on-line and do a web base application that would be available to the public. Mr. Kesting advised the Council that Phase One is the most expensive phase.

The original CAD system cost approximately \$120,000.

They are hoping Phase Two could be implemented fairly quickly so they can have the equipment to go out and do some mapping. The GIS Workshop will take our current data and incorporate it into the new system. Some other cities that have this system are Hastings, Fremont, Beatrice, Fairbury, Grand Island and York.

Councilmember Ley introduced Resolution No. 2010-92 and moved for its approval; Councilmember Sturm seconded.

#### RESOLUTION NO. 2010-92

A RESOLUTION ACCEPTING PROPOSAL AND AWARDED CONTRACT TO GIS WORKSHOP FOR THE CONVERSION OF THE CAD SYSTEM TO ESRI.

Mayor Chamberlain 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.

Joel Hansen, Building Inspector, explained to Council the need to amend sections of the Building Codes. Current code states that whenever there is a new version of the code published by the ICC, we will automatically adopt that edition of the code on January 1<sup>st</sup> of the year preceding the publication. Based on our current city ordinances, we have been operating under the 2009 International Codes. On January 1, 2011, we will

have to require sprinkler systems in residential structures if we do not amend our current code.

Our interlocal agreement with the City of Norfolk states that we will adopt the 2006 International Building Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2006 International Residential Code, and the 2006 International Property Maintenance Code prior to the execution of the agreement. It then states Wayne shall also adopt the same revisions or editions, as nearly as possible, considering the statutory differences between the respective parties. Steve Nordhues, who is also President of the Nebraska Code Officials Association, as well as the Norfolk Inspector, recommends that we go back and adopt the 2006 Codes.

The proposal is to bring an ordinance forward at the next meeting for Council consideration.

Councilmember Sturm made a motion and seconded by Councilmember Alexander directing staff to amend the ordinance to adopt the 2006 Codes and bring the same forward at the next meeting for Council consideration. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated that seven bids were received on the Kardell Sanitary Sewer Improvement Project, ranging from \$134,983.85 to \$206,872.00. Olsson Associates have reviewed the bids and are recommending that the project be awarded to the low bidder, Mark Albenesious of Sioux City, Iowa, in the amount of \$134,983.85.

This project will connect the Industrial Road sewer main and manhole to the existing city sewer main that comes in from Vintage Hills along North Centennial Road.

We will install a lift station at the intersection of Industrial Road and the old railroad ROW and build a 4” force main from there to a manhole behind the existing Kardell farmstead. This project and the Industrial Road sewer main are installed deep enough to extend a future gravity flow sewer main service south across Highway 35 and west along Chief’s Way.

Councilmember Alexander introduced Resolution No. 2010-93 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2010-93

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “KARDELL SANITARY SEWER IMPROVEMENT PROJECT.”

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

Administrator Johnson stated the following Resolution would authorize the new Mayor to sign all CDBG documents on behalf of the City of Wayne, which is pursuant to the guidelines of the Community Development Block Grant Program.

Councilmember Sturm introduced Resolution No. 2010-94 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-94

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO REQUEST COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

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

Administrator Johnson stated Council action is needed to authorize the new Mayor to sign checks drawn on the city's account at the State National Bank & Trust Company.

Councilmember Alexander introduced Resolution No. 2010-95 and moved for its approval; Councilmember Sturm seconded.

#### RESOLUTION NO. 2010-95

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN DOCUMENTS ON BEHALF OF THE CITY FOR FUNDS WITH STATE NATIONAL BANK & TRUST COMPANY OF WAYNE, NEBRASKA.

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

Administrator Johnson stated a pay request has been received from M.E. Collins Contracting Co., for the 2010 Downtown Sidewalk Replacement Project in the amount of \$203,785.92. The engineer on the project has approved the same.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving Pay Application No. 3 for the 2010 Downtown Sidewalk Replacement Project in the amount of \$203,785.92 for M.E. Collins Contracting Co., Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and seconded by Councilmember Ley approving the Change Order submitted by M.E. Collins Contracting, Co., Inc., for the ADA Ramps in the amount of \$4,579.00 on the 2010 Downtown Sidewalk Improvement Project.

The changes were at the request of the property owners.

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

Administrator Johnson stated a pay request has been received from Eriksen Construction Company for the Wastewater Treatment Plant Project in the amount of \$184,335.24. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Sturm approving Application for Payment No. 4 for the Wastewater Treatment Plant Project in the amount of \$184,335.24 for Eriksen Construction Company. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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

The first item of business was to appoint a chair person for the CDA.

Member Sturm made a motion to appoint Jon Haase as the CDA Chair and Member Alexander seconded. There being no further nominations from the floor, Chair Chamberlain called for roll call. The result of roll call being all Yeas, Chair Chamberlain declared the motion carried.

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

Chair Haase 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 November 16, 2010, meeting.

Member Sturm made a motion and seconded by Member Alexander approving the minutes of the November 16, 2010, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would approve the Windom Ridge Redevelopment Project (Louis Benscoter).

This Redevelopment Agreement was approved two years ago by the CDA and City Council to provide \$84,735 in Tax Increment Financing incentives for clearing the property at 814 Windom Street and to provide the infrastructure to construct a market rate 10-plex multi-unit rental housing project. The start of the project was delayed, and the developer has asked to amend the agreement to reset the start date in order to capture the full amount of years for the incremental new real estate property taxes that will be created from the new construction to be separated off to service the TIF bond for the project.

The Planning Commission reviewed the amended Redevelopment Plan and recommended that Council approve the same.

Administrator Johnson explained that if the clock is reset tonight, when the bonds and the check are issued to the developer, they will have to make a payment on that next year. If the developer does not have the building completed, they will have to make up the difference in the payment that is due. We do not issue any financing until the project starts or a start work order is issued. The last time we reset the clock on this project,

nothing started, so we did not issue any money. The legal costs for this have been and are the responsibility of the developer.

Member Ley left the meeting at 6:50 p.m.

Member Sturm introduced CDA Resolution No. 2010-4 and moved for its approval; Member Chamberlain seconded.

#### CDA RESOLUTION NO. 2010-4

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT.

If this would not be approved, the developer would miss one year of the taxes to pay off the loan.

Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

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

Mayor Chamberlain declared the time was at hand for the public hearing on the Amended Redevelopment Plan for the Windom Ridge Redevelopment Project.

Administrator Johnson stated this is just a rescheduling of the same project one year later so the developer can capture the entire 14 years of tax increment financing.

The Planning Commission has reviewed the Redevelopment Plan and recommends approval thereof.

Lou Bencoter, the owner of the property at 814 Windom Street, is applying for \$84,735.02 in tax increment financing to help with the construction of a replacement 10-unit rental apartment complex on the vacant property.

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

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

Councilmember Alexander introduced Resolution 2010-96, and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2010-96

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE; APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

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

Councilmember Frevert made a motion and seconded by Councilmember Van Delden setting the Council Retreat dates for Friday and Saturday, January 21 and 22, 2011. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion and seconded by Councilmember Berry appointing Ken Chamberlain as the City Representative to the Wayne Area Economic Development Board.

Councilmember Sturm suggested putting term limits on the City's representation to the Wayne Area Economic Development Board.

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

Mayor Chamberlain requested Council consideration to appointing Councilmember Haase to replace him on the Problem Resolution Team.

Councilmember Alexander made a motion and seconded by Councilmember Sturm approving the appointment of Jon Haase to replace Ken Chamberlain on the Problem Resolution Team. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion and seconded by Councilmember Frevert to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:59 p.m.

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## CLAIMS LISTING DECEMBER 21, 2010

AMAZON	BOOKS/CDS	238.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,184.21
APPEARA	LINEN & MATS	72.27
BAKER & TAYLOR BOOKS	BOOKS	276.03
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	195.00
BILL KAUP	ENERGY INCENTIVE	221.63
CITY EMPLOYEE	HEALTH REIMBURSEMENT	137.58
CARTRIDGE WORLD	TONER	365.98
CITY EMPLOYEE	HEALTH REIMBURSEMENT	30.80
CITY OF NORFOLK	ANALYSIS ON EFFLUENT	12.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	500.00
CITY OF WAYNE	DRIVEWAY DEPOSIT REFUND	500.00
CITY OF WAYNE	PAYROLL	58,707.36
CITY OF WAYNE	UTILITY REFUNDS	528.26
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
COPY WRITE PUBLISHING	UPS SERVICE/OFFICE SUPPLIES	528.64
CULLIGAN WATER OF NE	WATER FILTER RENTAL	43.95
DAKOTA BUSINESS SYSTEMS	COPIER EQUIPMENT LEASE	101.50
DE LAGE LANDEN FINANCIAL	COPIER EQUIPMENT LEASE	394.00
DUTTON-LAINSON COMPANY	BULBS	11.59
ED M FELD EQUIPMENT INC	VALVE	53.50
ERIC SCHOH	ENERGY INCENTIVE	600.00
ERIKSEN CONSTRUCTION CO,	TREATMENT PLANT	184,335.24
FLOOR MAINTENANCE	CLEANER/DISH SOAP	31.46
FREDRICKSON OIL CO	OIL	467.50
FRY, TERRY	ENERGY INCENTIVE	105.56
GENO'S STEAKHOUSE	APPRECIATION DINNER	2,526.83
CITY EMPLOYEE	HEALTH REIMBURSEMENT	28.18
HAWKINS, INC	HYDROFLUOSILICIC ACID	1,931.42
HDR ENGINEERING INC	COOLING TOWER ENGINEERING SERVICES	1,948.00
HEIMAN INC	HELMETS/WRENCH	631.85
HIRERIGHT SOLUTIONS INC	COLLECTION FEE	20.00
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,535.91
IRS	FEDERAL WITHHOLDING	19,505.28
JOHN'S WELDING AND TOOL	REPAIR SCRAPER ARM	1,035.99
CITY EMPLOYEE	HEALTH REIMBURSEMENT	197.38
KELLY MEYER	GRASS SEED/FLOWERS	827.75
KRIZ-DAVIS COMPANY	METER/ELECTRICAL COATING	307.75
KTCH AM/FM RADIO	CAC RADIO ADS	80.00
LERNER PUBLISHING GROUP	BOOKS	109.74
CITY EMPLOYEE	HEALTH REIMBURSEMENT	131.87
M.E. COLLINS	2010 SIDEWALK REPLACEMENT	203,785.92
MAIN STREET AUTO CARE	DOWNTOWN REVITILIZATION	3,675.00
MATT EISCHEID	DIG WATER/SEWER LINES	1,311.25
MICROFILM IMAGING SYSTEMS	DIGITIZE WAYNE HERALD	541.50

MIDWEST LABORATORIES, INC	BOD TESTING	787.33
MIDWEST TAPE LLC	AUDIO BOOKS	572.83
MIKE BARRY	ENERGY INCENTIVE	145.35
N.E. NEB ECONOMIC DEV DIS	DOWNTOWN REVITILIZATION	1,312.50
NE DEPT OF REVENUE	STATE WITHHOLDING	2,989.45
NE NEB AMERICAN RED CROSS	PAYROLL DEDUCTIONS	39.24
PAC N SAVE	VACUUM BELTS/CAC SUPPLIES	29.43
PAMIDA STORE # 165	PAPER TOWELS/KLEENEX/COFFEE MAKER	213.55
PEPSI-COLA	CAC POP	904.66
PRESTO X COMPANY	PEST CONTROL	77.20
CITY EMPLOYEE	HEALTH REIMBURSEMENT	99.45
PUSH-PEDAL-PULL	PMA/REPAIRS	1,343.58
QUILL CORPORATION	OFFICE SUPPLIES	112.63
QWEST	TELEPHONE CHARGES	441.08
RANDOM HOUSE	CDS	219.92
RON'S RADIO	INSTALL GRILL LIGHTS ON VEHICLE	54.95
ROURKE PUBLISHING LLC	BOOK	15.95
SPARKLING KLEAN	JANITORIAL SERVICES	1,432.85
STADIUM SPORTING GOODS	LIBRARY CLOTHING	282.82
STATE NATIONAL BANK	ELECTRIC REVE REF SERIES 2009	16,462.50
STEFFEN	HYDRAULIC CAP	29.73
THE FINAL TOUCH	SHADES	1,324.00
THE JOURNAL OF LIGHT	SUBSCRIPTION RENEWAL	59.95
UNITED WAY	UNITED WAY DEDUCTION	10.00
US BANK	AIRFARE/MEALS/POSTAGE/BALLAST/ETC	2,825.81
WAYNE AUTO PARTS	HEATER/FITTINGS/SWITCH/FILTERS ETC	626.54
WAYNE COMMUNITY HOUSING	LB 840	1,097.48
WAYNE COMMUNITY SCHOOLS	JAZZ CHOIR	100.00
WAYNE HOSPITALITY GROUP	LB 840 FUNDS	250,000.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	104.49
CITY EMPLOYEE	HEALTH REIMBURSEMENT	174.66

**ORDINANCE NO. 2010-29**

**AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF THE SIDE YARD UTILITY EASEMENTS LOCATED IN LOTS 8 AND 9, FAIRWAY ESTATES SUBDIVISION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.**

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

Section 1. The City of Wayne has received a request to release all of the 7' side-yard utility easements located in Lots 8 and 9, Fairway Estates Subdivision, to the City of Wayne, Wayne County, Nebraska.

Section 2. The City hereby releases and abandons all of the 7' side-yard utility easements in Lots 8 and 9, Fairway Estates Subdivision to the City of Wayne, Wayne County, Nebraska, and the Mayor is hereby authorized to execute the quitclaim deed to the current property owner to carry out said release and abandonment.

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

PASSED AND APPROVED this 21<sup>st</sup> day of December, 2010.

CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**ORDINANCE NO. 2010-30**

**AN ORDINANCE TO AMEND ARTICLE II BUILDING CODE, SECTIONS 18-41 ADOPTED BY REFERENCE AND 18-44 ENERGY CODE ADOPTED BY REFERENCE; ARTICLE III ELECTRICAL CODE, SECTION 18-81 ADOPTED BY REFERENCE; ARTICLE IV ONE AND TWO FAMILY DWELLING CODE, SECTION 18-151 ADOPTED BY REFERENCE; ARTICLE V PLUMBING CODE, SECTION 18-181 ADOPTED BY REFERENCE; ARTICLE VI UNSAFE BUILDINGS, SECTIONS 18-241 SPECIAL ASSESSMENTS AND 18-242 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE; AND ADDING ARTICLE IX HEATING, VENTILATION AND COOLING (HVAC), SECTION 18-209 ADOPTED BY REFERENCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

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

Section 1. That Article II Building Code, Section 18-41 of the Wayne Municipal Code is amended to read as follows:

**Sec. 18-41. Adopted by reference.**

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2006 International Building Code printed in book or pamphlet form, is incorporated by reference in addition to all amendments ~~or revised editions of the International Building Code~~ thereto as though printed in full in this section insofar as such code does not conflict with the state statutes. One copy of the code adopted in this section is on file at the office of the building inspector and is available for public inspection at any reasonable time. The provisions of the code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

Section 2. That Article II Building Code, Section 18-44 of the Wayne Municipal Code is amended to read as follows:

**Sec. 18-44. Energy code adopted by reference.**

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings and dwellings erected, constructed, enlarged, altered, repaired, relocated, and converted, relating to the exterior envelopes and selection of heating, ventilating, and air conditioning, service water

heating, electrical distribution, and illuminating systems and equipment required for the purpose of effective conservation of energy within a building or dwelling, the 2006 International Energy Conservation Code, (IECC), printed in book or pamphlet form, is incorporated by reference in addition to all amendments ~~or revised editions of the International Energy Conservation Code~~ printed in book or pamphlet form, is incorporated by reference as though printed in full in this section insofar as such code does not conflict with the state statutes. One copy of the code adopted in this section is on file in the office of the building inspector and is available for public inspection. The provisions of the code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

Section 3. That Article III Electrical Code, Section 18-81 of the Wayne Municipal Code is amended to read as follows:

**Sec. 18-81. Adopted by reference.**

To provide certain minimum standards, provisions and requirements for all electrical wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected on any building or structure, the ~~2005 2008~~ National Electrical Code, printed in book or pamphlet form, is incorporated by reference in addition to all amendments ~~or revised editions of the National Electric Code~~ thereto as though printed in full in this section, insofar as the code does not conflict with the state statutes. One copy of the National Electrical Code is on file in the office of the building inspector and is available for public inspection at any reasonable time. The National Electrical Code shall be controlling throughout the city and throughout its zoning jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

Section 4. That Article IV International Residential Code for One and Two Family Dwellings, Section 18-151 of the Wayne Municipal Code is amended to read as follows:

**ARTICLE IV.**

**INTERNATIONAL RESIDENTIAL CODE for ONE- AND TWO-FAMILY DWELLINGS**

**Sec. 18-151. Adopted by reference.**

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in houses erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2006 International Residential Code for One- and Two-Family Dwellings, printed in book or pamphlet form, is incorporated by reference ~~or revised editions of the International Residential Code for~~

~~One and Two Family Dwellings~~ as though printed in full in this section insofar as such code does not conflict with the state statutes. One copy of the code adopted in this section is on file at the office of the building inspector and is available for public inspection. The provisions of the code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

Section 5. That Article V Plumbing Code, Section 18-181 of the Wayne Municipal Code is amended to read as follows:

**Sec. 18-181. Adopted by reference.**

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing the 2006 International Plumbing Code, published in book or pamphlet form, is incorporated by reference in addition to all amendments ~~or revised editions of the International Plumbing Code~~ thereto as though printed in full in this section insofar as such code does not conflict with the state statutes. One copy of the code adopted in this section is on file at the office of the building inspector and is available for public inspection at any reasonable time. The provisions of the code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

Section 6. That Article VI Unsafe Buildings, Section 18-241 of the Wayne Municipal Code is amended to read as follows:

**Sec. 18-241. Special assessments.**

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the City to repair, rehabilitate, or demolish and remove a building or structure which is unsafe, or a public nuisance, or is in violation of the 2006 International Property Maintenance Code as adopted by Wayne Municipal Code, Sec. 18-242, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Council. The Council may levy the cost as a special assessment against the lot or real estate upon which the building or structure is located; which special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

Section 7. That Article VI Unsafe Buildings, Section 18-242 of the Wayne Municipal Code is amended to read as follows:

**Sec. 18-242. Property maintenance code adopted by reference.**

To provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, the 2006 International Property Maintenance Code, printed in book or pamphlet form is incorporated by reference in addition to all amendments ~~or revised editions of the International Property Maintenance Code~~ thereto as though printed in full in this section insofar as such code does not conflict with the state statutes. One copy of the code adopted in this section is on file at the office of the building inspector and is available for public inspection at any reasonable time. The provisions of the code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

Section 8. That Article IX Heating, Ventilation, and Cooling (HVAC) be added to read as follows:

#### ARTICLE IX. HEATING, VENTILATION, AND COOLING (HVAC)\*

Sec. 18-209. Adopted by reference.

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of HVAC equipment, the 2006 International Mechanical Code, published in book or pamphlet form, is incorporated by reference in addition to all amendments ~~or revised editions of the International Mechanical Code~~ thereto as though printed in full in this section insofar as such code does not conflict with the state statutes. One copy of the code adopted in this section is on file at the office of the building inspector and is available for public inspection at any reasonable time. The provisions of the code adopted in this section shall be controlling throughout the city and throughout its zoning jurisdiction. ~~Adopted code edition shall become effective January 1, of the calendar year following code publication.~~

The provisions of this article relating to HVAC Installers shall not apply to any public utility company

Section 9. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 10. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. This ordinance may be published in pamphlet form as authorized by law.

PASSED AND APPROVED this 21<sup>st</sup> day of December, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



**Economic Development  
Chamber ■ Main Street**

December 14, 2010

Lowell Johnson  
City Administrator  
306 Pearl Street  
PO Box 8  
Wayne, NE 68787

RE: Sales Tax Advisory Committee – recommendation for *Wayne Area Economic Development: Community Marketing* (\$10,000)

Dear Lowell,

The Sales Tax Advisory Committee met via email November 30 to December 1, and reviewed an application to Wayne’s Economic Development Program fund.

The committee recommended approving the request by *Wayne Area Economic Development* for Community Marketing as a grant for \$10,000. This would be in lieu of WAED making an administrative funding request for 2011. Community marketing includes the Wayne Works campaign, the continual business and industry marketing, and new marketing on the “green” power advantages for the industrial park.

Using its “LB 840 Application Review” matrix, the committee scored the project with the following: *Doesn’t Meet* scored 16; *Doesn’t Meet/Somewhat Meets* scored 1; *Somewhat Meets* scored 19; *Somewhat Meets/Meets* scored 2; and *Meets* scored 22. This scoring is used for deliberation only. The committee does not use a raw number threshold to recommend projects to the City Council.

Please convey this recommendation to the members of the City Council so necessary steps can be taken to complete the application process. Feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Blecke".

Wes Blecke  
Executive Director

**APPLICATION FOR WAYNE'S  
ECONOMIC DEVELOPMENT PROGRAM (WEDP) FUND**

Application Number:
Date Received

LB840 (form approved 073109) 2010

**PART I. GENERAL INFORMATION**

*TYPE OR PRINT ALL INFORMATION*

<b>1. APPLICANT IDENTIFICATION</b>			<b>2. PERSON PREPARING APPLICATION</b>		
Applicant Name	Wayne Area Economic Development		Name/Business	Chadd Frideres, Chair	
Mailing Address	108 W 3 <sup>rd</sup> St		Address	108 W 3 <sup>rd</sup> St	
Wayne	NE	68787	Wayne	NE	68787
(City)	(State)	(ZIP)	(City)	(State)	(Zip)
Telephone Number	375-2240		Telephone Number	375-2240	
Fax Number			Federal Tax ID # / SS#	20-3524694	
Federal Tax ID Number	20-3524694				
Email Address	<a href="mailto:info@waynetworks.org">info@waynetworks.org</a>		Email Address	<a href="mailto:info@waynetworks.org">info@waynetworks.org</a>	
<b>3. BUSINESS TYPE</b>			<b>5. FUNDING SOURCES</b>		
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other			WEDP Funds Requested    \$ 10,000 Matching Funds    \$ 10,000 Other Funds    \$ 18,500 Total Project Funds    \$ 38,500 <i>(Round amounts to the nearest hundred dollars.)</i>		
<b>4. ASSISTANCE TYPE REQUESTED</b>					
<input type="checkbox"/> Low interest loan <input type="checkbox"/> Interest buy down <input type="checkbox"/> Performance-based loan <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Other					

**6. PROGRAM SUMMARY:** Brief narrative description of the project for which WEDP funds are requested

WAED continues to market and promote the community through the Wayne Works and other campaigns, and the 20,000 sq ft speculative building. Marketing for 2011 will include continuing the aforementioned plus the Historic Downtown Commercial District, residential recruitment/workforce attraction, and an expansion of internal marketing concentrating on current property owners in the City of Wayne and building pride in calling Wayne home (to work, to live, to play). WAED will also start marketing the Industrial Park as "green powered" for business recruitment purposes. In 2011 Wayne Works commercials will be on Wayne and Norfolk cable and NOT KTIV Channel 4 and Yankton cable as in 2010.

**7. CERTIFYING OFFICIAL:** Chief Executive Officer or owner of applicant requesting WEDP funds.

To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This applicant will comply with all Federal, state, and local requirements governing the use of WEDP funds.

Chadd Frideres, WAED Chair

Signature in ink \_\_\_\_\_ Typed Name and Title \_\_\_\_\_ Date Signed \_\_\_\_\_

Wes Blecke, Executive Director

Attest \_\_\_\_\_ Typed Name and Title \_\_\_\_\_ Date Signed \_\_\_\_\_

**SUBMIT THE ORIGINAL AND ONE COPY (UNBOUND) OF THE ENTIRE APPLICATION TO:**

Wayne Economic Development Program Fund  
108 W 3<sup>rd</sup> St  
Wayne, NE 68787  
(402) 375-2240 Fax (402) 375-2246

**PART II. FUNDING SUMMARY**

**(Round amounts to the nearest hundred dollars.)**

<b>Eligible Activities</b>	<b>WEDP Funds</b>	<b>Matching Funds</b>	<b>Other Funds</b>	<b>Total Funds</b>	<b>Sources of Matching or Other Funds</b>
The purchase of real estate, options for such purchases, the renewal or extension of such options, and public works improvements					
Payments for salaries and support of City staff to implement the Program or for contracting of an outside entity to implement any part of the Program.					
Expenses for business and industry recruitment activities to locate or relocate a qualifying business into the area and for equity investment in a qualifying business.					
The authority to issue bonds pursuant to the act subject to City Council approval.					
Grants or agreements for job training.					
Small business and microenterprise development including expansion of existing businesses.					
Interest buy down agreements.					
Expand and promote Wayne through marketing, workforce attraction, and tourism related activities.	10,000	10,000	18,500	38,500	City of Wayne (matching), Wayne Area Economic Development (other)
Development of housing related programs to foster population growth.					
Activities to revitalize and encourage growth in the downtown area.					
May contribute to or create a revolving loan fund from which low interest or performance based loans will be made to qualifying entities on a match basis.					
Other approved activity					
<b>TOTAL PROGRAM COSTS</b>	<b>10,000</b>	<b>10,000</b>	<b>18,500</b>	<b>38,500</b>	

**APPLICANT CERTIFICATIONS**

- a. There are no legal actions underway or being contemplated that would significantly impact the capacity of this company to effectively proceed with the project; and to fulfill all WEDP requirements.

If benefiting business/organization is a proprietorship or partnership, sign below:

By: \_\_\_\_\_ Date: \_\_\_\_\_

If benefiting business/organization is a Corporation, sign below:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Attest \_\_\_\_\_  
 Wes Blecke/Executive Director  
 Typed Name/Title Date

**PART III. PROJECT DESCRIPTION AND IMPACT**

On separate sheets of paper, provide any additional information (such as jobs to be created, collateral assignments, community impact, etc.) and enclose with this application form.

Submit the original and one copy of the application form and all application materials.

DO NOT BIND, FOLD, OR STAPLE

**RESOLUTION NO. 2010-97**

**A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND NORTHEAST NEBRASKA PUBLIC HEALTH DEPARTMENT.**

WHEREAS, the Northeast Nebraska Public Health Department is in need of a “sub hub site” in the event of a State of Emergency declaration by the Governor of the State of Nebraska or other public health emergency; and

WHEREAS, it has been determined that the Wayne Fire Hall building would be able to accommodate the needs and serve the purpose for this “sub hub site”; and

WHEREAS, the Wayne City Council, in an effort to partner with Northeast Nebraska Public Health Department for said purpose, is desirous of entering into a Memorandum of Understanding to utilize the Wayne Fire Hall building for the purpose of setting up a “sub hub site” during a public health emergency event.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Memorandum of Understanding between the City of Wayne and Northeast Nebraska Public Health Department is hereby approved, and the City Administrator and/or Mayor is authorized and directed to execute said Memorandum of Understanding on behalf of the City.

PASSED AND APPROVED this 21<sup>st</sup> day of December, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

APPROVED AS TO FORM AND CONTENT:

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

MEMORANDUM OF UNDERSTANDING

Between

CITY OF WAYNE

And

NORTHEAST NEBRASKA PUBLIC HEALTH DEPARTMENT

In the event of a State of Emergency declaration by the Governor of the State of Nebraska activating a Mass Dispensing Clinic or other public health emergency as described in the Local Emergency Operation Plan (LEOP), the City of Wayne agrees to the following responsibilities:

The City of Wayne agrees to allow Northeast Nebraska Public Health Department to utilize the Volunteer Fire Department building for the purpose of setting up a Sub Hub Site during a public health emergency event.

- a. The Sub Hub site may be required because of terrorist threat with smallpox, plague, tularemia or others or a natural threat such as a severe pandemic flu outbreak or other public health emergency.
- b. The City of Wayne and Northeast Nebraska Public Health Department personnel will keep and share logs of expenses directly associated with the Sub Hub operation. Reimbursement guidelines which will guide reimbursement requests will be issued and directed by State and Federal authorities.

\_\_\_\_\_  
Signature of Director  
Northeast Nebraska Public Health Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of City Administrator  
City of Wayne

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Fire Chief

\_\_\_\_\_  
Date

December 8, 2010

Mayor and City Council  
C/o Mr. Lowell Johnson, City Administrator  
PO Box 8, 306 Pearl Street  
Wayne, NE 68787

Re: 2011 Electric Utility Revenue/Expense Update  
Project: Wayne Electric T/E # 8510

Honorable Mayor and City Council,

At the direction of the City Administrator, we have prepared an analysis of cash flow sufficiency for the electric department, which follows. Since we have done this analysis for several years, the formats will likely be familiar to staff and some councilmembers, and hopefully are straightforward in treatment of the factors driving any rate changes. While most of any rate change will be the result of increased purchased power costs, the impact of non-variable/operation costs is also considered as a matter of course.

### Summary

As they did last year, the Nebraska Public Power District (NPPD) and the Western Area Power Administration (WAPA) have both substantially increased costs and are expected to continue doing so in the foreseeable future. The City can either collect these increased expenses through the Production Cost Adjustment (PCA), or raise rates (which will raise the PCA base, thus reducing the PCA collection), both of which will have the same net effect on retail revenues. The remainder of any increase would be the result of operations, capital expense, transfers, etc., which are not related to the PCA. Both factors will have proportional impacts on the rates.

For reference, the changes in variable/operating expenses are as follows:

	<u>2010</u>	<u>Test Year</u>	<u>% Chg.</u>
Production (purchased power and operations):	\$3,788,341	4,281,550	+13.0
Distribution	485,922	541,460	+11.4
General/Administrative	532,364	622,540	+16.9

Both the Distribution and General/Administrative costs are basically from the budget numbers supplied by staff; purchased power costs are estimated separately. Estimated annual escalation is shown on line 37 of the proformas which follow. Production costs are estimated to increase as shown. A substantial depletion of reserves assumed to be made in FY 2011 for various capital projects is not estimated to recur in subsequent years, and In Lieu payments are estimated to remain at 8.5% of sales revenues for the Test Year and following years.

Based on the information presented here, we recommend the City increase retail electric rates by 6% for the upcoming year (2011), effective immediately, and consider further increases as necessary in subsequent years to offset inflation and normal operating expenses. This will be

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accompanied by a related increase in the PCA base. The details will be discussed briefly in the Proformas that follow.

#### **A. Proformas**

The following proforma (Table 1.01) summarizes revenues and expenses for both historic and projected periods. Historic data are presented in the upper half of the table and projected figures are in the lower half and include the Test Year (line 34).

The Test Year (basically fiscal 2011) includes capital outlay (column 'N') that is substantially larger than historic, for more immediate projects estimated to require funding within one year. This estimate is not shown in the proforma Test Year, per se, but is deducted from reserves, which deduction is subsequently reflected in the decreased interest income (column J). This expense includes what would otherwise be typical capital expense. Capital expenses in future years reflect what is considered to be an average requirement to maintain the distribution system and fund necessary improvements. By virtue of their atypical magnitude, It should be pointed out that FY 1996 and 1997 figures were partially offset by bond issues, but nonetheless bias the 17 year average shown on line 32.

In addition to production costs, in lieu of tax payments and capital expenses will obviously be major factors in any decisions regarding rates. In-lieu payments are estimated to be 8.5% of sales revenues, according to budget figures. Capital expense is estimated at \$1,163,000 in the Test Year (net after a federal grant of \$250,000) because of various system projects that require immediate attention and \$360,000/yr. in subsequent years. This is both substantially in line with the evaluations done previously, and average historic outlay.

Without any rate increases, net income (column 'O') for the Test Year is estimated to be (\$288,000), and increasingly negative for subsequent years. Debt service coverage drops below 1.25 (bond requirement) within one year and is insufficient to cover basic P/I payments thereafter. You will also note that under this scenario reserves would be completely depleted by 2017.

Table 1.01A assumes a 6% rate increase in the Test Year, and increases in following years that are estimated to both track inflation and maintain reserves at Test Year levels over a 5 year period, with a modest positive net over the 10 year period. Because Series 2003 bonds will be retired in 2015 total debt service (column 'K') is reduced as noted. Debt service coverage in this proforma case is sufficient throughout the period shown.

*We emphasize these tables are not meant to imply an ability to perfectly forecast what revenues and expenses will be several years in the future, but are meant to provide a planning tool, given the estimates as shown. Revenues and expenses appear to be in line with expectations at this point.*

## B. Wholesale Cost Changes

NPPD's costs are estimated to increase (based on FY 2010 actual loads and costs) by approximately 17.5% (10% if identical CY loads are simply run on both the 2010 and 2011 rates. *Note that a substantial negative wholesale PCA occurred in FY 2010, while none is anticipated for the Test Year, and that costs can easily change as a function of load*). This increase is comprised mostly of demand (rate) increases of 9.9% for the summer and 19.5% in the winter. Transmission rates remained essentially level. Energy rates increased by 1.4% (summer) and 13.9% (winter). It is assumed that transmission charges from NENPPD will not change from current.

WAPA has increased their rates by 12.5% and 14.1%, respectively, for capacity and energy. Pass-through transmission costs increased by 29.0%.

Together, these increases result in about a 15.9% increase in total wholesale power costs over FY 2010 actual, which in turn contributes to the increases noted above in Table 1.01A.

Actual fiscal 2010 and estimated Test Year purchased power costs are included, respectively, as Tables 1.02 and 1.02A.

Historically, average wholesale costs to the City have increased by 2.6%/yr. since 2002 and 6.0%/yr. since 2007, the composition of which is split between various changes in demand and energy charges.

*Again, we propose the City increase rates by 6% at this time, and anticipate possible modest increases for the next few years, given estimates as shown and that your wholesale suppliers will continue to increase their rates to the City on an annual basis. The latter can adequately be compensated for by continued collection of the PCA, but remaining costs may ultimately have to be offset by relatively small increases over the next few years. As usual, we recommend the City continue to monitor its utility finances and goals, as it has done in the past.*

Hopefully, this is the information you needed, but please call with any comments or questions you may have, at your convenience.

Respectfully,

Mike Towne  
Western Consulting

### Western Consulting

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# ELECTRIC SYSTEM PRO FORMA

Wayne, NE													\$0																																			
NEW DEBT:													6.00%																																			
REVENUE INCR:																																																
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49
INTEREST (%)																																																
TERM (YRS):																																																
INVEST. RATE:													2.00%																																			
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O																																		
Revenue and costs in dollars (\$)																																																
Sales Revenue	Change	%	Production Expense	Distrib. Expense	General/ Admin.	Total Oper. Expense	Operating Income	Net Misc. Income	Interest Income	Debt Service	In Lieu of tax Transfers	Debt Service Coverage	Capital Improve.	Net Cash Flow																																		
1994	2,190,445		1,729,768	255,094	159,128	2,123,990	66,455	410,184	211,625	0	121,870	NA	167,481	398,913																																		
1995	2,393,409	9.27%	1,983,459	269,018	231,192	2,483,669	(90,260)	405,240	288,252	9,509	160,512	63.44	328,328	104,883																																		
1996	2,985,552	24.74%	2,646,792	317,392	332,642	3,296,826	(311,274)	474,580	513,926	133,130	232,492	5.09	3,544,293	(3,232,683)																																		
1997	2,600,279	-12.90%	2,065,121	267,486	180,318	2,512,925	87,354	506,070	557,114	343,772	410,746	2.77	1,623,231	(1,427,211)																																		
1998	2,525,143	-2.89%	2,283,734	292,441	194,148	2,770,323	(245,180)	1,285,751	239,078	367,148	106,797	3.49	500,836	304,868																																		
1999	2,735,875	8.35%	2,213,567	297,441	222,952	2,733,960	1,915	645,213	289,302	348,733	190,464	2.69	153,466	243,767																																		
2000	3,041,652	11.18%	2,314,749	349,904	210,406	2,875,059	166,593	666,826	329,699	366,200	163,598	3.18	312,274	321,046																																		
2001	3,049,235	0.25%	2,517,638	338,910	279,341	3,155,889	(106,654)	650,496	342,252	345,573	368,046	2.56	510,959	(338,484)																																		
2002	3,399,183	11.48%	2,574,594	351,225	249,667	3,175,486	223,697	641,423	284,938	385,161	767,589	2.99	479,569	(482,261)																																		
2003	3,773,788	11.02%	2,899,265	364,533	284,730	3,548,328	223,260	690,887	248,959	443,507	266,104	2.63	245,953	209,542																																		
2004	3,937,424	4.34%	2,879,757	366,816	287,878	3,534,451	402,973	667,631	201,986	494,128	325,568	2.58	219,762	233,132																																		
2005	4,090,481	3.89%	2,996,425	402,178	375,984	3,774,587	315,894	664,507	220,679	455,706	435,933	2.76	355,564	(6,123)																																		
2006	4,538,276	10.95%	3,056,018	393,885	469,194	3,919,097	619,179	744,216	185,218	375,552	325,741	4.12	341,148	506,172																																		
2007	4,567,770	0.65%	2,820,743	428,142	505,157	3,754,042	813,728	907,286	266,257	380,993	383,605	5.22	285,123	937,550																																		
2008	4,787,897	4.82%	3,192,774	447,601	504,665	4,145,040	642,857	729,076	249,569	380,713	770,007	4.26	303,732	167,050																																		
2009	4,904,427	2.43%	3,375,379	484,603	548,551	4,408,533	495,894	657,155	161,923	245,775	476,098	5.35	161,541	431,558																																		
2010	5,124,458	4.49%	3,788,341	485,922	532,364	4,806,627	317,831	676,422	117,776	325,969	465,535	3.41	154,045	166,480																																		
Average:	6,662,200											Average:	568,665	(85,988)																																		
Test Year	5,432,000	6.00%	4,281,550	541,460	622,540	5,445,550	(13,550)	709,700	120,000	337,568	472,725	2.42	NOTE 3	5,858																																		
Hist. % Chg:	5.46		5.02	4.64	7.84	5.24		3.18	(3.60)		8.74																																					
Proj. % Chg:	1.00%		3.00%	3.00%	5.00%																																											
2012	5,815,000	6.00%	4,410,000	558,000	654,000	5,622,000	193,000	709,700	115,000	336,308	494,000	3.03	360,000	(172,608)																																		
2013	6,167,000	5.00%	4,542,000	575,000	687,000	5,804,000	363,000	709,700	111,000	339,095	524,000	3.49	360,000	(39,395)																																		
2014	6,540,000	5.00%	4,678,000	592,000	721,000	5,991,000	549,000	709,700	111,000	355,925	556,000	4.08	360,000	117,775																																		
2015	6,936,000	5.00%	4,818,000	610,000	757,000	6,185,000	751,000	709,700	113,000	332,170	590,000	4.74	360,000	291,530																																		
2016	7,005,000	0.00%	4,963,000	628,000	795,000	6,386,000	619,000	709,700	119,000	57,535	595,000	25.25	360,000	433,365																																		
2017	7,075,000	0.00%	5,112,000	647,000	835,000	6,594,000	481,000	709,700	128,000	55,468	601,000	23.77	360,000	302,233																																		
2018	7,146,000	0.00%	5,265,000	666,000	877,000	6,808,000	338,000	709,700	134,000	0	607,000	NA	360,000	214,700																																		
2019	7,217,000	0.00%	5,423,000	686,000	921,000	7,050,000	187,000	709,700	138,000	0	613,000	NA	360,000	61,700																																		
2020	7,289,000	0.00%	5,586,000	707,000	967,000	7,260,000	29,000	709,700	139,000	0	620,000	NA	360,000	(102,300)																																		
Average:	6,662,200											AVG:	360,000	111,486																																		

NOTES: 1. Interest income assumes that all net proceeds from operations are deposited in interest bearing accounts.  
 2. 1996 and 1997 capital improvements were offset by bond issues.  
 3. \$360,000 capital improvements are included in reserve draw-down of \$1.4M in the Test Year.

**TABLE 1.01 A**



**RESOLUTION NO. 2010-98**

**A RESOLUTION ESTABLISHING A SCHEDULE OF ELECTRICAL RATES TO BE CHARGED CUSTOMERS FOR ENERGY AND POWER FROM THE ELECTRIC DISTRIBUTION SYSTEM OF THE CITY; TO REPEAL CONFLICTING RATES AND SCHEDULES; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that pursuant to Section 82-83 (bb) Rates of the Wayne Municipal Code, the following schedule of rates to be charged customers for energy and power from the electric distribution system is hereby approved:

**RATES:**

**Summer Rates:**

The summer rates shall apply to the customer's use from the day meters are read for billing purposes in mid-May through the day meters are read for billing purposes in mid-September.

**Winter Rates:**

The winter rates shall apply to the customer's use from the day meters are read for billing purposes in mid-September through the day meters are read for billing purposes in mid-May.

**Terms and Conditions:**

1. Service will be furnished under the City’s General Terms and Conditions.
2. The rates set forth herein may be increased by the amount of any new or increased governmental tax imposed and levied on transmission, distribution, production, or sale of electrical power.

**SECTION I: RESIDENTIAL (ER)**

**A. Monthly rate for Summer Period:**

	<u>NET</u>	
Customer Service Charge, per month .....	<del>\$9.74</del>	<b>\$10.32</b>
Plus Energy Charge of:		
First 700 kWh, per kWh.....	<del>\$.08473</del>	<b>\$.08981</b>
Over 700 kWh, per kWh.....	<del>\$.08641</del>	<b>\$.09160</b>

**B. Monthly rate for Winter Period:**

	<u>NET</u>	
Customer Service Charge, per month .....	<del>\$9.74</del>	<b>\$10.32</b>
Plus Energy Charge of:		
First 700 kWh, per kWh.....	<del>\$.07637</del>	<b>\$.08095</b>
Over 700 kWh, per kWh.....	<del>\$.03638</del>	<b>\$.03856</b>

- C. Minimum Monthly Bill:  
The Customer Service Charge

SECTION II: GENERAL SERVICE (EC)

- A. Monthly rate for Summer Period:

	<u>NET</u>	
Customer Service Charge, per month .....	<del>\$20.79</del>	<b>\$22.04</b>
Plus Energy Charge of:		
First 1,300 kWh, per kWh.....	<del>\$.08781</del>	<b>\$.09308</b>
Over 1,300 kWh, per kWh.....	<del>\$.09115</del>	<b>\$.09662</b>

- B. Monthly Rate for Winter Period:

Customer Service Charge, per month .....	<del>\$20.79</del>	<b>\$22.04</b>
Plus Energy Charge of:		
First 1,300 kWh, per kWh.....	<del>\$.07948</del>	<b>\$.08425</b>
Over 1,300 kWh, per kWh.....	<del>\$.03812</del>	<b>\$.04041</b>

- C. Minimum Monthly Bill:

The Customer Service Charge, and for special installations, \$1.00 per kVA of requested transformer capacity.

In case of equipment having abnormally low utilization factors or unusual operating characteristics, special minimum charges may be prescribed by the City.

SECTION III: GENERAL SERVICE DEMAND (GSD)

- A. Monthly rate for Summer Period:

	<u>NET</u>	
Customer Service Charge, per month		
·Single phase .....	<del>\$27.79</del>	<b>\$29.46</b>
·Three phase .....	<del>\$34.24</del>	<b>\$36.29</b>

Demand Charge:  
 Per kW per month of billing demand.....~~\$13.28~~ **\$14.08**

Plus Energy Charge of:  
 For all usage, per kWh .....~~\$0.4458~~ **\$0.04726**

B. Monthly rate for Winter Period:

Customer Service Charge, per month  
 ·Single phase .....~~\$27.79~~ **\$29.46**  
 ·Three phase .....~~\$34.24~~ **\$36.29**

Demand Charge:  
 Per kW per month of billing demand.....~~\$6.16~~ **\$6.53**

Plus Energy Charge of:  
 For all usage, per kWh .....~~\$0.4458~~ **\$0.04726**

C. Minimum Monthly Bill:

Customer Service Charge, plus billing demand

D. Applicable: To any existing or new customers that have a peak demand of 50 kW for three consecutive months, but not exceeding 1,000 kW. For monitoring purposes, a demand meter may be installed by the City when the customer's demand is believed to exceed 25 kW. The customer will remain on this rate for a minimum of 12 months, once established.

E. Demand Meter: A demand meter may be installed by the City when the customer's demand is believed to exceed 25 kW. A demand meter shall be required for at least 12 months for customer's having metered demand of 100 kW or more.

F. Power Factor Adjustment: For loads of 100 kW or more, or at the option of the City for loads of less than 100 kW, power factor adjustments will be made in the billing demand, when the power factor, as determined by test, at the time of the customer's maximum use is less than 90%. If the power factor, as measured by the electric department, is lower than 90%, the monthly demand charge will be multiplied by the ratio 90% bears to the measured power factor, or at the City's option, the power factor may be corrected at the customer's expense. The adjusted measured demand then becomes a billing demand.

G. Billing Demand: The billing demand for any month shall be the adjusted measured demand, but not less than 60% of the highest summer month of the past 11 months.

- H. Primary Voltage Metering: Where service is taken under this rate schedule at a primary voltage, the following discounts shall apply.
- 4% of the total charge where metering is at primary voltage and transformers are owned by the customer.
  - 2% of the total charge where metering is at secondary voltage and transformers are owned by the customer.
  - 1% of the total charge where metering is at primary voltage and transformers are owned by the City.
- I. Applicable: All GSD customers will be reviewed annually in October to determine their status in this rate class. (Not applicable to resale, stored, or auxiliary service).

SECTION IV: SUPPLEMENTAL SERVICE (SS)

- A. Monthly rate for Summer Period:

	<u>NET</u>	
Customer Service Charge, per month .....	<del>\$51.69</del>	<b>\$54.79</b>
Demand Charge:		
Per kW of billing demand .....	<del>\$12.40</del>	<b>\$13.14</b>
Plus Energy Charge, per kWh:		
For all usage, per kWh .....	<del>\$.04847</del>	<b>\$.05138</b>

- B. Monthly rate for Winter Period:

Customer Service Charge, per month .....	<del>\$51.69</del>	<b>\$54.79</b>
Demand Charge:		
Per kW of billing demand .....	<del>\$6.72</del>	<b>\$7.12</b>
Plus Energy Charge, per kWh:		
For all usage, per kWh .....	<del>\$.04847</del>	<b>\$.05138</b>

- C. Minimum Monthly Bill:

The Customer Service Charge, plus billing demand charges.

- D. Power Factor Adjustment: For loads of 500 kW or more, or at the option of the City, power factor adjustments will be made in the billing demand, when the average power factor is less than 90%. If the average power factor, as determined by the electric department, is lower than 90%, the monthly demand charge will be multiplied by the ratio 90% bears to the average power factor, or at the City's option, the power factor may be corrected at the customer's expense. The adjusted measured demand then

becomes the billing demand.

- E. Billing Demand: The billing demand for any month shall be the adjusted measured demand, but not less than 60% of the highest summer month of the past 11 months.
- F. Primary Voltage Metering: Where service is taken under this rate schedule at a primary voltage, the following discounts shall apply.
- 4% of the total charge where metering is at primary voltage and transformers are owned by the customer.
  - 2% of the total charge where metering is at secondary voltage and transformers are owned by the customer.
  - 1% of the total charge where metering is at primary voltage and transformers are owned by the City.

#### SECTION V: LARGE POWER (LP)

- A. Monthly rate for Summer Period:

	<u>NET</u>	
Customer Service Charge, per month .....	<del>\$46.69</del>	<b>\$49.49</b>
Demand Charge:		
Per kW of billing demand .....	<del>\$15.57</del>	<b>\$16.50</b>
Plus Energy Charge, per kWh:		
For all usage, per kWh .....	<del>\$.03769</del>	<b>\$.03995</b>

- B. Monthly rate for Winter Period:

Customer Service Charge, per month .....	<del>\$46.69</del>	<b>\$49.49</b>
Demand Charge:		
Per kW of billing demand .....	<del>\$8.51</del>	<b>\$9.02</b>
Plus Energy Charge, per kWh:		
For all usage, per kWh .....	<del>\$.03769</del>	<b>\$.03995</b>

- C. Minimum Bill:

The Customer Service Charge, plus billing demand charges.

- D. Power Factor Adjustment: For loads of 1,000 kW or more, or at the option of the City, power factor adjustments will be made in the billing demand, when the power factor, as determined by test, at the time of the customer's maximum use is less than 90%. If the power factor, as measured by the electric department, is lower than 90%, the monthly demand charge will be multiplied by the ratio 90% bears to the measured

power factor, or at the City's option, the power factor may be corrected at the customer's expense. The adjusted measured demand then becomes a billing demand.

- E. Billing Demand: The billing demand for any month shall be the adjusted measured demand, but not less than 60% of the highest summer month of the past 11 months.
- F. Primary Voltage Metering: Where service is taken under this rate schedule at a primary voltage, the following discounts shall apply.
  - 4% of the total charge where metering is at primary voltage and transformers are owned by the customer.
  - 2% of the total charge where metering is at secondary voltage and transformers are owned by the customer.
  - 1% of the total charge where metering is at primary voltage and transformers are owned by the City.
- G. Applicable: All LP customers will be reviewed annually in October to determine their status in this rate class. (Not applicable to resale, stand-by, or auxiliary service).

SECTION VI: MUNICIPAL SERVICE (CC)

- A. Monthly Rate:

All kWh, per kWh.....~~\$ .08072~~ **\$ .08556**

- B. Available:

To any customer meeting City criteria for service under this schedule, and to any electrical load in which the City has the sole investment and interest. This rate shall be applicable to street lighting.

SECTION VII: DUSK-TO-DAWN LIGHTING

- A. Monthly Rate:

- 1. For installation on an existing pole and connected to existing secondary conductors on each pole:

Mercury Vapor <u>Luminaire</u> 175 watt	High Pressure <u>Sodium</u> 100 watt	Net <del>\$7.07</del> per unit <b>\$ 7.49</b>
---	--	--

<u>Mercury Vapor Luminaire</u>	<u>High Pressure Sodium</u>	<u>Net</u>	
175 watt	100 watt	<del>\$7.07</del> per unit	<b>\$ 7.49</b>
250 watt	150 watt	<del>\$9.16</del> per unit	<b>\$9.71</b>
400 watt	200 or 250 watt	<del>\$11.92</del> per unit	<b>\$12.64</b>
400 watt		<del>\$16.05</del> per unit	<b>\$17.01</b>

2. Where an extension of existing overhead facilities is required, and where such extension is acceptable to the City, the monthly rate shall be increased as follows:

	<u>Net</u>	
· each additional pole installed and	<del>\$1.51</del>	<b>\$1.60</b>
each additional span of secondary conductors installed	<del>\$1.04</del>	<b>\$1.10</b>

3. For installation on decorative metal poles, including secondary wiring:

<u>Mercury Vapor Luminaire</u>	<u>High Pressure Sodium</u>	<u>Net</u>	
175 watt	100 or 150 watt	<del>\$11.67</del> per unit	<b>\$12.37</b>
		9' to 11' poles	
175 watt	100 watt	<del>\$16.18</del> per unit	<b>\$17.15</b>
		18' to 22' poles	
250 watt	150 or 200 watt	<del>\$17.89</del> per unit	<b>\$18.96</b>
		18' to 22' poles	
400 watt	200 or 250 watt	<del>\$19.96</del> per unit	<b>\$21.16</b>
	24' to 30' poles		
	400 watt	<del>\$26.59</del> per unit	<b>\$28.19</b>
		30' to 40' poles	

SECTION VIII:  
POWER PROCUREMENT COST ADJUSTMENT (PCA)

- A. Power Procurement Cost Adjustment: All electrical usage in the Service Area may be subject to application of a Production Cost Adjustment (PCA). The rates, as defined above, include a Production Cost Base of ~~\$.05299~~ **.0624** (summer) and ~~\$.04097~~ **.05129** (winter).

Whenever the total monthly Production Cost exceeds, or is less than, the Production Cost Base, a Production Cost Adjustment may be included in the billing charges. The adjustment shall be calculated in accordance with the following formula and shall include a loss adjustment based upon the previous year's sales and purchases data.

PCA = Actual Average Monthly Cost x (1 + Loss Factor) - Base Cost

Production costs shall include all costs of purchased power and energy. The Loss Factor shall be equal to the difference, expressed as a fraction, between net system energy purchased for the previous year and annual retail sales for the same period.

BE IT FURTHER RESOLVED that the electrical rates established by Resolutions No. 83-17, 89-6, 92-48, 95-16, 95-22, 99-41, 2001-51, 2003-9, 2004-3, 2005-97, 2007-5, 2009-23, and 2009-104 are hereby revoked, canceled, and annulled on the effective date of this Resolution, and the schedule of rates herein established and fixed shall continue until changed, revoked, or modified by resolution.

BE IT FURTHER RESOLVED that the amendments made herein shall become effective upon the passage and approval hereof.

PASSED AND APPROVED this 21<sup>st</sup> day of December, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**RESOLUTION NO. 2010-99**

**A RESOLUTION APPROVING POLE USE AGREEMENT  
BETWEEN THE CITY OF WAYNE AND HUNTEL  
CABLEVISION.**

WHEREAS, the Wayne City Council is desirous of entering into a "Pole Use Agreement" with HunTel CableVision to use the City's utility poles to make attachments of their CATV facilities; and

WHEREAS, staff recommendation is to approve the said agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the "Pole Use Agreement" between the City of Wayne and HunTel CableVision, which is attached hereto, be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement on behalf of the City.

PASSED AND APPROVED this 21<sup>st</sup> day of December, 2010.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

## POLE USE AGREEMENT

THIS POLE USE AGREEMENT (the "Agreement") is made and entered into this \_\_\_day of December, 2010, by and between the City of Wayne, Nebraska (hereinafter designated as "Licensor") and HunTel CableVision, Inc. (hereinafter designated as "Licensee").

### WITNESSETH

1. Attachment.

(a) Licensor, for and in consideration of payment of the sum set forth in Paragraph 1(b), herein below, and the covenants hereinafter made by the Licensee, does hereby license the nonexclusive use to Licensee of the following described premises in the City of Wayne, State of Nebraska:

All utility poles owned by Licensor and utility poles owned by third parties to which Licensor is authorized to permit Licensee to make attachment of CATV facilities. Licensee shall be permitted to attach messengers, guy strands, aerial wires, cables, amplifiers, associated power supply equipment and other transmission apparatus necessary for the proper operation of Licensee's CATV system.

(b) Licensee shall pay to Licensor a pole attachment fee calculated as follows:

<u>Period</u>	<u>Rental Fee</u>
January 1, 2011 to December 31, 2015	\$9.00 per pole per year (payable in arrears in quarterly installments)
January 1, 2016 to December 31, 2020	\$10.00 per pole per year (payable in arrears in quarterly installments)
January 1, 2021 to End of Lease Term	\$11.00 per pole per year (payable arrears in quarterly installments)

2. Term. The term of this Agreement shall commence on the date hereof and shall terminate on the date the applicable franchise granted by Licensor to Licensee to operate and maintain a community cable television system shall terminate.

3. Specifications. Attachments shall at all times be in conformity with accepted modern methods and shall at all times conform to the requirements of the National Electrical Safety Code, 1997 Edition and subsequent revisions thereof, except where the lawful requirements of public authorities may be more stringent, in which case the latter will govern.

4. Termination. Licensee may terminate this Agreement upon one hundred eighty (180) days written notice to Licensor.

5. Assignment. Licensee may assign this Agreement, upon written notice to Licensor, to any party to which the CATV Franchise for Wayne has been transferred with the consent of the City of Wayne.

6. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of each of the parties hereto and their respective executors, administrators, heirs, legatees, successors and assigns.

7. Laws. This Agreement shall be interpreted in accordance with the laws of the State of Nebraska.

8. Amendment. This Agreement may not be modified, altered or amended in any manner except by an agreement in writing duly executed by the parties hereto.

IN WITNESS THEREOF, the parties hereto have hereunto set their hand the day and year first above written.

WITNESSES:

\_\_\_\_\_

LICENSOR:  
CITY OF WAYNE, NEBRASKA

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

LICENSEE:  
HUNTEL CABLEVISION, INC.

\_\_\_\_\_

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

**RESOLUTION 2010-100**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY HOUSING DEVELOPMENT CORPORATION AND **HABITAT FOR HUMANITY** TO ESTABLISH THE ENERGY SAVER PROGRAM AND PROVIDE FOR COST-SHARING USING A SET ASIDE OF CITY OF WAYNE ENERGY SAVING INCENTIVE FUNDS.**

THIS AGREEMENT is made and entered into by and between The City of Wayne, hereinafter called the "City" and Wayne Community Housing Development Corporation, hereinafter called "WCHDC", and **Habitat for Humanity**, which, on its effective date, are, or become, signatories hereto:

WITNESSETH THAT:

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

WHEREAS, it is the recognized responsibility of the WCHDC and **Habitat for Humanity** to provide and maintain a certain basic level of affordable housing and home owner education services for Wayne and the surrounding area; and

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

WHEREAS, these entities do agree that the solution to this problem lies in cooperative action; and

WHEREAS, it is the desire of the parties to participate in the joint use of information technology, energy saving practices, and joint resources.

NOW, THEREFORE, BE IT RESOLVED, that the City and WCHDC and **Habitat for Humanity** hereto agree to establish the following energy reduction program for the WCHDC and **Habitat for Humanity** New Construction and Purchase/Rehab/Resell Housing Programs:

1. The City will provide inspection and technical assistance for energy savings practices to WCHDC and **Habitat for Humanity** for the housing programs.
2. The City will set aside \$12,000 each year from the budgeted electric incentive funds for the Energy Saver Program.

3. WCHDC and **Habitat for Humanity** will provide the set aside incentive funds to owner occupied, LMI households for 50% cost-share, with a maximum of \$2,000 per house for the installation of any of the following energy saving practices to meet the 2006 National Energy Code for: attic insulation, attic ventilation, wall insulation, electric heat pumps, electric entrance boxes, thermal windows and large species shade trees planted on the lot.
4. The City will review applications for cost-share from WCHDC and **Habitat for Humanity** and will approve funding before any materials are purchased or any work begins on a house and will issue cost-share funds to WCHDC and **Habitat for Humanity** after review and approval of the invoice for the project, and the practices are inspected and approved by the City.
5. WCHDC and **Habitat for Humanity** will advertise and administer the Energy Saver Cost-Share Program.

PASSED AND APPROVED this 21<sup>st</sup> day of December, 2010

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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

**RESOLUTION 2010-101**

**A RESOLUTION AMENDING THE ENERGY INCENTIVE PROGRAM OF THE CITY OF WAYNE TO ESTABLISH AND FUND THE ENERGY SAVER PROGRAM AND PROVIDE FOR COST-SHARING USING A SET ASIDE OF CITY OF WAYNE ENERGY SAVING INCENTIVE FUNDS.**

WHEREAS, at their meeting on July 3, 2010, the City of Wayne amended the “City of Wayne Energy Incentive Program”; and

WHEREAS, it is the desire of the City Council to again amend said “City of Wayne Energy Incentive Program.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Wayne, Nebraska, hereby amend the “City of Wayne Energy Incentive Program” as follows:

1. In addition to the existing City of Wayne heat incentive program for heat pumps and permanently installed resistance electric heating equipment, the Energy Saver Program will allocate on a first come, first serve basis the set aside of City of Wayne heat incentive funds to City residential, commercial, and industrial utility customers at a 30% cost-share rate, with a maximum of \$500 per heat pump with a 15 SEER rating or equal to the latest U.S. Department of Energy SEER requirement for federal tax incentives and in the absence of a heat pump installation, a maximum of \$500 per property per year for the installation of the following energy saving practices: permanently installed radiant electric heat, attic insulation, non-power and powered attic ventilation, exterior wall insulation, electric heat pumps, thermal windows, **and Energy Star Qualified exterior doors..**
2. The City will receive applications for cost-share from utility customers and must approve funding before any equipment is purchased or any work begins.
3. The City will reimburse qualified applicants for the approved activities after the installation is inspected and approved by the City and a copy of the invoice for the approved work has been submitted.
4. The City will advertise and administer the Energy Incentive Program and Energy Saver Cost-Share Program.
5. The City will reimburse qualified applicants the sum of \$100 for undertaking an energy audit of their home or business by a certified energy auditor.
6. The City will provide an incentive of \$10.19 per installed kw to all commercial customers that design their facilities towards electric usage.

BE IT FURTHER RESOLVED, that the “City of Wayne Energy Incentive Program” which includes the “City of Wayne Energy Saver Program” shall approve and fund energy reduction projects for City owned property that will improve the energy efficiency of all City owned buildings, property, operations and services. Only those energy reduction projects will be approved that meet the criteria of the following payback formula:

The \$\$\$ cost of the energy reduction project \_\_\_\_\_ = 10 years or less.

The \$\$\$ annual expected energy savings \_\_\_\_\_

(based on projected utility rate 60 months into the future)

Once approved by the Council, the cash flow to pay for each energy saving project will be extended from the Electric Utility Fund. The cost of all energy saving projects must be paid back to the Fund from the savings in the following ten-year period.

PASSED AND APPROVED this 21<sup>st</sup> day of December, 2010.

THE CITY OF WAYNE, NEBRASKA

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

ATTEST:

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