

**AGENDA
CITY COUNCIL MEETING
August 16, 2011**

5:30 Call to Order

1. Approval of Minutes – July 26, 2011 and August 2, 2011

2. Approval of Claims

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

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.

3. Resolution 2011-63: Approving Interlocal Agreement with Wayne State College to Share Law Enforcement Resources

Background: This Resolution pertains to the agreement with Wayne State College regarding the sharing of law enforcement resources. The changes to the agreement are:

1. The hours desired by the College are reduced; and
2. The compensation has been reduced from \$42,000 to \$30,000 per year.

The term of this agreement is one year.

Recommendation: The recommendation of the City Administrator and Police Sergeant is to approve the agreement.

4. Resolution 2011-64: Directing the City Clerk to Certify Mowing Costs to the Wayne County Clerk and Wayne County Treasurer to Become a Lien on the W75' of the N150' of Lot 30, Taylor & Wachob's Addition to Wayne, Wayne County, Nebraska, more Commonly Described as 509 West First Street

Recommendation: The recommendation of the City Clerk and City Administrator is to approve the filing of this lien for the cost of work hired by the City to abate a violation of City Code after proper notice was given to the property owner.

5. Ordinance 2011-7: Amending Wayne Municipal Code, Section 90-836 Expiration of Exception Use Permits (Third and Final Reading)

6. Ordinance 2011-8: Amending Chapter 18, Article VI Unsafe Buildings (Third and Final Reading)

7. [Resolution 2011-59: Establishing One-Way and Two-Way Traffic in the City of Wayne](#)

Background: Staff met with neighbors of the Middle School Thursday night and explained the reasons/purpose for amending this resolution and the following ordinances. We will start doing this on a trial basis next week.

There is a request that we flip the one-way traffic signs down for the summer so that one-way traffic is during the school year only. If you so desire to do this, that will need to be amended into this Resolution.

Recommendation: The City Administrator is agreeable to this proposal.

8. [Ordinance 2011-9: Amending Chapter 78, Article III Parking, Sec. 78-132 Prohibited Parking; Southwest Quadrant of the City](#)

9. [Ordinance 2011-10: Amending Chapter 78, Article III Parking, Sec. 78-133 Restricted Parking 12:00 Midnight to 5:00 a.m.; Southwest Quadrant of the City of Wayne](#)

10. [Ordinance 2011-11: Amending Chapter 78, Article III Parking, Sec. 78-142 Restricted Parking from 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 5:00 p.m. Monday through Friday](#)

11. [Ordinance 2011-16: Amending Chapter 22 Businesses, Article II Occupation Taxes, Sec. 22-32 Alcoholic Liquors to Change the Amount of Occupation Taxes for Non-Profit Organizations — Request of Layne Beza on behalf of the Wayne Vet's Club](#)

Background: Class C liquor license holders pay a \$300 license fee, which is set by State Statute and established by the Liquor Control Commission. State Statute also allows cities to collect two times the amount of the fee as an occupation tax. We have been collecting an occupation tax of two times the license fee since at least 1983.

A request has been made to reduce the fee and occupation tax for non-profits. We do have the ability to reduce the occupation tax. Betty undertook a survey of other municipalities to see who has a reduced occupation tax for non-profits. That information is attached.

Recommendation: Staff recommendation is to reduce the occupation tax for non-profit Class C Liquor Licenses to \$150.

12. [Appointments:](#)

LB840 Sales Tax Advisory Committee (4-year terms)

-Curt Frye

-Kari Wren

-Don Buryanek

13. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

Wayne Airport Authority Meeting Minutes – July 11, 2011

July 26, 2011

The Wayne City Council met in special session at City Hall on Tuesday, July 26, 2011, at 5:30 P.M. Mayor Ken Chamberlain 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 Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson; City Clerk Betty McGuire; and Finance Director Nancy Braden.

Notice of the convening meeting was given in advance by posting in three places (City Hall, Auditorium and Library) on July 22, 2011, 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.

Discussion took place regarding the annexation of the property known as "Western Ridge Third Addition and Western Ridge First Addition."

Administrator Johnson advised the Council he had met with Glen Nichols and Brent Pick prior to this meeting. What is being proposed is for the cost of the sewer line going under the highway and the cost on the south side of Lot 1 be paid with TIF funds. The engineer has estimated the cost of the sewer line to be about \$18.00 per linear foot. Mr. Nichols' assessment would then be \$3,300 to \$3,500 for sewer.

Both Brent Pick and Glen Nichols were present.

Mayor Chamberlain noted that \$3,500 over a period of 10 years would amount to a payment of \$29 per month.

Wes Blecke, Director of WAED, was present and was asked if the LB 840 Sales Tax Advisory Committee could meet soon to consider an application for LB840 funds in

the amount of \$16,000 which could be used to pay for the cost of boring the sewer line under the highway for this project. Mr. Blecke suggested that the City be the applicant, and he would try to set up a meeting with the committee next week.

Glen Nichols was present and advised the Council that he did not want his assessment to be more than \$2,500 which he thought was a fair and reasonable amount. His opinion was that it is the other property owners who are benefiting from this, not him.

Councilmember Sturm stated that these improvements will probably increase the value of his property.

Joel Hansen, Building Inspector, advised the Council that if the Bomgaars relocation fell through, the water and sewer extensions would still have to be built because the subdivision was created and the subdivision agreement, which was approved at the last meeting, requires water and sewer to all lots.

Mr. Pick advised the Council and staff that if Bomgaars does not purchase the property, for that reason alone, the plat will not get signed and will never get filed. He is not paying for sewer and water to those lots without a purchaser to buy and pick up the tab for those improvements.

With regard to the LB840 funds, Councilmember Sturm stated he felt this would be a much better use of that money than some of the money that the LB840 money has been used for. He has no problem with the City using the sales tax funds to pay for getting the sewer across the highway.

Mayor Chamberlain stated another option the Council should probably look at is granting Mr. Nichols the difference between what he thinks is reasonable (\$2,500) and what the actual assessment might be so we can keep moving forward on this.

Councilmember Alexander was in favor of using LB840 funds to pay for the cost of getting the sewer across the highway. That would benefit all property owners in the district.

Mayor Chamberlain stated the purpose for discussing this matter this evening is to determine if there are other options available to reduce the cost/burden for Mr. Nichols. There being no further discussion, Mayor Chamberlain continued on to the next agenda item.

Councilmember Berry introduced Ordinance No. 2011-6, and moved for approval of the second reading thereof, and approving the restructuring of the assessments with TIF funds and making application for LB840 Funds; Councilmember Frevert seconded the motion.

ORDINANCE NO. 2011-6

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHWEST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

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

Nancy Braden, Finance Directed presented the proposed 2011-2012 budget.

Council reviewed the General Fund Revenue Sources and Expenditures along with the Utility Revenue Sources and Expenditures for the upcoming FY2011-2012 Budget.

State Aid was eliminated this year which reduced the City's revenue by about \$45,000; however, the Equalization Fund increased revenues by about \$50,000 this year.

The Equalization Fund is based on our valuation and what our tax levy is. If we would use sales tax for property tax reduction, the amount we would receive from this fund would be jeopardized.

A chart was prepared showing the expenditures vs. revenues in the General Fund over the past 12 years. In 2011, the expenditures were more than the revenue brought in for the first time during that timeframe. In 2012, the revenues will be equal to the expenditures in the General Fund. Both are due to the amount of legal fees that have been or will be expended in the Police Department.

Personnel wages were discussed. The budget proposes a merit increase with a 2% cost of living adjustment. It was noted that while the 2% cost of living adjustment is included in the budget, the Council can forego or reduce the percentage when the wage resolution is acted upon. A 2% cost of living adjustment affects the General Fund by about \$18,000; a 1% cost of living adjustment would affect it by about \$9,000. Whatever is not spent goes back into the General Fund Reserves.

The valuations will be received from the County Assessor's office on August 20th.

Discussion took place regarding whether or not to increase fees for rec programs for the use of the parks, fields, etc. The programs have been separated into different budget line items so that staff can better track the expenditures and revenues associated with each program.

Wes Blecke, Executive Director of Wayne Area Economic Development, presented their request for funding. Along with the monetary request of \$93,000, WAED was also requesting that the City continue to provide internet services to the office at no cost along with the technical support it currently provides; to allow WAED employees

access to the health care insurance (WAED pays premiums); and to fund the gap between the City's self-insured deductible and the plan's deductible for health care insurance.

The changes to the proposed budget included the following:

Expenditures:

- 10-507-21 City Administrator Telephone – reduce from \$1,700 to \$700.
- 10-522-24 Fire Contract Services (Ambulance) – reduce from \$15,000 to \$10,000.
- 10-542-20.02 Recreation - Hank Overin Field Utilities – reduce from \$9,000 to \$5,000.
- 10-544.20.03 CAC Utilities – reduce from \$64,500 to \$55,000.
- 10-551-83.00 Scissor Lift – Add \$6,950
- 10-561-83.01 Handi Van New/Replacement – increase \$2,00 to \$10,100.
- 10-590-98.05 Cash Reserves – Handi-van – decrease \$8000.00 to zero.
- 10-582.80.01 Hank Overin Restrooms – ADA – reduce from \$30,000 to \$10,000.
- 10-582-84.06 Swimming Pool Replacement – reduce from \$100,000 to \$75,000.

Revenues:

- 10-358.00 Trail Signage Grant – increase \$16,000
- 10-435.02 Transfer—Loan Electric for Sales Tax – decrease from \$250,000 to \$205,000

The net change to the General Fund Reserves was \$28,550.00

Preliminary discussion took place on the Recreation-Leisure/CAC Budget and changes to personnel. Council consensus was to continue this discussion at the next Council meeting.

Councilmember Sturm made a motion and seconded by Councilmember Alexander 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 9:45 p.m.

August 2, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, August 2, 2011, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Kathy Berry and Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Doug Sturm and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 21, 2011, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meeting of July 19, 2011, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

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

The following claims were presented to Council for their approval:

VARIOUS FUNDS: AMERICAN BROADBAND, SE, 330.00; AMERICAN PUBLIC POWER, FE, 981.32; AMERITAS, SE, 2322.39; APPEARA, SE, 27.09; ARNIE'S FORD-MERCURY, SE, 159.27; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 165.00; CITY EMPLOYEE, RE, 30.25; BLACK HILLS ENERGY, SE, 533.62; BOMGAARS, SU, 5.96; CITY EMPLOYEE, RE, 90.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 64150.15; CITY OF WAYNE, RE, 120.00; CITY OF WAYNE, RE, 519.86; COMMUNITY HEALTH, RE, 3.00; CREDIT MANAGEMENT, RE, 112.16; CITY EMPLOYEE, RE, 187.31; CITY EMPLOYEE, RE, 276.18; ECHTENKAMP, DOUGLAS, RE, 50.00; EGAN SUPPLY, SU, 64.21; ELECTRIC FIXTURE & SUPPLY, SU, 217.60; FIRST CONCORD GROUP, SE,

5696.48; FIRST NATIONAL INSURANCE, RE, 272.42; FLETCHER FARM SERVICE, SU, 630.00; FLOOR MAINTENANCE, SU, 524.21; FORT DEARBORN LIFE, SE, 1575.51; GENERAL SUPPLY AND SERVICE, SU, 27.65; GERHOLD CONCRETE, SU, 20.18; GOV'T FINANCE OFFICERS, FE, 170.00; GUARANTEE OIL, SU, 59.56; CITY EMPLOYEE, RE, 246.41; HAUFF MID-AMERICAN SPORTS, SU, 145.95; HAUGE ASSOCIATES, RE, 167.75; HAWKINS, INC, SU, 875.83; HD SUPPLY WATERWORKS, SU, 2711.74; CITY EMPLOYEE, RE, 43.15; CITY EMPLOYEE, RE, 552.95; ICMA, RE, 5642.29; IRS, TX, 21120.75; ITRON, SE, 3426.53; J & A TRAFFIC PRODUCTS, SU, 1272.00; M. LEE SMITH PUBLISHERS, SU, 387.00; MCGUIRE & NORBY, SE, 7978.94; MCKINNIS ROOFING, SE, 3300.00; MICROFILM IMAGING SYSTEMS, SE, 2004.69; MIDWEST OFFICE AUTOMATION, SE, 1051.19; NE DEPT OF REVENUE, TX, 3166.61; NNPPD, SE, 3188.96; OLSSON ASSOCIATES, SE, 455.00; CITY EMPLOYEE, RE, 158.97; PEOSTA CAMPUS LIBRARY, RE, 50.00; POLLARD PUMPING, SE, 935.00; POUTRE, GARRY, RE, 364.90; CITY EMPLOYEE, RE, 135.06; QUILL, SU, 154.86; QWEST, SE, 309.79; RANDY BELT, RE, 181.82; CITY EMPLOYEE, RE, 63.30; CITY EMPLOYEE, RE, 3367.81; STATE NATIONAL BANK, RE, 123.63; THE COFFEE SHOPPE, SU, 20.00; TURFWERKS, SU, 21.77; UNIVERSITY OF NE-LINCOLN, FE, 750.00; USA BLUE BOOK, SU, 171.59; UTILITIES SECTION, FE, 2122.50; VAN DIEST SUPPLY, SE, 127.40; VERIZON, SE, 196.69; VIAERO, SE, 138.18; WAYNE AUTO PARTS, SU, 20.82; WAYNE SENIOR CENTER, RE, 65.00; WESCO, SU, 479.25; WINNING FINISH, SE, 50.00; AMERICAN BROADBAND, SE, 1280.82; APPEARA, SE, 75.56; CITY EMPLOYEE, RE, 150.00; BELSON OUTDOORS, SU, 4769.00; BLACK HILLS ENERGY, SE, 103.24; CITY EMPLOYEE, RE, 181.54; CITY EMPLOYEE, RE, 90.60; CITY OF WAYNE, RE, 500.00; CONTINENTAL FIRE SPRINKLER, SE, 210.00; COPY WRITE, SU, 75.27; DE LAGE LANDEN FINANCIAL, SE, 77.00; DUTTON-LAINSON, SU, 182.76; ELECTRIC FIXTURE, SU, 184.39; ELLIS PLUMBING & HEATING, SE, 167.50; FLOOR MAINTENANCE, SU, 82.36; GILL HAULING, SE, 133.00; CITY OF WAYNE, RE, 74.87; HEIKES AUTOMOTIVE SERVICE, SE, 197.99; HOLIDAY INN OF KEARNEY, SE, 233.85; HTM SALES, SE, 280.88; JASON CAROLLO, SE, 210.00; KIRKHAM MICHAEL, SE, 3900.00; MATT PARROTT AND SONS, SU, 759.00; NORTHEAST EQUIPMENT, SU, 667.36; PAC N SAVE, SU, 129.12; CITY EMPLOYEE, RE, 829.41; QUILL, SU, 34.44; REHAB SYSTEMS, SU, 3203.30; VERIZON, SE, 101.24; WAYNE COUNTY CLERK, SE, 138.50; WAYNE HERALD, SE, 1093.00; WAYNE VETERINARY CLINIC, SE, 112.00; WESCO, SU, 494.16;

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

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public

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

Wes Blecke, Executive Director of Wayne Area Economic Development, provided the Council with the six-month LB 840 update.

Councilmember Alexander made a motion and seconded by Councilmember Frevert 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.

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, Kathy Berry and Jill Brodersen; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Doug Sturm and Kaki Ley.

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 June 7, 2011, meeting.

Member Chamberlain made a motion and seconded by Member Alexander approving the minutes of the June 7, 2011, 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 Resolution would approve the Redevelopment Plan/Contract for Bomgaars, Inc.

Administrator Johnson advised the Council there have been a few changes to the draft Redevelopment Plan/Contract that was approved by the Planning Commission and what was in the council packet. Those changes are as follows:

- The Redeveloper's name needs to be changed from "Bomgaars, Inc.", to "Fourth Generation Family Limited Partnership."
- The amount of the bond needs to be increased from \$200,000 to \$220,000; and
- It needs to be stated that we are going to use \$26,000 of LB840 Sales Tax Funds to pay for cost to bore the sewer line under Highway 35.

Bomgaars has advised that they will pay for Glen Nichols' assessment. In addition, the Meyers and Picks have about a \$6,000 allocation for future hook-up fees that mirror the other half of the road in this project for the sewer that was developed.

Member Chamberlain introduced CDA Resolution No. 2011-3 titled as follows and moved its passage and approval by the Agency with the recommended changes stated above:

CDA RESOLUTION NO. 2011-3

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN AMENDMENT FOR THE FOURTH GENERATION FAMILY LIMITED PARTNERSHIP PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS.

Member Frevert seconded the motion. On roll call vote, the following Agency Members voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Chamberlain, Berry and Brodersen. The following Members were absent or did not vote: Sturm and Ley.

The passage of CDA Resolution No. 2011-3, having been agreed upon by a majority of the Agency, the Chair declared CDA Resolution No. 2011-3 passed and, in

the presence of the Agency, signed and approved CDA Resolution No. 2011-3, and the Clerk attested to its passage by affixing her signature thereto.

Member Frevert made a motion and seconded by Member Alexander 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.

Councilmember Sturm arrived at 5:44 p.m.

The Mayor stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a resolution approving a redevelopment plan amendment for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”). The Clerk reported that notice of the public hearing had been published in the Wayne Herald on July 14, 2011, and July 21, 2011. The Clerk further reported that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: Wes Blecke, Executive Director of WAED, spoke in support of this Redevelopment Plan/Contract.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

Councilmember Frevert then introduced Resolution No. 2011-55 and moved for its passage and approval with the following changes:

- The Redeveloper's name being changed from Bomgaars, Inc., to "Fourth Generation Family Limited Partnership."
- The amount of the bond being changed from \$200,000 to \$220,000; and
- Inserting that \$26,000 of LB840 Sales Tax Funds will be used to pay for the cost to bore the sewer line under Highway 35.

RESOLUTION NO. 2011-55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS

Councilmember Haase seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Frevert, Van Delden, Haase, Alexander, Sturm, Berry and Brodersen. The following Councilmembers were absent or did not vote: Ley.

The passage of Resolution No. 2011-55 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2011-55 passed and, in the presence of the Council, signed and approved Resolution No. 2011-55. The Clerk attested to the passage of Resolution No. 2011-55 by signing the same and affixing the seal of the City to Resolution No. 2011-55.

Councilmember Sturm introduced Ordinance No. 2011-6, and moved for approval of the third and final reading thereof; Councilmember Berry then seconded the motion.

ORDINANCE NO. 2011-6

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WAYNE AND EXTENDING THE CORPORATE LIMITS IN THE NORTHWEST QUADRANT OF THE CITY OF WAYNE TO INCLUDE SAID REAL ESTATE.

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 Resolutions and Ordinances pertain to the street, water and sanitary sewer improvements to be made in Western Ridge Third Addition. It was noted that the plans and specifications have not yet been received from the engineers on the project. The Resolutions will confirm the hiring of Advanced Consulting Engineering Services and the Ordinances will create the districts. The cost estimate for the sanitary sewer improvements is \$75,000. The cost estimate for the water improvements is \$80,000.

Councilmember Frevert introduced Resolution No. 2011-56 and moved for its approval and striking the wording pertaining to approval of the plans and specifications; Councilmember Van Delden seconded.

RESOLUTION NO. 2011-56

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN SANITARY SEWER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Frevert introduced Resolution No. 2011-57 and moved for its approval and striking the wording pertaining to approval of the plans and specifications; Councilmember Alexander seconded.

RESOLUTION NO. 2011-57

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN

WATER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA.

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

Councilmember Sturm introduced Ordinance No. 2011-12, and moved for its approval; Councilmember Frevert seconded.

ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2011-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN

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 Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2011-12. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2011-13, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2011-13

AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 2011-1 OF THE CITY OF WAYNE, NEBRASKA; ESTABLISHING THE

OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF SANITARY SEWER MAINS AND SANITARY SEWER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

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 Councilmember Frevert seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2011-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2011-14, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2011-14

AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 2011-1 OF THE CITY OF WAYNE, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF WATER MAINS AND WATER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE CITY'S CONSULTING ENGINEERS IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

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 Councilmember Alexander seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Alexander seconded to move for final approval of Ordinance No. 2011-14. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated that at the last Council meeting, the Council approved a "Memorandum of Understanding" with Bomgaars regarding the intent of both parties to execute a Redevelopment Contract with the Community Development Agency to help finance the infrastructure improvements needed for the development of Lot 1, Western Ridge Third Addition. This must be acted upon again due to the fact that the name is changing from Bomgaars, Inc., to Fourth Generation Family Limited Partnership.

Councilmember Brodersen introduced Resolution No. 2011-58 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-58

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND FOURTH GENERATION FAMILY LIMITED PARTNERSHIP TO COMPLETE A TAX INCREMENT FINANCING AGREEMENT.

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

Councilmember Sturm introduced Ordinance No. 2011-7, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2011-7

AN ORDINANCE TO AMEND CHAPTER 90, ARTICLE XI EXCEPTIONS AND CONDITIONAL USES, SECTION 90-836 EXPIRATION OF EXCEPTION USE PERMITS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Joel Hansen, Building Inspector, stated the following Ordinance is essentially readopting the 2006 Property Maintenance Code. This will give the City the opportunity to enforce a condemnation against both the property owner and the owner upon which the property sets. In addition, the ordinance will institute a fine system of not less than \$500 per day against the property owner which will help the City recover some of its costs if they have to abate the nuisance.

Councilmember Alexander introduced Ordinance No. 2011-8, and moved for approval of the second reading thereof; Councilmember Sturm seconded.

ORDINANCE NO. 2011-8

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE VI UNSAFE BUILDINGS, BY AMENDING SECTION 18-242 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE; AND BY ADDING SECTIONS 18-243 CONFLICTS, 18-244 ADDITIONS, INSERTIONS AND CHANGES, AND 18-245 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Joel Hansen, Certified Street Superintendent, stated the following Resolution and Ordinances pertain to controlling the parking and traffic flow around the Middle School due to the significant building and operational changes that will be occurring this fall. The Resolution would change Douglas Street to one-way traffic south bound between Third and Fourth Streets and Sherman Street to one-way traffic north bound between Third and Fourth Streets. Ordinance 2011-9 would shift the “no parking” from the east side of Sherman Street across from the Middle School to the west side. Ordinance 2011-10 would shift the daytime parking from the west side of Sherman Street across from the Middle School to the east side, except for bus loading and unloading times before and after school. Ordinance 2011-11 would establish student loading and unloading zones on the east side of Sherman Street and the west side of Douglas Street along the Middle School property.

Mr. Hansen stated that city staff and school staff have discussed the proposed changes. He noted that to the best of his knowledge, no one from the City has approached any of the residents affected by these changes.

Travis Meyer, Maintenance Supervisor of Wayne Community Schools, stated that to the best of his knowledge, the School has not contacted any of the property owners either. Mr. Meyer stated the school would be sending a letter to the parents notifying them of the changes in the parking and traffic control.

City staff will send a letter to those property owners around the perimeter of the Middle School noting a date and time to meet to discuss the proposed changes in traffic flow and parking.

Councilmember Sturm made a motion and seconded by Councilmember Alexander to table action on Agenda Items 16, 17, 18, and 19 (Resolution 2011-59, Ordinance Nos. 2011-9, 2011-10 and 2011-11) until City staff has met with the property owners concerning the proposed changes. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve an agreement which will join Wayne with other Nebraska First Class Cities and NDOR to substitute State funding for direct Federal funding when allocating Surface Transportation Program (STP) funds to cities for local street projects. The benefit to cities is that this replacement State funding will have much less environmental and procurement requirements attached. The downside for cities is that NDOR will retain 20% of the funding level in-house to be used at the State level, and the funding will not be prorated out to cities as in the past. Instead, each city will submit street projects for State STP funding on a competitive basis. We can either compete for NDOR STP street project funding at large with all large and small cities and counties in Nebraska, or we can approve this agreement and compete for funding with only First Class Cities and have a larger set aside pool of funding per capita.

Joel Hansen, Certified Street Superintendent, stated that while we will lose 20% of the funds, we will gain back two years on a project. The construction savings alone will probably make up for that 20%.

Councilmember Alexander introduced Resolution No. 2011-60 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-60

A RESOLUTION APPROVING THE FEDERAL FUNDS PURCHASE PROGRAM AGREEMENT.

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 amend the Wage and Salary Schedule to move the Recreation-Leisure Services Director from an exemption status salary position to an hourly position – Labor Grade 16.

Councilmember Sturm made a motion to table action on this Resolution because he wanted to discuss this position during the budget work session this evening. Councilmember Alexander seconded the motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yes, the Mayor declared the motion carried.

Gene Hansen, Superintendent of Electric Production, stated the following Resolution would approve the engineering services agreement with Olsson Associates to design, bid out, and monitor the installation of the silencers and catalytic converters for the power plant engines to comply with the new EPA RICE air quality standards.

Councilmember Alexander introduced Resolution No. 2011-62 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2011-62

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE RICE NESHAP COMPLIANCE PROJECT.

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 Co. for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project in the amount of \$577,509.44. The engineer on the project has approved the same.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase approving Application for Payment No. 12 for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project, in the amount of \$577,509.44 to Eriksen Construction Co.

Garry Poutre, Superintendent of Public Works & Utilities, updated the Council on the project. They are on track with bringing the system on line the week of September 5th.

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

Administrator Johnson stated Kelby Herman has requested an undetermined length of time to defer his sewer hook-up requirements after his property has been annexed. The Subdivision Agreement for his property calls for the sewer to be hooked up to city services whenever the property is annexed. The Subdivision Agreement that the Council approved for Western Ridge Third Addition allows three years to hook up to the city's sewer system. If the Council wants to have some consistency and allow Mr. Herman three years to hook-up to the City's sewer system, that would be fine. Mr. Herman wanted the option of not having to hook up to the City's sewer system until his septic system went bad. That is not a well-defined time to allow. Cities do have a right to not have septic systems within the city limits.

Councilmember Frevert made a motion, which was seconded by Councilmember Sturm, allowing Kelby Herman up to three years from this date to hook-up to the city's sewer system. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Marlen Chinn, Police Sergeant, advised the Council that because the turkey vultures have been causing damage to the radio tower, he contacted the USDA Game & Parks Commission for assistance. They advised him that they could not do anything without having an ordinance or resolution in place that would allow them to discharge a firearm within city limits. The amendment to the proposed ordinance would allow any licensed pest control company/person with the USDA who are not considered law enforcement people to come in and dispose of any animals that are either causing damage to property or are a nuisance to the public. These birds are considered migratory by the Game and Parks Commission, and they would not allow the police department to dispose of them on their own.

Brian Kesting, Technology Support Specialist, stated he has already had about \$2,000 in damage on just his equipment from these birds.

Sergeant Chinn also stated they are experiencing some problems with the radios in the police department. The repair company in Sioux City is trying to determine if it's an internal problem or whether the tower has been damaged from the birds.

Attorney Dahl stated there is a redundancy in the wording in Paragraph 3 (b) that needs to be deleted – “when such control is necessary”.

Councilmember Frevert introduced Ordinance No. 2011-15, and moved for its approval with the words “when such control is necessary” being stricken in Paragraph 3 (b); Councilmember Sturm seconded.

ORDINANCE NO. 2011-15

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE BY AMENDING SECTION 58-131 RELATING TO THE DISCHARGE OF FIREARMS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Sturm made a motion and Councilmember Frevert seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Sergeant Chinn stated that the Game and Parks Commission supplied the police department with some M-80 type devices that are fired from a shotgun. They have gone through a case of those. Evidently, the birds get used to it. Four rounds were fired within approximately 15 minutes. Three of the four rounds did not have any affect on the birds. The birds flew away after the fourth round.

The Game and Parks Commission has several non-lethal means that they are willing to try first before having to dispose of the birds. They were shocked to know that there have been 20-25 birds on the tower. Usually the birds divide up.

Councilmember Alexander made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2011-15. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, Executive Director of WAED, was present and advised the Council that the Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The Committee recommended approving the request by the City of Wayne for assistance with the sewer project in the Western Ridge Third Addition for \$26,000. The recommended terms includes a grant to the City in this amount from the Wayne Economic Development Program Fund.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the recommendation of the LB840 Sales Tax Advisory Committee to approve a grant in the amount of \$26,000 to the City of Wayne for assistance with the sewer project in the Western Ridge Third Addition. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Additional discussion took place on the following budget proposals;

- Fogging streets/alleys to control bugs/mosquitoes; and
- Community Activity Center Director Position.

Nancy Braden, Finance Director, reviewed the changes that were made at the initial budget work session. The net effect is General Fund Reserves would increase by \$28,550.00. If the Council would hire a full-time person in charge of both the Community Center and the Recreation Department, the General Fund Reserve would decrease by \$21,407.76.

Mayor Chamberlain would like to see this matter go to the Recreation Leisure Services Commission for their input. He would like to see one person in charge of the recreation and the activity center, whether it is part-time or full-time, and then have separate program directors in charge of individual programs. They would be in charge of lining up their coaches and educating them. That program director can work with

coaches from the school, etc., to find out what they should be teaching their coaches for certain age groups. Then, when that program director's program is not in season, then they would be working the front desk.

Councilmember Sturm suggested hiring one person to be in charge of everything and then it is up to him/her to hire who he/she wants, but he/she will be responsible for everything. This person would get volunteer coaches. He would then run through a program or an outline of what we want to teach these kids at different levels. He would then oversee that just like he would oversee the activity center. Then when football comes, he hires the coaches and then he has to directly oversee that. He wants to see some of the age groups cut out of the rec program. He thinks Hank Overin Field has been under utilized for 20 years. This way, when there is a problem, you go to one person. In addition, we need to make a set of rules that governs everybody. He thinks it has been run haphazard for a while. He also thought we needed to tap into the resources at the college. If we can get a strong leader, there is a lot of potential out there for good programs.

Councilmember Alexander thought there would be quite a bit of turnover by using college students, and then that becomes a job of having to train those students over and over every semester. It might be a benefit and it might look like a benefit, but when you have to spend half your day training those people on what you want them to do, and then three months later they are gone and you have to do it all over again, is it really a benefit? It's a good theory, but putting it into practice, he thought was the difficult part. There are very few Hank Overins, Kelly Flynnns and Paul Eatons, and are they going to come here for \$10 an hour?

Councilmember Sturm wanted to make a strong job description and throw it out there and see if we can find someone. If we can't find any applicants, we can go back to what we have now.

Councilmember Alexander agreed with the idea of finding one person to be in charge – that's the way it needs to be run, and then assign people certain programs and then follow through and follow-up to make sure they are meeting that Director's expectations.

Mayor Chamberlain stated he would like this to go back to the Recreation Leisure Services Commission to get their input. Since the Commission normally doesn't meet during the summer, they will be sent a letter/e-mail to see if they can meet to discuss this matter. He has visited with Courtney Preston at the CAC about contacting the Commission to set up a time to meet.

Council consensus was to table the discussion on the Community Activity Center Director's position and to end discussion concerning the fogging of streets/alleys for mosquitoes/bugs.

No action was taken on Agenda No. 28 – Action to Approve Budget Proposal and Set Public Hearing Date. The hearing, however, will be set for September 6th. Changes can be made to the budget up until the time of that public hearing. The Finance Director was directed to put the CAC Director's position in the budget as full-time.

Councilmember Sturm stated, as tight as the budget is, he thought the Administrator should be given the authority to tell people no if they come to the City for money. He thought it was funny that the Council/City can say no raises for employees, but yet, we will give \$2,000 here and \$5,000 there, etc.

Ms. Braden stated the cost of living increase is in this budget; however, when the wage resolution is set in January, the Council can set the same from 0-2%.

Councilmember Alexander made a motion and seconded by Councilmember Haase to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:18 p.m.

CLAIMS LISTING AUGUST 16, 2011

CITY EMPLOYEE	SWIM SUIT REIMBURSEMENT	50.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,391.32
APPEARA	LINEN & MAT SERVICE	77.44
ARCADIAN MARKSMANSHIP	MEMBERSHIP DUES	100.00
AXELS AND GEARS, INC	PUMP	319.67
BAKER & TAYLOR BOOKS	BOOKS	637.15
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	118.71
BROWN SUPPLY CO	AIRPORT BACKFLOW PREVENTOR	827.84
BROWN TRAFFIC PRODUCTS	LED LIGHTS	255.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	225.89
CHAD BRUNS	ENERGY INCENTIVE	500.00
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	200.00
CITY OF WAYNE	BUILDING DEPOSIT REFUNDS	800.00
CITY OF WAYNE	PAYROLL	60,561.35
CITY OF WAYNE	UTILITY REFUNDS	859.12
CLAUSSEN & SONS IRRIG.	BASEBALL FIELD IRRIGATION REPAIRS	207.65
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CREDIT MANAGEMENT	PAYROLL DEDUCTION	112.16
DAVE'S UNIFORM	POLICE UNIFORM CLEANING	66.00
DEMCO INC	BOOK REPAIR SUPPLIES	928.48
DOBSON BROTHERS CO	INDUSTRIAL STREET PAVING	66,615.32
DUTTON-LAINSON COMPANY	COPPER WIRE/PHOTO CONTROL	433.57
EGAN SUPPLY CO	VACUUM BAGS	30.25
EMPLOYERS MUTUAL CASUALTY	WORK COMP	144.00
ENERGY FEDERATION, INC.	CFL ENERGY WISE LIGHTS	1,831.12
ERIKSEN CONSTRUCTION CO,	WWTP	577,509.44
FASTENAL CO	BOLTS/WASHERS	309.41
FLOOR MAINTENANCE	SPONGES/GLOVES	63.00
FREDRICKSON OIL CO	MOWER TIRE	68.90
FRIESEN CHEVROLET, INC	HEAD LIGHT	207.61
GERHOLD CONCRETE CO INC.	CONCRETE	41.00
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	77.41
HARDING & SHULTZ P.C. L.L	ATTORNEY FEES	12,433.25
HAUGE ASSOCIATES, INC.	PAYROLL DEDUCTION	167.75
HAWKINS, INC	FLUORIDE	2,357.74
CITY EMPLOYEE	HEALTH REIMBURSEMENT	28.25
CITY EMPLOYEE	HEALTH REIMBURSEMENT	30.99
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,642.29
INGRAM BOOK COMPANY	BOOKS	243.33
IRS	FEDERAL WITHHOLDING	18,508.52
JEO CONSULTING GROUP	WELLHEAD PROTECTION	1,293.26
JOHN'S WELDING AND TOOL	STORM SEWER COVERS	356.44
CITY EMPLOYEE	HEALTH/VISION REIMBURSEMENT	502.09
KTCH AM/FM RADIO	RADIO ADS	525.00
LANGEMEIER, WAYNE	MOWING/ALLEY CLEAN UP	375.00

MAIN STREET AUTO CARE	TOWING	60.00
MCKINNIS ROOFING	REPAIR N.W. DRAIN POWER PLANT	484.16
MIDLAND EQUIPMENT INC	MOWER BELT	143.98
MIDWEST LABORATORIES, INC	BOD TESTING	73.55
MOORE WALLACE	GUN APPLICATIONS/CERTIFICATION	79.73
NE DEPT OF REVENUE	STATE WITHHOLDING	2,743.98
NE DEPT OF ROADS	RIGHT OF WAY-WESTERN HEIGHTS	500.00
NE LIBRARY COMMISSION	CAT EXPRESS	1,287.00
NORFOLK CHAMBER	SEMINAR-MANAGERS	258.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY	12,046.62
NORTHSTAR SERVICES	LIGHTING EFFICIENCY	10.00
OCLC, INC	ANNUAL SUBSCRIPTIONS	101.78
PAMIDA STORE # 165	BLEACH/GLOVES/COFFEE/BAGS ETC	375.41
PAPER 101	50 CASES OF PAPER	1,297.00
PEPSI-COLA	CAC POP	114.10
PETERSON INDUSTRIAL ENGINE	BEARING SENSOR ON UNIT 5	8,512.00
PIEPER, MILLER & DAHL	ATTORNEY FEES	2,099.00
PLUNKETT'S PEST CONTROL	PEST CONTROL	185.12
PRESTO X COMPANY	PEST CONTROL	119.15
CITY EMPLOYEE	HEALTH REIMBURSEMENT	79.40
PROVIDENCE MEDICAL CENTER	LIGHTING EFFICIENCY	1,624.00
RON'S RADIO	ANTENNA REPLACEMENT	463.00
SAYRE ANDERSON	ENERGY INCENTIVE	464.67
CITY EMPLOYEE	HEALTH REIMBURSEMENT	2,600.12
SPARKLING KLEAN	JANITORIAL SERVICES	1,311.10
STATE NATIONAL BANK	ACH FEES	50.26
STATE NATIONAL BANK	PETTY CASH	383.15
CITY EMPLOYEE	HEALTH REIMBURSEMENT	4,480.33
TERRACON CONSULTANTS INC	WWTP	879.00
ULTRAMAX AMMUNITION	AMMUNITION	1,194.00
UNITED WAY	PAYROLL DEDUCTION	10.00
US BANK	MEALS/LODGING/AIRFARE/DUES ETC	5,172.75
VOSS LIGHTING	LIGHT BULBS	36.00
WAYNE AIRPORT	AIRPORT RUNWAY RECONSTRUCTION	100,000.00
WAYNE AREA ECONOMIC DEVEL	AUGUST 2011 CONTRIBUTION	6,522.33
WAYNE COMMUNITY SCHOOLS	PARKING TICKETS	2,306.00
WAYNE HERALD	ADS AND NOTICES	2,089.10
WAYNE STATE COLLEGE	LIGHTING EFFICIENCY	1,368.00
WESCO DISTRIBUTION INC	WIRE/BUSHING/MARKING PAINT/BULBS	975.44
WESTERN AREA POWER ADMIN	ELECTRICITY	33,308.52
ZACH HEATING & COOLING	BAD LOAD SWITCH/EXPANSION VALVE	263.50
ZACH OIL COMPANY	GASOLINE	6,641.37
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	60.28

RESOLUTION NO. 2011-63

A RESOLUTION APPROVING INTERLOCAL AGREEMENT TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN THE CITY OF WAYNE AND WAYNE STATE COLLEGE.

WHEREAS, the City of Wayne is desirous to enter into an Interlocal Agreement with Wayne State College to share law enforcement resources; and

WHEREAS, a copy of the proposed Interlocal Agreement is attached hereto and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Interlocal Agreement to Share Law Enforcement Resources between the City of Wayne and Wayne State College is hereby approved and the Mayor and City Clerk are hereby authorized to execute the same.

PASSED AND APPROVED this 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**AN INTERLOCAL AGREEMENT
TO SHARE LAW ENFORCEMENT RESOURCES BETWEEN
THE CITY OF WAYNE AND THE NEBRASKA STATE COLLEGES
dba WAYNE STATE COLLEGE**

THIS AGREEMENT ("Agreement") is made and entered into by and between the governmental entities which are The City of Wayne, hereinafter called the "City" and the Nebraska State Colleges dba Wayne State College, hereinafter called the "College" 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

WHEREAS, it is the recognized responsibility of the College to provide and maintain a certain basic level of public services for its student population, including the areas of health and public safety, and

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

WHEREAS, it is recognized that certified, sworn law enforcement officers can enhance the level of protection provided to the students by civilian security officers, and

WHEREAS, it is the desire of the parties hereto signed to participate in the joint use of the City's law enforcement personnel and resources.

NOW, THEREFORE, BE IT RESOLVED, that the City of Wayne and the College do hereby agree to the following:

1. Authority and Purpose

a. Article XV, Section 18 of the Constitution of the State of Nebraska and the Interlocal Cooperation Act of the State of Nebraska, Neb. Rev. Stat. 13-801 *et et seq.*, (the "Act"), authorize any two or more public agencies to enter into agreements for joint or cooperative exercise of any power, privilege or authority exercised or capable of exercise individually by such public agencies. College and the City are public agencies within the meaning of the Act.

b. The City has the authority to provide law enforcement services and the College has the authority to ensure safety services on the Wayne State College campus (the "Campus"), and to enter into any contracts to effectuate this authority and responsibility.

c. It is the purpose of this Agreement for the College and the City to make the most efficient use of their powers by cooperating with each other on the basis of mutual advantage and timely providing services as identified in this Agreement and in any addendum to this Agreement.

2. Administration of Agreement

a. The City will administer and monitor all aspects, terms and conditions of this Agreement. The Dean of Students of the College, or his identified designee, will be the College's contact person for the purpose of this Agreement.

b. Any real and personal property shall be acquired, held and disposed as set forth in this Agreement; or any amendment hereto.

c. No separate legal or administrative entity is created under this Agreement.

3. Law Enforcement Services To Be Provided By The City

The City will provide on the Campus the following law enforcement services:

a. City will assign a certified police officer, hereafter called the "Campus Police Officer", to the Campus for twenty-two (22) hours per week when regular classes are in session and beginning two (2) weeks prior to the start of the fall semester and ending the day before graduation of the spring semester. The City will be allowed to schedule the Campus Police Officer to two (2) non-consecutive weeks per school year for Police Department specific training without backfilling the position. Training specific to or on behalf of the College will not be counted against the above described two training weeks. The College will be notified as soon as possible prior to any training to allow them to adjust their normal staffing schedules. The Police Department will respond to calls for service on Campus with their regularly scheduled officers during these periods;

b. The City will be allowed to provide the Campus Police Officer with two (2) sick days per semester without backfilling the position. The Police Department will respond to calls for service on Campus with their regularly scheduled officers during these periods;

c. The Campus Police Officer will patrol the Campus, in a Police vehicle, on foot, or on a patrol bicycle; enforce traffic and criminal laws of the State of Nebraska and/or the City of Wayne; conduct criminal investigations; respond to calls for service, perform community policing duties, and be a positive presence

on Campus. The Campus Police Officer will respond to Police calls off-campus for emergencies, backup assistance for other City Police officers and to handle calls for service if an on-duty City Police officer has two (2) or more calls for service backed up or is unable to respond to a crime in progress report, or a traffic accident. The College recognizes that the City's ability to respond to police calls off-campus, as needed, will maximize the Police Department's ability to respond to citizen calls for service received while maintaining the spirit of this inter-local agreement. When the Campus Police Officer responds to Police calls for service off-campus the Police dispatcher will notify Campus Security of this change in status in a timely manner;

d. The Wayne Police Department will run requests for vehicle registration information as long as that information is requested through and in conjunction with a Wayne Police Officer's involvement on campus.

4. Criminal Investigation

a. The City will investigate all property crimes reported on the Campus where the loss value is \$100 or greater or involves the theft of any identification or financial transaction device. If the loss value of any reported property crime is less than \$100 the Campus Police Officer may refer the case to Campus Security for follow up.

b. The City will investigate all crimes against persons reported on the Campus.

c. Any property crimes with a loss greater than \$100 and all crimes against persons reported to Campus Security will be immediately referred to the Campus Police Officer when on duty, or the Police Department when the Campus Police Officer is not on duty, for investigation. These investigations will be made independent of Campus Security unless their assistance is required or requested by the City. If the Police Department does not have an officer immediately available to report to a crime reported on Campus, Campus Security will gather preliminary information, e.g. victim's name, witnesses names, date, time, and location of offense, for the Campus Police Officer. For the purpose of this agreement preliminary information does not include obtaining written statements, conducting any type of crime scene investigation, taking photographs, etc.

d. The Police Department will provide Campus Security with reports of all crimes investigated on Campus containing sufficient information for the completion of legally mandated reporting requirements. To prevent duplication of work the Campus Police Officer will complete only the Police Department's investigative report. A copy of these investigative reports will be provided to Campus Security for data entry purposes.

e. When any criminal investigation conducted by the Police Department involves a College residence hall or includes an apparent conflict between students, the Director of Residence Life and/or the Dean of Students, will also be provided complete investigatory reports.

f. The Police Department will refer all property crimes reported on the Campus, and which they investigate, to the College judicial process, however;

- (1) Any crime victim, including the College, may request criminal charges;
- (2) Suspects involved in second and subsequent offenses may be referred to the Wayne County Attorney for prosecution;
- (3) Crimes may be referred for prosecution upon the written request of the College for prosecution before the College judicial process begins;
- (4) Both the College disciplinary process and criminal prosecution may happen concurrently;
- (5) Police Officers will appear for College disciplinary hearings as needed.

g. The Police Department will refer all solved crimes against persons to the Wayne County Attorney's Office for prosecution unless the crime victim requests exclusive involvement of the College disciplinary process.

h. To facilitate investigative follow up the Campus Police Officer will be provided access to any Campus surveillance camera recordings and/or allowable student information currently maintained in hard copy or electronically in the Campus Security Office.

5 Community Policing & Crime Prevention

a. The College and the City recognize that positive interaction between the Campus Police Officer, students, faculty and staff is beneficial to both parties. It is further recognized that crime prevention efforts on Campus should reflect those of the community as well.

b. The Campus Police Officer will be given an opportunity to co-present at crime prevention and/or education programs given by Campus Security, or upon the request of other Campus entities. To ensure adequate planning for any presentation, the Campus Police Officer will be provided a minimum of five (5) days written notice. Said notice shall include the topic, date, time and location of the presentation. The decision to participate in any on-campus crime prevention and/or education presentation will be left to the discretion of the Campus Police Officer and/or the Dean of Students. If an officer participates he or she will be given a minimum of 15 minutes participation per hour of scheduled presentation.

- c. To provide a community policing presence the Campus Police Officer will regularly attend Wildcat Wheels, Trust Coalition, Clery/Behavioral Intervention Team meetings and other Campus activities as part of her/his assigned duties.
- d. The City will not provide overtime pay for the Campus Police Officer to attend these meetings. Any extra shift time spent at these or similar meetings will be taken off before or after the officer's regularly assigned Campus shift.
- e. The Campus Police Officer will meet regularly with the Residence Life Staff in each housing unit
- f. The Campus Police Officer will respond to fire alarms on Campus and, in the absence of Campus Security personnel, will re-set the fire alarm panels.
- g. The Campus Security Director will provide training specific to the fire alarm systems to the Campus Police Officer before the start of the school year. A laminated flip chart of alarm procedures for each building will be placed in each alarm box as a ready reference.

6. Security Responsibilities

- a. The following duties will be performed by College Campus Security personnel and not by the City:
 - (1) Locking Campus facilities
 - (2) Fueling vehicles for the College motor pool
- b. If no Campus Security staff is on duty and the following requests for service are made, Security Staff will be called in unless the situation requires an emergency response.
 - (1) Unlock vehicles on-campus (no fee charged);
 - (2) Provide student transportation from parking lots;
 - (3) Respond to calls for service & complete College incident reports;
 - (4) Jump start student vehicles on-campus with the College battery pack;
 - (5) Provide non-emergency medical transports to and from campus and the Providence Medical Center.

7 Use of Equipment:

- a. The Police Department will provide the Campus Police Officer with all uniforms, equipment, leather, firearms and continuing education at all times relevant to this agreement.
- b. The Police Department will provide a multi-channel portable radio programmed with the Campus Security frequency. The priority frequency will be that of the Wayne Police Department but the Campus Security frequency will be

monitored.

- c. The City will provide a vehicle for the Campus Police Officer to use.

8. Training Provided by College:

- a. Fire Alarm Panels-Campus Police Officers will receive training specific to the fire alarm panels of each College building. Quick reference laminated charts will be provided to the Campus Police Officer and/or Police Department and placed at each alarm panel.
- b. Campus Police Officers will attend residence life staff training.
- c. Written training defining the College student disciplinary procedures.
- d. Training on procedures for notification of campus staff for after hours assistance, including when, who, and how to request assistance.
- e. When possible all training will be done beginning two (2) weeks prior to the start of each fall semester.
- f. It is recognized that the Campus Police Officer's schedule will be modified during the training period to facilitate attendance at some orientations.
- g. A current roster of Residence Life staff and contact information will be provided to the Campus Police Officer each semester.
- h. Monthly Campus Security work schedules, and updates, will be provided to the Campus Police Officer and Wayne Police dispatch, including a contact person(s) in the event no one answers the Campus Security number.

9. Direct Oversight of the Agreement to Provide Police Coverage on Campus;

Certified police officers are employees of the City of Wayne Police Department and as such must be under the direct supervision of the Chief of Police or his designate. Campus Security employees shall remain under the direct supervision of the College.

The City of Wayne Police Department shall control the manner in which law enforcement services are performed; however, the Agreement shall specify the nature of the services to be performed. The Campus Police Officer is not to be deemed an employee of the College and has no authority to make any binding commitments or obligations on behalf of the College except as expressly provided herein. Liability and all other insurance coverage as well as Workers Compensation coverage for the Campus Police Officer is the responsibility of the City of Wayne.

The Chief of Police will meet monthly with the Dean of Students and the Campus Security Director to review and evaluate the provisions of this Agreement.

Three (3) Wayne State College student representatives selected by Student Services will meet jointly with the Police Chief, the Campus Police Officer and any Campus Security official two (2) times per year to review the student perspective of this Agreement. These meetings may be scheduled by either party with not less than thirty (30) days notice.

10. Dispatch Services:

The City agrees to provide the following dispatch services to the Campus:

- a. Answer Campus Security telephone after hours and refer calls to Campus Security Staff and assign police officers to crimes reported;
- b. Monitor Campus fire alarm system and dispatch fire trucks as needed. Police Dispatch staff will also coordinate with the Director of Facility Services and his staff to prevent unwarranted fire alarm responses;

11. Fees for Service:

The total charge to the College by the City for the above defined law enforcement services shall be a total of \$30,000.00 per year to be paid in 12 monthly installments.

- 12. Agreement Duration:** The term of this agreement will be effective beginning July 1, 2011 and shall be in effect until June 30, 2012 except that either the City or the College may execute a written sixty (60) day notice to quit or withdraw from the Agreement.

- 13. Agreement Amendments:** This Agreement may be amended at any time by the written agreement of both parties.

- 14. Indemnification.** To the maximum extent permitted by law, each party agrees to indemnify and defend the other party against, and to hold it harmless from, all claims, suits, liability, expense or damage (including reasonable attorneys' fees and court costs) for damage to property, injury to persons (including death) and any other claims, suits or liability resulting from the negligence or willful misconduct of such party or any of its employees or agents; provided however, the indemnification under this Section 14 shall not apply if such claims, suits, liability, expense or damage is the direct result of the negligence of the party entitled to indemnification hereunder. In no event shall either party be liable for any punitive, consequential, incidental, or special damages or lost profits incurred or alleged to have been incurred.

This Agreement is hereby executed by the City of Wayne and the Nebraska State Colleges dba Wayne State College upon the respective dates set forth following the executory signature attached to this agreement.

AND BE IT FURTHER RESOLVED that the Nebraska State Colleges dba Wayne State College and the City of Wayne each declares itself to be a participant in the joint efforts to provide law enforcement services on the Wayne State College Campus.

Passed and approved this _____ day of _____, 2011.

CITY OF WAYNE

By: _____

Name: Ken Chamberlin

Title: Mayor

Attested
by: _____

City Clerk

Date: _____

NEBRASKA STATE COLLEGES

By: _____

Name: Carter "Cap" Peterson

Title: Chair, Board of Trustees

Date: _____

RESOLUTION NO. 2011-64

A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 75' OF THE NORTH 150' OF LOT 30, TAYLOR & WACHOB'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 509 WEST FIRST STREET, WAYNE, NEBRASKA.

WHEREAS, the City of Wayne has incurred costs associated with the mowing of the property located at 509 West First Street, Wayne, Nebraska, and legally described as the West 75' of the North 150' of Lot 30, Taylor & Wachob's Addition to Wayne, Wayne County, Nebraska; and

WHEREAS, Section 34-61 of the Wayne Municipal Code requires each owner of any lot or parcel of land in the City of Wayne to cut and remove all weeds and other rank growth of vegetation on such property as close to the ground level as possible throughout the period of May 1st to October 15th of each year; and

WHEREAS, the Superintendent of Public Works & Utilities has caused to be published in the Wayne Herald the notice required under Section 34-61 specifying that said weeds and other rank growth vegetation shall be cut during the above-referenced period; and

WHEREAS, the City's Public Works Department is authorized under said Section to notify in writing the owner of any property within the City to cut any such weeds found growing on such property by United States mail, postage prepaid, addressed to such owner at his or her last known address or served personally; and

WHEREAS, on the failure, neglect or refusal of any such owner to cut or destroy such weeds located upon such property within seven days after the mailing or personal service date of such notice, the City's Public Works Department is authorized to pay for the cutting of such weeds or to order the removal by the City; and

WHEREAS, the cost of any such cutting, destroying, or removing such weeds shall be at the expense of the owner of such property; and

WHEREAS, if the costs of cutting, destroying or removing weeds and other rank growth of vegetation and costs of removing any refuse, debris, or other obstructions, to permit such cutting are unpaid for two months, pursuant to said Section 34-61, the City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the amount of such expense, and such expense shall become a lien on the property upon which the removal measures were taken as a special assessment levied on the date of such measures; and

WHEREAS, the City's Public Works Department has notified Alan Johnson, the owners of 509 West First Street, Wayne, Nebraska, and legally described as the West 75' of the North 150' of Lot 30, Taylor & Wachob's Addition to Wayne, Wayne County, Nebraska, to cut, destroy, and remove any such weeds, grass or unhealthful growth located on such property by United States mail, postage prepaid, at the last known address of Alan Johnson or served personally; and

WHEREAS, upon the failure, neglect or refusal of Alan Johnson to cut, destroy, and remove such weeds from said property within seven days after the mailing or personal service date of such notice, the City Public Works Department did then undertake the removal of such weeds from said property, pursuant to Section 34-61 during the time period of May, 2011, through and including July, 2011; and

WHEREAS, the cost of such cutting, destroying or removal of such weeds in the total amount of \$200.00 has been sent to Alan Johnson for payment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Wayne City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the total amount of \$200.00 in expenses incurred by the Wayne Public Works Department in removing weeds and other rank growth of vegetation from the property owned by Alan Johnson and upon certification to the Wayne County Treasurer, such expense shall become a lien on the property described herein below, said property owned by Alan Johnson on which the removal measures were taken, as a special assessment levied on the date of such measures. The property is described to wit:

The West 75' of the North 150' of Lot 30, Taylor & Wachob's Addition to Wayne, Wayne County, Nebraska.

BE IT FURTHER RESOLVED that pursuant to Section 34-61 of the Wayne Municipal Code, the Wayne County Treasurer shall add such expense to, and it shall become and form a part of the taxes on such property described herein and shall bear interest at the same rate as taxes.

Passed and approved this 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-7

AN ORDINANCE TO AMEND CHAPTER 90, ARTICLE XI EXCEPTIONS AND CONDITIONAL USES, SECTION 90-836 EXPIRATION OF EXCEPTION USE PERMITS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 90, Article XI Exceptions and Conditional Uses, Section 90-836 of the Wayne Municipal Code is amended to read as follows:

Sec. 90-836. Expiration of Exception Use Permits.

Within ~~three~~ **one** years of the approval, construction of the proposed site shall have commenced or the approval is void. ~~However, the applicant may file a letter requesting an extension prior to the expiration of the approval to the planning commission or the council, whichever granted the original permit. The planning commission or the council shall review all requests for extensions. They may approve for a specified period up to 12 months or disapprove, indicating their reasons for such an action. The planning commission's or the council's reasons for disapproval shall be forwarded to the applicant.~~

(b) After expiration, a new application is required if construction has not started and processed according to the provisions outlined in this chapter.

Section 2. The Planning Commission, at a public hearing held on on July 18, 2011, recommended approval hereof, based upon the "Finding of Fact" being staff's recommendation.

Section 3. That the original Section and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-8

AN ORDINANCE TO AMEND CHAPTER 18, ARTICLE VI UNSAFE BUILDINGS, BY AMENDING SECTION 18-242 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE; AND BY ADDING SECTIONS 18-243 CONFLICTS, 18-244 ADDITIONS, INSERTIONS AND CHANGES, AND 18-245 STRUCTURES DAMAGED BY FIRE, FLOOD, WIND, DISASTER OR OTHER CALAMITY; 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 VI Unsafe Buildings, Section 18-242 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 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.~~

A certain document, one (1) copy which is on file in the office of the building inspector of the City of Wayne, Nebraska, being marked and designated as the "International Property Maintenance Code 2006," as published by The International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Wayne, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 18-244 of this article.

State law references: Adoption by reference authorized, R.R.S. 1943, 18-132.

Section 2. That Article VI Unsafe Buildings is amended by adding the following sections as follows:

Sec. 18-243. Conflicts.

In the event of a conflict between the provisions of the publication adopted by reference in this article and any other provisions of this Code, such other provisions shall be controlling.

Sec. 18-244. Additions, insertions and changes.

The following sections of the property maintenance code adopted in section 18-242 are hereby revised as follows:

Section 101.1 Title. Insert: the City of Wayne, Nebraska.

Section 103.5 Fees. Amend section to read as follows:

“The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be charged as necessary to reasonably recover costs.”

Section 110.1 General. Amend section to read as follows:

"The code official shall order the owner of any structure or the owner of the premises upon which any structure is located that has been condemned by the code official pursuant to this code, or in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the structure owner's or property owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal."

Section 110.3 Failure to comply. Amend section to read as follows:

Any person who fails to comply with a demolition order within the time prescribed shall be deemed guilty of an offense punishable by a fine of not less than five hundred dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The code official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 111.1 Application for appeal. Amend section to read as follows:

"Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth by the city council shall accompany each application for appeal to the board of appeals; and a schedule of such fees is on file and available in the city clerk's office. Such fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship."

Section 302.4 Weeds. Insert: twelve (12) inches.

Section 304.14 Insect Screens. Insert: April 1 to November 1.

Section 602.3 Heat supply. Amend section to read as follows:

"Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 F. (20 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code."

Section 602.4 Occupiable work spaces. Amend section to read as follows:

"Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 F. (18 C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities."

Sec. 18-245. Structures damaged by fire, flood, wind, disaster or other calamity.

Any structure becoming uninhabitable, unusable or unoccupiable as a result of fire, flood, wind, disaster or other calamity shall be completely repaired within one (1) year of the fire, flood, wind, disaster or other calamity. If repairs are not completed within one (1) year, the structure shall be inspected by the code official. If following the inspection, the structure is determined to be uninhabitable, unusable or unoccupiable by the code official, the structure shall be demolished by the owner of the property. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal. Any appeal of the code official's decision shall be governed by the appeal provisions contained in the property maintenance code adopted by the city.

Secs. 18-246 — 18-300. Reserved

Section 3. That the original Sections and all ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 4. 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.

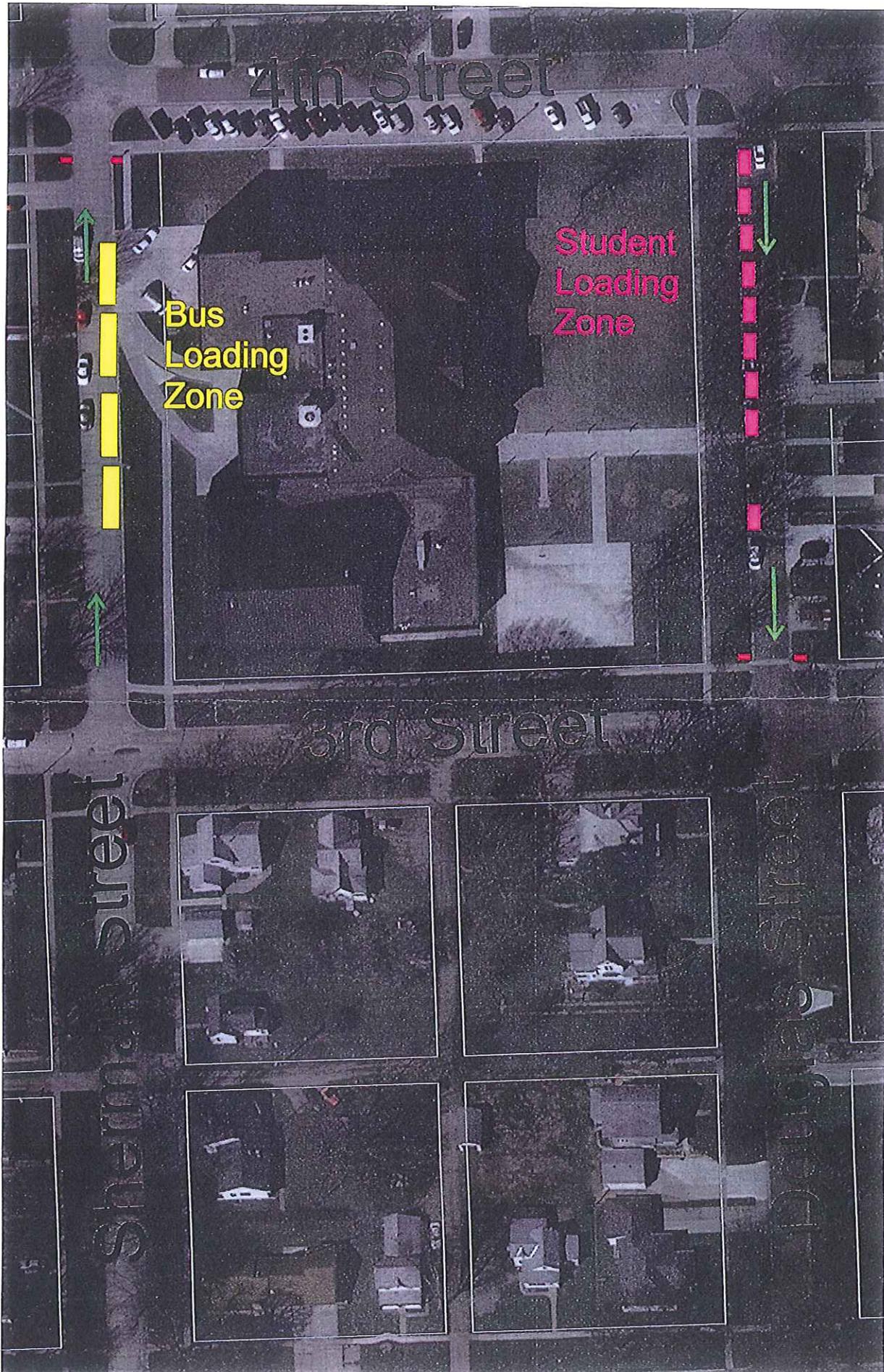
PASSED AND APPROVED this 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



RESOLUTION NO. 2011-59

A RESOLUTION ESTABLISHING ONE-WAY AND TWO-WAY TRAFFIC IN THE CITY OF WAYNE, NEBRASKA

WHEREAS, there is hereby established the following one-way and two-way traffic streets in the City of Wayne:

1. One-way traffic going south on School View Drive between 4th Street and 5th Street.
2. One-way traffic going east on 4th Street between School View Drive and Sherman Street.
3. Two-way traffic on 5th Street between Sherman Street and School View Drive.
4. **One-way traffic going south on Douglas Street between Third and Fourth Street.**
5. **One-way traffic going north on Sherman Street between Third and Fourth Street.**

PASSED AND APPROVED this 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-9

AN ORDINANCE TO AMEND SECTION 78-132 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 78, Article III, Section 78-132 of the Municipal Code of Wayne, is hereby amended as follows:

§ 78-132 PROHIBITED PARKING; SOUTHWEST QUADRANT OF THE CITY; No person shall, at any time, park a motor vehicle upon the following described streets:

1. The south side of the centerline of West Seventh Street from the west line of Main Street west to the city limits.
2. The south side of the centerline of West Sixth Street from the west line of Main Street west to the east line of Sherman Street.
3. The south side of the centerline of West Fifth Street from the west line of Main Street west to the east line of the elementary school.
4. The south side of the centerline of West Fourth Street from the west line of Pearl Street west to the east line of the elementary school.
5. The south side of the centerline of West Third Street from the west line of Pearl Street west to the east line of Oak Drive.
6. The south side of the centerline of West Second Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Blaine Street.
7. The south side of the centerline of West First Street from the west line of Pearl Street west to the east line of Wilcliff Drive.
8. The south side of the centerline of First Avenue from the west line of Maple Street west to the east line of Birch Street.
9. The north side of the centerline of Second Avenue from the west line of Maple Street west to the east line of Birch Street.
10. The south side of the centerline of Grainland Road from the west line of Sherman Street west to the city limits.
11. The west side of the centerline of Birch Street from the north line of First Avenue north to the south line of Second Avenue.
12. The south side of the centerline of Third Avenue from the west line of Oak Drive west to the city limits.
13. The east side of the centerline of Oak Drive from the north line of Second Avenue north to the south line of West Seventh Street.

14. The east side of the centerline of Maple Street from the north line of Grainland Road north to the south line of Second Avenue.
15. The east side of the centerline of Wilcliff Drive from the north line of West First Street north to the south line of West Third Street.
16. The east side of the centerline of Blaine Street from the north line of Grainland Road north to the south line of West Third Street.
17. The east side of the centerline of Sherman Street from the south line of West Seventh Street south to the **north line of West Fourth Street and from the south line of West Third Street south to the north line of Grainland Road** ~~city limits~~.
18. The east side of the centerline of Douglas Street from the south line of West Seventh Street south to the city limits.
19. The east side of the centerline of Lincoln Street from the south line of West Seventh Street south to the city limits.
20. The east side of the centerline of Pearl Street from the north line of West Fifth Street north to the south line of West Seventh Street.
21. The west side of the centerline of Pearl Street from the north line of Sixth Street north to the south line of West Seventh Street.
22. The south side of the centerline of Clark Street from the west line of Main Street west to the east line of Pearl Street.
23. The west side of the centerline of Main Street from the north line of Fourth Street north to the south line of Seventh Street.
24. The north side of the centerline of West Sixth Street from the west line of Main Street west to the east line of the north-south alley between Main Street and Pearl Street.
25. The east side of the center line of Donner Pass from the south line of West Seventh Street south to the south line of Nathan Drive.
26. The south side of the center line of Nathan Drive from the west line of Donner Pass west to the city limits.
27. West of the centerline of Main Street beginning 65' north of the centerline of the 100 block of West 1st Street, south to the intersection of Main and West 1st Street. Said curb shall be painted yellow to clearly designate this restricted parking area.
- 28. The west side of the centerline of Sherman Street from the south line of West Fourth Street south to the north line of West Third Street.**

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

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

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

PASSED AND APPROVED this 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-10

AN ORDINANCE TO AMEND SECTION 78-133 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 78, Article III, Section 78-133 of the Municipal Code of Wayne, is hereby amended as follows:

Sec. 78-133. Restricted parking 12:00 midnight to 5:00 a.m.; southwest quadrant of the city

- (a) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:
1. The north side of the centerline of West Sixth Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street.
 2. The north side of the centerline of West Fifth Street from the west line of Main Street west to the east line of the elementary school.
 3. The north side of the centerline of West Fourth Street from the west line of Main Street west to the east line of the elementary school.
 4. The north side of the centerline of West Third Street from the north-south alley between Pearl Street and Lincoln Street west to the east line of Oak Drive.
 5. The north side of the centerline of Third Avenue from the west line of Oak Drive west to the city limits.
 6. The north side of the centerline of West Second Street from the west line of Pearl Street to the east line of Blaine Street.
 7. The north side of the centerline of Grainland Road from the west line of Sherman Street west to the city limits.
 8. The west side of the centerline of Sherman Street from the south line of West Seventh Street south to the north line of **West Fourth Street and from the south line of West Third Street south to the north line of** Grainland Road.
 9. The west side of the centerline of Douglas Street from the south line of West Seventh Street south to the city limits.
 10. The west side of the centerline of Blaine Street from the south line of West Second Street south to the north line of Grainland Road.
 11. **The east side of the centerline of Sherman Street from the south line of West Fourth Street south to the north line of West Third Street.**

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

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

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

PASSED AND APPROVED this 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-11

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, PARKING, BY ADDING SECTION 78-142 RESTRICTED PARKING FROM 7:00 A.M. TO 9:00 A.M. AND FROM 3:00 P.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. Section 78-142 of the City of Wayne Municipal Code is hereby added to read as follows:

Sec. 78-142. Restricted Parking from 7:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 5:00 p.m. Monday through Friday.

(a) No person shall, at any time, park a vehicle between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 3:00 p.m. and 5:00 p.m. Monday through Friday upon any of the following streets:

(1) The north side of the centerline of 5th Street from the west line of Sherman Street to the west line of School View Drive.

(2) The west side of the centerline of Douglas Street from the south line of West Fourth Street to the north line of West Third Street.

(3) The east side of the centerline of Sherman Street from the south line of West Fourth Street to the north line of West Third Street.

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

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

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

PASSED AND APPROVED THIS 16th day of August, 2011.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

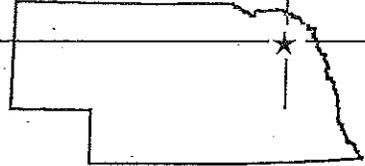
City Clerk

City of Wayne

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

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

Incorporated - February 2, 1884



REQUEST FOR FUTURE AGENDA ITEM

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

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

Name: WAYNE VETS CLUB

Address: 270 MAIN ST, WAYNE, NE 68787

Telephone No.: 402-369-0655

Date of Request: 8 AUGUST 2011

Description of Requested Topic: REDUCTION OF LIQUOR LICENSE AND OCCUPATIONAL TAX FEES AS A NON PROFIT ORGANIZATION.



**SURVEY
NON-PROFIT V. FOR PROFIT
CLASS C LIQUOR LICENSE
OCCUPATION TAX**

MUNICIPALITIES	Non-Profit Occ. Tax
Blair	\$325
Hartington	\$150
Hastings	\$100
Schuyler	\$25
Seward	\$150
Wahoo	\$50
Wakefield	\$150

DOES NOT CHANGE OCC TAX FOR NON-PROFITS:

Beatrice
Beemer
Bellevue
Cozad
Creighton
David City
David City
Fort Calhoun
Fremont
Gothenburg
Grand Island
Kearney
Lexington
Ogallala
Omaha
Oshkosh
Papillion
Plattsmouth
Randolph
Sidney
Silver Creek
Springfield
Stromsburg
Trenton
West Point
Wisner
York

WAYNE MUNICIPAL AIRPORT AUTHORITY

July 11, 2011

7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Wayne Municipal Airport's Pilots Lounge on the above date and time by Chairman Mitchell Nissen. The following members were present: David Ley, Carl Rump, Todd Luedeke and Mitchell Nissen. Also, attending the meeting were Tom Trumble, Curt Christiansen (Olsson Associates), Nancy Braden Treasurer, Dawn Navrkal and Clay Bode Airport Manager.

Rump moved and Ley 2nd to accept the minutes of June 13, 2011. Roll was called with the following results: Yeas: Nissen, Luedeke, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Rump 2nd that we approve the claims of July 11, 2011. Roll was called with the following results: Yeas: Nissen, Luedeke, Rump and Ley. Nays: None. The chairman declared the motion carried.

Ley moved and Rump 2nd that we approve Resolution 2011-1 Preliminary Levy Allocation from City of Wayne. Roll was called with the following results: Yeas: Nissen, Luedeke, Rump and Ley. Nays: None. The chairman declared the motion carried.

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

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

David R. Ley
Secretary