

**AGENDA  
CITY COUNCIL MEETING  
October 18, 2011**

**5:30 Call to Order**

1. [Approval of Minutes – October 4, 2011](#)
2. [Approval of Claims](#)
3. Invitation to Attend Wayne Innovation Night on November 11<sup>th</sup> — Lukas Rix & Terry Buck

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

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

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

4. [Action on Application for Membership of Kimberly Marie Zuniga to the Wayne Volunteer Fire Department Cadet Program – Tom Sievers, Fire Chief](#)
5. [Ordinance 2011-17: 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 \(Third and Final Reading\)](#)
6. [Ordinance 2011-23: Amending Sec. 30-6 of the Wayne Municipal Code Establishing Election Wards \(Third and Final Reading\)](#)
7. [Public Hearing: To Consider the Planning Commission’s Recommendation Regarding a Special Condition and Condition for Granting Exception Request under Sec. 90-355\(4\) of the B-1 Highway Business District for a Drive-Through Coffee Shop. The applicant is Diane Pick. \(Advertised Time: 5:30 p.m.\)](#)

**Background:** Any drive-through use in a B-1 District requires a “Use By Exception Permit” providing 3 additional parking spaces behind the vehicle being serviced. There is no customer space inside the proposed coffee kiosk. Walk-up customer access will be at the north window and drive-through access will be off of 7<sup>th</sup> Street and around the south side of the kiosk and will exit into the alley.

8. [Resolution 2011-79 Approving the Application for a Zoning Use by Exception Permit to allow for a Drive-Through Coffee Shop at 527 E. 7<sup>th</sup> Street, legally described as Lots 1 and 17, Block 1, East Addition to the City of Wayne](#)

**Recommendation:** The recommendation of the Planning Commission is to approve the Use by Exception request.

9. [Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending Sec. 90-358\(1\) Front Yard – Minimum Yard Requirements of the B-1 Highway Business District. The Applicant is the City of Wayne. \(Advertised Time: 5:30 p.m.\)](#)

**Background:** All Federally classified side streets intersecting 7<sup>th</sup> Street currently have the same front setback requirement of 100 feet from the centerline of the street. This was a local decision and makes it difficult to utilize some of the lots. This action will eliminate that 100 foot setback requirement from the center of the street and will make it uniform with the rest of the B-1 side street front yard setbacks, which is 25 feet from the front property line.

10. [Ordinance 2011-24: Amending Wayne Municipal Code Sec. 90-358\(1\) Regarding Front Yard – Minimum Yard Requirements of the B-1 Highway Business District](#)

**Recommendation:** The recommendation of the Planning Commission is to approve the amendment.

11. [Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending Sec. 90-428\(a\) Front Yard – Minimum Yard Requirements of the B-3 Neighborhood Commercial District. The Applicant is the City of Wayne. \(Advertised Time: 5:30 p.m.\)](#)

**Background:** All Federally classified side streets in B-3 zoning currently have a front setback requirement of 80 feet from the centerline of the street. This was also a local decision and makes it difficult to utilize some of the lots. This action will eliminate that 80 foot setback requirement from the centerline of the street and will make it uniform with the rest of the B-3 side street front yard setbacks, which is 15 feet from the front property line.

12. [Ordinance 2011-25: Amending Wayne Municipal Code Sec. 90-428\(a\) Regarding Front Yard – Minimum Yard Requirements of the B-3 Neighborhood Commercial District](#)

**Recommendation:** The recommendation of the Planning Commission is to approve the amendment.

13. [Public Hearing: To Consider Planning Commission's Recommendation in Regard to Amending Sec. 90-422 Permitted Principal Uses and Structures, Sec. 90-423\(2\) Permitted Accessory Uses and Structures and Sec. 90-424 \(13 & 14\) Exceptions of the B-3](#)

Neighborhood Commercial District. The Applicant is the City of Wayne. (Advertised Time: 5:30 p.m.)

**Background:** Currently single-family and two-family dwellings are permitted in this zoning as a “Use By Exception.” This action will amend the code to reclassify them as permitted uses. This will harmonize the code with our new Comprehensive Plan that encourages mixed use and will also clarify our existing practice which determines that a “Use By Exception” for these structures in this zoning is ongoing with the property.

In addition, this action also eliminates the requirement that dwellings above or behind commercial businesses must be occupied by people owning or operating that business and will allow its use as a general residence.

14. Ordinance 2011-26: Amending Wayne Municipal Code Sec. 90-422 Permitted Principal Uses and Structures, Sec. 90-423(2) Permitted Accessory Uses and Structures, and Sec. 90-424 (13 & 14) Exceptions of the B-3 Neighborhood Commercial District

**Recommendation:** The recommendation of the Planning Commission is to approve the amendment.

15. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending Sec. 90-394 Exceptions and Adding Sec. 90-402 Conditional Uses of the B-2 Central Business District. The Applicant is the City of Wayne. (Advertised Time: 5:30 p.m.)

**Background:** Currently single-family, two-family and multi-family dwellings are permitted in this zoning as a “Use By Exception.” This action will amend the code to reclassify them as conditional uses, which can be approved and permitted by the Zoning Administrator. This will harmonize the code with our new Comprehensive Plan that encourages mixed use and will also clarify our existing practice which determines that a “Use By Exception” for these structures in this zoning is ongoing with the property.

This action also keeps the same requirements for the dwellings as follows:

- 1) Meets the State Fire Marshal requirements;
- 2) Dwelling meets the R-3 regulations;
- 3) Provides two off-street parking spaces per unit; and
- 4) The first 30 feet of frontage at ground level is reserved for commercial use.

16. Ordinance 2011-27: Amending Wayne Municipal Code Sec. 90-394 Exceptions and Adding Sec. 90-402 Conditional Uses of the B-2 Central Business District

**Recommendation:** The recommendation of the Planning Commission is to approve the amendment.

**Additional Recommendation:** The recommendation of the Zoning Official and City Administrator is to also approve the amendment and to further clarify requirement

#4 by adding the following phrase through a Council motion to approve: "Provided the lot must also contain an existing nonresidential use." This will keep the commercial nature of the district intact and prevent someone from building a stand-alone residential structure and setting it 30 feet from the front lot line and still meet the conditions as currently written.

17. Public Hearing: To consider the Planning Commission's Recommendation in Regard to a Rezoning Request to amend all of Western Ridge Third Addition to B-1 Highway Business District. The Applicant is the City of Wayne. (Advertised Time: 5:30 p.m.)

Background: This action legally defines the zoning line between B-1 and R-2 as the new Western Ridge III Subdivision north boundary line. Prior to this subdivision development, the zoning line on the official zoning map is a line across an open field.

18. Ordinance 2011-28: Amending the Zoning of Western Ridge Third Addition to B-1 Highway Business District

Recommendation: The recommendation of the Planning Commission is to amend the zoning map as proposed to harmonize the zoning boundary with the new north subdivision boundary.

19. Public Hearing: Wayne Revolving Loan Fund Application of Miss Molly's Coffee Company, LLC, for \$50,000 to renovate the Second Floor and Improve the Face of the Building Located at 203 Main Street (Advertised Time: 5:30 pm.)

Background: This loan would provide gap financing for a business start-up in the former McNatts' building. An application for a \$30,000 LB840 low interest loan has also been submitted to the Citizens' Advisory Committee. Regular bank financing and owner equity will cover most of the renovation and business start-up costs in the building. A copy of the application is included in this packet.

20. Resolution 2011-80: Approving the Wayne Revolving Loan Fund Application of Miss Molly's Coffee Company, LLC, for \$50,000 to Renovate the Second Floor and Improve the Face of the Building Located at 203 Main Street

Recommendation: The recommendation of the Wayne Business and Industry Committee at their October 14<sup>th</sup> monthly meeting was to approve the loan.

21. Action on Recommendation from the LB840 Economic Development Advisory Committee for a \$30,000 Performance-Based Loan to Miss Molly's Coffee Company, LLC

Background: The background information for this is the same as the previous agenda item. A copy of the application is included in this packet.

Recommendation: The recommendation of the Citizens' Advisory Committee at their October 14<sup>th</sup> monthly meeting was to approve the loan

22. Public Hearing: Wayne Revolving Loan Fund Application of Fourth Generation Family Limited Partnership, d/b/a Bomgaars, for \$150,000 which will be used to construct a new retail building on the west end of Wayne, with said funds going towards drainage and water runoff. (Advertised Time: 5:30 p.m.)

**Background:** Bomgaars is preparing to build a new 26,000 square foot retail store on 4 acres at the intersection of Highway 35 and Pheasant Run Road. They submitted an application for a \$150,000 low interest loan to the Wayne Business and Industry Committee to help cover part of the construction costs of the parking area and the storm water runoff detention requirements for the site.

23. Resolution 2011-81: Approving the Wayne Revolving Loan Fund Application of Fourth Generation Family Limited Partnership, d/b/a Bomgaars, for \$150,000 to be used to construct a new retail building on the west end of Wayne, with said funds going towards drainage and water runoff.

**Recommendation:** The recommendation of the Business and Industry Committee at their October 14<sup>th</sup> meeting was to approve the loan.

24. Public Hearing: Wayne Revolving Loan Fund Application of Wayne Area Economic Development for \$150,000 which will be used to bring a car assembly plant to Wayne where the Noble line of vehicles will be assembled (Advertised Time: 5:30 p.m.)

**Background:** This \$150,000 direct loan provides for an estimated financing gap for a totally new start-up business to be located in Wayne. The function of the business will be to assemble engines, transmissions and fuel systems in cars made in China and shipped to Wayne. The cars will burn (CNG) Compressed Natural Gas. 125 car bodies, engines and fuel systems would be shipped to Wayne per month by Noble car Company, assembled here and shipped to sales destinations.

Per the business plan that is included with this packet, the estimated total cost to purchase the shop equipment, establish the business, pay the \$250,000 licensing (franchise) fee and to provide operating capital for the first month is \$400,000.

\$150,000 in private bank financing with 90% secured by LB840 funds is proposed in this business plan as part of the source of the \$400,000 start-up costs.

\$100,000 in owner equity is proposed to total \$400,000 needed to start up the business in February, 2012.

Ten new jobs are projected in the business plan to be created by this company to assemble 125 cars per month.

This business opportunity was offered to the community of Wayne. Wayne was one of three locations contacted by Wayne natives Mike Garvin and Dave Tietgen representing the Des Moines developer of this CNG Noble car product line. The deadline is around November 1<sup>st</sup> for a local investor to pick up this business, or the offer moves to the next interested community. Wes Blecke and WAED stepped up

to represent the interests of the community in evaluating this business offer and to convert it into a package deal with a ready made business plan prepared by the WSC Nebraska Business Development Center and with 75% incentives already approved.

If the Council approves this loan and the LB840 loan guarantee in the next item, Wes will use this completed financing package to solicit local investors, during the next three weeks, who may want to invest \$100,000 to start up the business.

25. Resolution 2011-82: Approving the Wayne Revolving Loan Fund Application of Wayne Area Economic Development for \$150,000 which will be used to bring a car assembly plant to Wayne where the Noble line of vehicles will be assembled

Recommendation: The Wayne Business and Industry Committee reviewed this at their regular meeting on October 13<sup>th</sup> and recommended approval of this loan.

26. Action on Recommendation from the LB840 Economic Development Advisory Committee for a \$150,000 Loan Guarantee to CNG which will be used to bring a car assembly plant to Wayne where the Noble line of vehicles will be assembled

Background: The background information for this is the same as the previous agenda item for the CNG Noble car assembly business.

Recommendation: The recommendation of the Citizens Advisory Committee at their October 14<sup>th</sup> meeting was to approve the loan guarantee

27. Action on Job Description for Recreation Services Director Position

Background: This job description has been updated to reflect more current expectations. Job descriptions and pay ranges for each job description are approved by the City Council.

Recommendation: The recommendation of the Mayor and City Administrator is to adopt this job description and pay range.

28. Resolution 2011-83: Accepting Bid and Awarding Contract on Street Improvement District No. 2011-1 (Pheasant Run Road)

Background: Seven bids were received and opened on Friday for grading and paving Pheasant Run. The engineer on the project will review the same and have a recommendation at meeting time.

29. Appointments:

Reappointment of Lee Brogie to the Planning Commission  
Appointment of Breck Giese to the Planning Commission

30. Adjourn

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator

[Planning Commission Meeting Minutes - July 18, 2011](#)

[Airport Authority Minutes - Sept. 12, 2011](#)

October 4, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, October 4, 2011, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jon Haase, Dale Alexander, Doug Sturm, Kaki Ley, Kathy Berry and Jill Brodersen; City Attorney Amy Miller; and City Clerk Betty McGuire. Absent: Councilmembers Jim Van Delden and Doug Sturm and City Administrator Lowell Johnson.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 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.

Councilmember Haase made a motion, which was seconded by Councilmember Frevert, whereas the Clerk has prepared copies of the Minutes of the meeting of September 20, 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:

**CORRECTIONS TO CLAIMS LIST OF MARCH 15, 2011:** DELETE CITY EMPLOYEE, RE, 10.20 AND TIM SCHAEFER, RE, 78.00

**VARIOUS FUNDS:** AMERICAN BROADBAND, SE, 1260.48; AMERITAS, SE, 1516.79; APPEARA, SE, 27.09; ARNIE'S FORD-MERCURY, SU, 149.10; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 150.00; BLACK HILLS ENERGY, SE, 205.89; BLACK STRAP, SU, 1256.85; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BOMGAARS, SU, 1059.77; BROWN SUPPLY CO, SU, 1159.30; CARTRIDGE WORLD, SU, 869.95; CITY EMPLOYEE, RE, 56.62; CENTURYLINK, SE, 308.57; CITIZENS NATIONAL BANK, RE, 3371.22; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 1700.00; CITY OF WAYNE, RE, 318.45; CITY OF

WAYNE, RE, 500.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 54488.91; CITY OF WAYNE, RE, 200.00; COMMUNITY HEALTH, SE, 3.00; CITY EMPLOYEE, RE, 163.39; CITY EMPLOYEE, RE, 207.74; DUNRITE INC, SU, 263.25; DUTTON-LAINSON, SU, 101.18; EISCHEID ARTIFICIAL RAIN, SE, 175.00; ELLIS PLUMBING & HEATING, SE, 311.38; FIRST CONCORD GROUP, SE, 3828.87; FIRST NATIONAL INSURANCE, SE, 272.42; FLOOR MAINTENANCE, SU, 308.81; FORT DEARBORN LIFE, SE, 106.64; GERHOLD CONCRETE, SU, 1023.76; GLENN SHEPARD, SU, 299.00; CITY EMPLOYEE, RE, 214.28; HAUGE ASSOCIATES, RE, 167.75; CITY EMPLOYEE, RE, 10.20; CITY EMPLOYEE, RE, 124.96; ICMA, SE, 5658.06; IRS, TX, 17152.52; JEO CONSULTING GROUP, SE, 54719.20; CITY OF WAYNE, RE, 139.09; KEPCO, SU, 6.50; KRIZ-DAVIS, SE, 571.91; LANGEMEIER, WAYNE, SE, 125.00; LOGAN VALLEY FOOTBALL, FE, 100.00; CITY EMPLOYEE, RE, 42.00; MATT LEY, RE, 700.00; MCGUIRE & NORBY, SE, 999.58; CITY EMPLOYEE, RE, 60.00; NE DEPT OF LABOR, SE, 72.00; NE DEPT OF REVENUE, TX, 2665.02; NEBRASKA U.C. FUND, RE, 334.66; NMC, INC., SU, 1492.50; N.E.NE AMERICAN RED CROSS, RE, 29.62; NNPPD, SE, 3450.81; OPTIMUM DATA, SU, 220.00; OUR SAVIOR LUTHERAN CHURCH, RE, 100.00; PIEPER, MILLER & DAHL, SE, 2057.50; PRESTO X, SE, 35.15; CITY EMPLOYEE, RE, 56.69; PRO CRANE SERVICE, SE, 896.25; QUILL, SU, 266.38; RIEKES EQUIPMENT, SU, 330.29; CITY EMPLOYEE, RE, 400.00; SMEAL FIRE APPARATUS, SE, 2080.00; STADIUM SPORTING GOODS, SU, 3558.75; TIM SCHAEFER, RE, 78.00; TONI HYTREK, SU, 83.00; TRIVIEW COMMUNICATION, SU, 111.00; UNITED WAY, RE, 5.00; VALMONT COATINGS, SU, 2598.97; VERIZON, SE, 161.31; VIAERO, SE, 138.38; WAYNE CO SHERIFF, SE, 99.88; WAYNE COUNTRY CLUB, RE, 125.00; WAYNE EAGLES, RE, 500.00; WAYNE STATE COLLEGE, RE, 7275.00; WESCO, SU, 945.72; CITY EMPLOYEE, RE, 83.40; ZIMCO, SU, 148.75; APPEARA, SE, 74.95; BAKER & TAYLOR BOOKS, SU, 493.76; BERRY, KATHY, RE, 159.57; CITY EMPLOYEE, RE, 214.01; CITY OF NORFOLK, SE, 560.85; CITY OF WAYNE, RE, 1000.00; CITY OF WAYNE, RE, 25.43; CITY OF WAYNE, RE, 277.41; COPY WRITE, SU, 454.96; DE LAGE LANDEN FINANCIAL, SE, 77.00; CITY EMPLOYEE, RE, 72.75; CITY EMPLOYEE, RE, 82.80; EASYPERMIT POSTAGE, SU, 666.64; ECHO GROUP, SU, 613.07; CITY EMPLOYEE, RE, 701.64; ED M FELD EQUIPMENT, SU, 575.00; ELITE OFFICE PRODUCTS, SU, 124.76; FRIESEN CHEVROLET, SE, 6.70; GALE GROUP, SU, 29.69; INDUSTRIAL CHEM LABS, SU, 910.11; INGRAM BOOK COMPANY, SU, 143.64; JANWAY COMPANY, SU, 223.32; JASON CAROLLO, SE, 140.00; JEO CONSULTING GROUP, SE, 7184.25; K & M SEED, SU, 70.00; KELLY SUPPLY COMPANY, SU, 70.93; KRIZ-DAVIS, SU, 906.85; CITY EMPLOYEE, RE, 84.11; KTCH, SE, 725.00; CITY EMPLOYEE, RE, 30.00; CITY EMPLOYEE, RE, 60.00; NE ENVIRONMENTAL PRODUCTS, SU, 196.84; NE LIBRARY COMMISSION, SE, 233.73; NE PUBLIC HEALTH, SU, 660.00; PAC N SAVE, SU, 6.00; CITY EMPLOYEE, RE, 130.18; RAD, INC., SU, 38.96; RANDOM HOUSE, SU, 33.75; ROBERTSON IMPLEMENT, SU, 35.30; S & S WILLERS, SU, 1564.15; STADIUM SPORTING GOODS, SU, 63.75; STAN HOUSTON EQUIPMENT, SU, 177.26; STATE NATIONAL BANK, RE, 123.03; STATE TREASURER OF NE, RE,

597.52; WAYNE HERALD, SE, 889.69; WAYNE KIWANIS, FE, 130.00; WAYNE VETERINARY CLINIC, SE, 70.00  
FISCAL YEAR CLAIMS 2011-2012; CITY OF WAYNE, SE, 130.00; LAUREL SUMMER RECREATION, FE, 260.00

Councilmember Frevert made a motion and Councilmember Haase seconded 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 proclaimed October as “Domestic Violence Awareness Month.”

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

Mayor Chamberlain noted that Agenda item nos. 4, 5, and 6 have been stricken from the agenda.

Councilmember Sturm arrived at 5:35 p.m.

Mayor Chamberlain 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 \$48,404.27. The engineer on the project is requesting that this be approved contingent upon Eriksen Construction Co. submitting the necessary weekly wage reports to JEO Consulting Group.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, approving Application for Payment No. 14 for the 2009-2010 Wastewater

Treatment Facility Improvements, Phase I Project, in the amount of \$48,404.27 to Eriksen Construction Co., contingent upon Eriksen Construction Co. submitting the necessary weekly wage reports to the project engineer, JEO Consulting Group. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Gene Hansen, Electric Production Superintendent, advised the Council that since the cooling tower project is behind schedule, staff has requested and received approval to extend the \$250,000 energy grant project period end date from December 31, 2011, to June 30, 2012. The same must be approved by Council.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, approving the extension of the \$250,000 Energy Efficiency and Conservation Block Grant Program Project period end date from December 31, 2011, to June 30, 2012. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Gene Hansen, Electric Production Superintendent, stated the following Resolution would allow the City to finance the Power Plant Cooling Tower Project with municipal revenue bonds that will be paid back from future electric fund revenues instead of paying for the project out of cash reserves. This recommendation comes as a result of interest rates for ten-year financing ranging anywhere from 1.2% to 4% for that time period.

Councilmember Ley introduced Resolution 2011-75, and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-75

A RESOLUTION APPROVING REIMBURSEMENT OF FUNDS TEMPORARILY ADVANCED TO PAY FOR THE WAYNE POWER PLANT COOLING TOWER PROJECT.

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

City Clerk McGuire stated two bids were received on the Trail Signage Project. Staff has reviewed the bids and is recommending that the project be awarded to the low bidder, Tri-City Sign Company, in the amount of \$10,890.00. The bid was for 11 signs.

Joel Hansen, City Planner, stated this grant was received through the Nebraska Game & Parks Recreational Trails Program. This is the first project they have allotted grant funds to for an educational project. These signs will be located along the trail from Henry Victor Park to the rugby fields.

Mayor Chamberlain noted that the City's match for this project (20%) has been budgeted for.

Councilmember Ley introduced Resolution 2011-76, and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-76

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE "HENRY VICTOR MEMORIAL PARK SIGN PROJECT."

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

The following Resolution would direct the City Clerk to file a lien against 509 West First Street 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.

Councilmember Brodersen introduced Resolution No. 2011-77 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2011-77

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.

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

John Zwingman of Advanced Consulting Engineering Services advised the Council that he has prepared the plans and specifications for Street Improvement District No. 2011-1 (Pheasant Run Road/Western Ridge Third Addition). The paving will be a 9" thick, 30' wide concrete road extending approximately 875' north from the center of the intersection of Highway 35. There will also be installation of four driveways at unknown locations at this time, for not only the Bomgaars' property but also adjacent properties. They are hopeful that the road will be constructed this calendar year, weather permitting.

The Resolution before Council would confirm the hiring of their firm as the engineer on said project, approve the plans and specs, approve the cost estimate of \$165,000 for the project, and direct the City Clerk to start advertising for bids.

Mr. Zwingman noted that the bid letting date is October 14, 2011, at 11:00 a.m.

Mr. Zwingman also stated that they currently have four different proposed options for the grading of Mr. Bower's driveway to provide them access. Their surveyor is going to go out there and place flags to show Mr. Bowers where each of the proposed

driveways would be. The Bowers can then choose which driveway is most acceptable to them.

Mr. Hansen noted that the worst case scenario is that if Mr. Bowers will not let the City on his property, the City can either go through condemnation proceedings or build a retaining wall that would be vertical about 10' in height in order to stay completely off his property.

Mayor Chamberlain stated negotiations with the Bowers will probably take place to try and come up with a solution that works best for everybody.

Councilmember Brodersen introduced Resolution No. 2011-78 and moved for its approval; Councilmember Sturm seconded.

#### RESOLUTION NO. 2011-78

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND APPROVING THE PLANS AND SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA (PHEASANT RUN ROAD).

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. 2011-17 and moved for approval of the second reading thereof which reduces the occupation tax to \$150 for non-profit Class C Liquor Licenses; Councilmember Alexander seconded.

#### ORDINANCE NO. 2011-17

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II OCCUPATION TAXES, SECTION 22-32 ALCOHOLIC LIQUORS OF THE WAYNE MUNICIPAL CODE; 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.

Councilmember Sturm introduced Ordinance No. 2011-19 and moved for approval of the second reading thereof; Councilmember Frevert seconded.

#### ORDINANCE NO. 2011-19

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE HOMECOMING ACTIVITIES (OCTOBER 6<sup>TH</sup>, 7<sup>TH</sup>, AND 8<sup>TH</sup>).

Ken Jorgensen, representing The Max, originally made the request and was present again requesting Council consideration to approving the ordinance.

Cale Giese and Joe Whitt, representing the Wayne State College Student Senate, spoke in favor of the passage of the ordinance.

Jeff Carstens, representing Wayne State College, and John Nelson, representing Project Extra Mile, spoke against the passage of the ordinance.

Councilmember Ley stated she has heard from three citizens in her ward that are opposed to this. Therefore, she would not be able to support the ordinance.

Councilmember Sturm, in response to a statement that had been made, stated this is not a last minute request. Mr. Jorgensen was here on at least two occasions. His personal belief is that this ordinance will not have any affect on the number of drunk drivers or MIP's in Wayne. Drinking is the individual. Mr. Jorgensen is not doing anything wrong here; he is just asking for what the law has allowed.

Councilmember Frevert stated when the Council originally talked about this, the Council agreed they would more than likely give this a try on a case by case basis. If there are problems, more than likely other requests will not be approved.

Councilmember Brodersen opined that when Mr. Jorgensen had originally requested a 2:00 a.m. permanent closing time, the Council said no, let's do it on an event basis. Mr. Jorgensen has come back and done exactly what the Council wanted him to do. They tried it out on Chicken Show weekend. She agreed that this is a different group of people, but that it would also be a good trial period.

Councilmember Alexander stated this, for him, is a little bit more of what would fall into our special occasion or special event category, than the next item on the agenda (Halloween Party).

Michelle Meyer, co-owner of Mikey's Place, questioned whether or not the inclusion of Thursday on this trial basis as opposed to just the weekend was the problem.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Ley and Berry who voted Nay, 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.

Councilmember Sturm stated the comment was brought up that we did not allow a permanent 2:00 closing time, but we, as a Council, told people to bring it back for a few times and we'll give it a try. If this doesn't work on those special occasions, we can change it. If we don't approve this, he didn't know what this would say for them as a City Council.

Mayor Chamberlain stated the motion, and the result of roll call being five Yeas (Frevert, Haase, Alexander, Sturm, and Brodersen) and 2 Nays (Councilmembers Ley and Berry), the Mayor declared the motion failed.

It was noted that in order to waive the three readings, there must be an affirmative vote of three-fourths of the Council or six members.

Councilmember Sturm introduced Ordinance No. 2011-20 and moved for approval of the second reading thereof; Councilmember Frevert seconded.

#### ORDINANCE NO. 2011-20

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR IN CONJUNCTION WITH A HALLOWEEN PARTY (OCTOBER 29<sup>TH</sup>).

Councilmember Alexander stated that to him, Halloween does not fall into that “special event” category.

Mayor Chamberlain stated the motion, and the result of roll call being four Nays (Councilmembers Haase, Alexander, Ley and Berry), and three Yeas (Councilmembers Frevert, Sturm, and Brodersen), the Mayor declared the motion failed.

Councilmember Alexander introduced Ordinance No. 2011-23 and moved for approval of the second reading thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2011-23

AN ORDINANCE AMENDING CHAPTER 30, ARTICLE I, SECTION 30-6 OF THE WAYNE MUNICIPAL CODE ESTABLISHING ELECTION WARDS.

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.

Mayor Chamberlain stated that Ho-Chunk Community Development Corporation is asking whether or not Wayne would like to be part of a grant to create a twenty-year planning document to identify goals and projects to further economic development in the area. The project will examine the current status of the region and focus on Livability Principals, which include transportation choices, affordable housing, infrastructure needs, support existing communities, enhance economic competitiveness, coordinate policies and leverage investments and value communities. There is a 20% match for this grant and HCCDC is requesting both financial and time support from the surrounding communities over the next three years. The amount they would be requesting from Wayne would be \$5,000 to participate in this grant.

Councilmember Frevert made a motion, which was seconded by Councilmember Sturm to not participate in the Sustainable Communities Regional Planning Grant with Ho-Chunk Community Development Corporation. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion and seconded by Councilmember Sturm to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:30 p.m.

## CLAIMS LISTING OCTOBER 18, 2011

## FISCAL YEAR CLAIMS 2010-2011

4IMPRINT	BANDAGE/KEYLIGHT/POWER CLIP	803.99
ADVANTAGE TAPE	CAC RECEIPT ADVERTISING	225.00
BROWN SUPPLY CO	STRAP SERVICE SADDLE	194.75
CARHART LUMBER COMPANY	BENCH REPAIR/BOLTS/FILTERS/PAINT ETC	786.98
CHARTWELLS	SENIOR CENTER MEALS	5,738.85
DANKO EMERGENCY EQUIPMENT	BUNKER JACKET/HOSE STRAP	545.85
DEETS FURNITURE INC	WINDOW SHADE	995.00
DIGITAL ALLY, INC	BATTERY PACK	127.50
FLETCHER FARM SERVICE INC	FERTILIZER	695.60
FREDRICKSON OIL CO	TIRE REPAIR/MOUNT & BALANCE	119.39
FREDRICKSON TYRFIL INC	2 TIRES FILLED	50.00
GEMPLER'S INC	SHIPPER SAVER	39.00
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	73.37
HARDING & SHULTZ P.C.	ATTORNEY FEES	40,263.46
HDR ENGINEERING INC	COOLING TOWER	1,806.65
INNOVATIVE PROTECTIVES	HOME PLATE & MOUND TARP	641.70
IRS	FEDERAL WITHHOLDING	17,120.41
KTCH AM/FM RADIO	CAC ADVERTISING	160.00
LEAGUE OF NEBRASKA	ANNUAL CONFERENCE REGISTRATIONS	1,416.00
MCGRATH NORTH	ATTORNEY FEES	3,096.00
MES-MIDAM	BUNKER COAT & PANTS/FACE SHIELD	2,216.66
MUNICIPAL SUPPLY	WATER METER	89.88
NE AIR FILTER	FILTERS	45.45
NE DEPT OF REVENUE	STATE WITHHOLDING	2,573.66
NE LAW ENFORCEMENT	FIREARMS RECERTIFICATION	50.00
NORFOLK TRUCK CENTER	2012 FREIGHTLINER TRUCK	92,475.00
NORTHEAST EQUIPMENT	BOLTS/FITTINGS/OIL/CAP	123.75
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	12,180.28
OMAHA WORLD-HERALD	BIDS FOR TRAIL SIGNAGE	1,332.62
PAMIDA STORE # 165	CARPET CLEANER/BATTERIES/KLEENEX ETC	93.25
PEPSI-COLA	CAC POP	484.20
POLLARD PUMPING	PORTA POTTY-WSC CAR RALLY	222.50
QUALITY FOODS	ICE	2.97
STAN HOUSTON EQUIPMENT CO	SNOW FENCE	347.27
STATE NATIONAL BANK	ACH FEES	49.98
STEFFEN	V SNOW PLOW	5,200.00
US BANK	MEALS/LODGING/LAPTOP/CABLE ETC	5,980.61
UTILITIES SECTION	BACKFLOW WORKSHOP	105.00
WAYNE AUTO PARTS	U JOINT/FILTER/WRENCHES ETC	312.14
WAYNE COMMUNITY SCHOOLS	LIQUOR LICENSES	1,644.50
WAYNE COUNTY CLERK	FILING FEES	11.00
WAYNE HERALD	YEARBOOK ADVERTISING	967.50
ZACH OIL COMPANY	GASOLINE	5,100.15

FICAL YEAR CLAIMS 2011-2012

AMERICAN BROADBAND	FIBER LINE LEASE	330.00
AMERICAN LIBRARY ASSOC	MEMBERSHIP DUES	180.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,411.11
APPEARA	LINEN & MAT SERVICE	159.09
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
BROWN SUPPLY CO	FRAME/LID/RHINO COAT/DECALS	934.06
CITY OF WAYNE	CAC-PT SERVICES PUNCH CARD REFUND	117.00
CITY OF WAYNE	PAYROLL	55,187.01
CITY OF WAYNE	TREE INCENTIVES	300.00
CITY OF WAYNE	UTILITY REFUNDS	297.99
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CONSOLIDATED MANAGEMENT	TRAINING ACADEMY MEALS-L HOLLAND	47.00
CORBY SCHWEERS	ENERGY INCENTIVE	232.50
COUNTRY NURSERY INC	LANDSCAPE DESIGN-BOWERS PHEASANT RD	120.00
CREDIT BUREAU SERVICES	PAYROLL DEDUCTIONS	112.16
DALE PAULSON/PAULSON CONST	ROOF REPLACEMENTS-CH	7,001.54
DE LAGE LANDEN FINANCIAL	COPIER EQUIPMENT LEASE	394.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	122.12
ENGINEERED CONTROLS, INC	CAC MAINTENANCE PROGRAM	450.00
FLOOR MAINTENANCE	GARBAGE LINERS	39.95
FORT DEARBORN LIFE	DISABILITY/LIFE INSURANCE	1,471.19
GILL HAULING, INC	SANITATION SERVICE	133.00
CITY EMPLOYEE	COMPUTER PURCHASE	700.00
HAUGE ASSOCIATES, INC.	PAYROLL DEDUCTIONS	167.75
CITY EMPLOYEE	HEALTH REIMBURSEMENT	11.48
HR SPECIALIST	EMPLOYMENT LAW	139.00
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,659.83
KRIZ-DAVIS COMPANY	METER SOCKETS/ARRESTOR/ELBOWS	1,559.16
MARK AHMANN	ENERGY INCENTIVE	480.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	66.71
MIDWEST LABORATORIES, INC	BOD TESTING	626.95
MIKE TOWNE	WIND ENERGY	800.00
NATIONAL BUSINESS INST.	REGISTRATION- K DAHL/J HANSEN	688.00
CITY EMPLOYEE	COMPUTER PURCHASE	1,567.50
NE CODE OFFICIAL ASSOC	REGISTRATION C BELT	200.00
NE LIBRARY COMMISSION	OVERDRIVE	566.00
NE PUBLIC HEALTH	BLOOD ALCOHOL TESTING	84.00
NE SAFETY COUNCIL	MEMBERSHIP DUES	330.00
NEBR PUBLIC POWER DIST	ELECTRICITY	323,076.12
NEBRASKA U.C. FUND	UNEMPLOYMENT COMP	1,158.60
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTION	29.62
NE NEB INS AGENCY INC	INSURANCE	55,194.00
OAKSTONE PUBLICATIONS	SUBSCRIPTION RENEWAL	139.92
PAMELA EVERETT	ENERGY INCENTIVE	500.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	22.12

PETERSON'S, A NELNET CO	BOOKS	107.80
PRESTO X COMPANY	PEST CONTROL	47.00
PROVIDENCE MEDICAL CENTER	2011-2012 AMBULANCE SERVICE	10,000.00
SOCIETY FOR HUMAN	MEMBERSHIP - N BRADEN	180.00
SOOLAND BOBCAT	SOLENOID/HYDRAULIC FILTER	185.37
SPARKLING KLEAN	JANITORIAL SERVICES	1,138.00
STADIUM SPORTING GOODS	EMBROIDERY ON SHIRTS	28.00
STATE NATIONAL BANK	SERIES 2006 INTEREST	577,021.67
STATE NATIONAL BANK	SERIES 2005 NOTES	81,148.32
STATE NATIOANL BANK	FOOTBALL SIGN UP	100.00
SUTTON, TIM	ENERGY INCENTIVE	285.59
TRI-CITY SIGN COMPANY	TRAIL SIGNAGE DOWN PAYMENT	5,445.00
UNITED WAY	PAYROLL DEDUCTIONS	5.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	20.62
CITY EMPLOYEE	MILEAGE REIMBURSEMENT	33.00
WALTER OTTE	ENERGY INCENTIVE	477.25
WASTE CONNECTIONS	SANITATION SERVICE-SB COMPLEX	48.10
WATERLINK, INC	WATER TREATMENT SERVICE	1,053.42
WAYNE COMMUNITY SCHOOLS	YEARBOOK AD-FIRE HALL	100.00
WESTERN AREA POWER ADMIN	ELECTRICITY	25,657.66
CITY EMPLOYEE	VISION REIMBURSEMENT	71.00
WRIEDT, RONALD	TOWER REVIEW FEE	50.00
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	60.60

DELETE FROM CLAIMS 10/4/11

NE U.C. FUND UNEMPLOYMENT COMP \$334.66

WAYNE VOLUNTEER FIRE DEPARTMENT  
And Rural Fire District No. 2  
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Kimberly Marie Zuñiga Address 705 Haas Ave  
Phone Number 402-518-0315 Social Security # 638-44-2716

Employer: Clara Occupation carrier  
How long have you been employed by your present employer? one month  
Previous Employer and Address \_\_\_\_\_

Have you previously been a member of a Fire Department? no  
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training \_\_\_\_\_

Do you have any physical ailments or disabilities that could affect your performance on the department?  
\_\_\_\_\_

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? yes

- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? yes

- Have you read the Bylaws of the Department, and do you understand them? yes Do you agree to abide by them? yes

- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Kimberly Zuñiga Date 10-03-11

Sponsor's Signature (if applicable) \_\_\_\_\_ Date \_\_\_\_\_

.....  
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Kimberly Zuñiga Date \_\_\_\_\_

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

Julie Melem  
Secretary's Signature Thomas R. Ahmud Date 10-11-11

Chief's Signature Jan Bur Date 10-11-11

.....  
Council approved on \_\_\_\_\_ certified by City Clerk \_\_\_\_\_

.....  
For record purposes only: Date of Birth \_\_\_\_\_

ORDINANCE NO. 2011-17

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II OCCUPATION TAXES, SECTION 22-32 ALCOHOLIC LIQUORS OF THE WAYNE MUNICIPAL CODE; 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 22, Article II, Section 22-32 of the Wayne Municipal Code is amended to read as follows:

Sec. 22-32 Alcoholic Liquors

For the purpose of raising revenue, an occupation tax is levied on the business regarding alcoholic liquors in the amount as authorized by Section 53-132(4) of the Nebraska Liquor Control Act. Said occupation taxes for liquor license holders of the City of Wayne, Nebraska, will be two times the amount of the license fees established by the Nebraska Liquor Control Commission. **Provided, however, a nonprofit corporation doing business under this section shall pay an occupation tax of \$150 for a Class C Liquor License. A nonprofit corporation shall mean and be a non-profit corporation as defined by Chapter 53 of the Revised Statutes of the State of Nebraska of 1943 as amended.** For new licenses that are applied for and received on dates other than the renewal dates, the fees will be prorated on a quarterly basis as outlined by the Nebraska Liquor Control Commission.

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

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

PASSED AND APPROVED this 18<sup>th</sup> day of October, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**ORDINANCE NO. 2011-23**

**AN ORDINANCE AMENDING CHAPTER 30, ARTICLE I, SECTION 30-6 OF THE WAYNE MUNICIPAL CODE ESTABLISHING ELECTION WARDS.**

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

Section 1. That Chapter 30, Article I, section 30-6 of the Municipal Code of Wayne, Nebraska, be amended to read as follows:

Election Wards. The City of Wayne, Nebraska, shall be and is hereby divided into four wards as follows:

- A. First Ward shall consist of all territory in said City East and South of a line commencing at the South boundary of the City of Wayne on S. Nebraska Street, thence North on S. Nebraska Street to Fairground Avenue, thence West on Fairground Avenue to Main Street, thence North on Main Street to E. 10th Street, thence East on E. 10th Street to the alley east of Windom Street, thence South on the alley east of Windom Street to 9th Street, thence East on 9th Street to Pine Heights Road, thence northerly on Pine Heights Road to E. 10<sup>th</sup> Street, thence East on E. 10<sup>th</sup> Street to Providence Road, thence southerly on Providence Road to Sunnyview Drive, thence easterly on Sunnyview Drive to Hillside Drive, thence South on Hillside Drive to East 7<sup>th</sup> Street, thence East on 7th Street to the city limits.
- B. Second Ward shall consist of all territory in said City North and East of a line commencing at the East boundary of the City of Wayne on 7th Street, thence West on 7th Street to Hillside Drive, thence north on Hillside Drive to Sunnyview Drive, thence westerly on Sunnyview Drive to Providence Road, thence northerly on Providence Road to E. 10<sup>th</sup> Street, thence West on E. 10<sup>th</sup> Street to Pine Heights Road, thence southerly on Pine Heights Road to E. 9<sup>th</sup> Street, thence West on E. 9<sup>th</sup> Street to the alley east of Windom Street, thence North on the alley east of Windom Street to J.G.W. Lewis Drive, thence West on J.G.W. Lewis Drive to Main Street, thence North on Main Street to city limits.
- C. Third Ward shall consist of all territory in said City North and West of a line commencing at the North boundary of the City of Wayne on Main Street, thence South on Main Street to J.G.W. Lewis Drive, thence East on J.G.W. Lewis Drive to Schreiner Drive, thence South on Schreiner Drive to E. 10<sup>th</sup> Street, thence West on E. 10<sup>th</sup> Street to Main Street, thence South on Main Street to 8<sup>th</sup> Street, thence West on 8<sup>th</sup> Street to Lincoln Street, thence South on Lincoln Street to 7<sup>th</sup> Street, thence West on 7<sup>th</sup> Street to city limits.
- D. Fourth Ward shall consist of all territory in said City South and West of a line commencing at the South boundary of the City of Wayne on S. Nebraska Street, thence North on S. Nebraska Street to Fairground Avenue, thence West on Fairground Avenue to Main Street, thence North on Main Street to 8th Street, thence West on 8<sup>th</sup> Street to Lincoln Street,

thence South on Lincoln Street to 7th Street, thence West on 7th Street to the city limits.

Section 2. That the original section 30-6 and any ordinance passed and approved prior to the passage, approval, and publication of this ordinance and in conflict herewith are hereby repealed.

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

PASSED AND APPROVED this 18<sup>th</sup> day of October, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**City of Wayne  
Interoffice Memorandum**

**Date:** October 11, 2011  
**To:** Mayor Chamberlain  
Wayne City Council  
**From:** Joel Hansen, Staff Liaison to Planning Commission  
**Re:** Recommendations from October 3, 2011 Meeting



At their meeting held on October 3, 2011, the Wayne Planning Commission held six public hearings. Attached are the amended language public hearings two through five. The results of those six public hearings are as follows:

1. **Public Hearing: Special Conditions and Conditions for Granting Exceptions, Section 90-355(4) Drive-Through Coffee Shop, Applicant: Diane Pick**

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Carstens to approve and forward a recommendation of approval to the City Council for the special condition and condition for granting exceptions, specifically Section 90-355(4) Drive-Through Coffee Shop, with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Carstens – aye; Commissioner Piper – aye; Commissioner Kranz – aye; Commissioner Brogie – aye; and Chair Melena – aye. All were in favor; Chair Melena declared the motion carried unanimously.

2. **Public Hearing: Amending Section 90-358(1) Front Yard - Minimum Yard Requirement B-1 Highway Business District, Applicant: City of Wayne**

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Kranz and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council for the amendment of Section 90-358(1) Front Yard – Minimum Yard Requirements B-1 Highway Business District, with one additional deletion of "...federal aid-secondary..." from the section, with the findings of fact being staff's recommendation, consistency with the comprehensive plan, and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Kranz – aye; Commissioner Piper – aye; Commissioner Carstens – aye;

Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Chair Melena – aye. All were in favor; motion carried unanimously.

3. **Public Hearing: Amending Section 90-428(a) Front Yard – Minimum Yard Requirements B-3 Neighborhood Commercial District, Applicant: City of Wayne**

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Brogie and seconded by Commissioner Kranz to approve and forward a recommendation of approval to the City Council for the amendment of Section 90-428(a) Front Yard – Minimum Yard Requirements B-3 Neighborhood Commercial District, with one additional deletion of "...federal aid-secondary..." from the section, with the findings of fact being staff's recommendation, consistency with the comprehensive plan, and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Carstens – aye; Commissioner Piper – aye; Commissioner Kranz – aye; Commissioner Brogie – aye; and Chair Melena – aye. All were in favor; motion carried unanimously.

4. **Public Hearing: Amending Section 90-422 Permitted Principal Uses and Structures & Section 90-423(2) Permitted Accessory Uses and Structures & Section 90-424(13 & 14) Exceptions B-3 Neighborhood Commercial District, Applicant: City of Wayne**

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Brogie to approve and forward a recommendation of approval to the City Council for the amendment of Section 90-422 Permitted Principal Uses and Structures and Section 90-423(2) Permitted Accessory Uses and Structures and Section 90-424(13 and 14) Exceptions, all in the B-3 Neighborhood Commercial District, with the finding of fact being staff's recommendation, consistency with the comprehensive plan, and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Kranz – aye; Commissioner Piper – aye; Commissioner Carstens – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Chair Melena – aye. All were in favor; motion carried unanimously.

5. **Public Hearing: Amending Section 90-394 Exceptions & Adding Section 90-402 Permitted Conditional Uses in the B-2 Central Business District, Applicant: City of Wayne**

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Brogie and seconded by Commissioner Sweetland to approve and forward a recommendation of

approval to the City Council to amend Section 90-394 Exceptions by deleting subparagraph 5 Multifamily residential uses, subparagraph 8 Single-family dwelling, and subparagraph 10 Two-family dwelling and adding Section 90-402 Permitted Conditional Uses, along with changes being to add Single-family dwelling and Two-family dwelling and forward a recommendation of approval to the City Council with the findings of fact being it is staff's recommendation and the consistency with the Comprehensive Plan and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Carstens – aye; Commissioner Piper – aye; Commissioner Kranz – aye; Commissioner Brogie – aye; and Chair Melena – aye. Chair Melena stated all were in favor; motion carried unanimously.

6. **Public Hearing: Rezoning Request to Amend All of Western Ridge Third Addition to B-1 Highway Business District, Applicant: City of Wayne**

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Brogie and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council to rezone all of Western Ridge Third Addition to B-1 Highway Business District, with the findings of fact being it is staff's recommendation and consistency with the Comprehensive Plan and current and future land use map. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Kranz – aye; Commissioner Piper – aye; Commissioner Carstens – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Chair Melena – aye. Chair Melena stated all were in favor; motion carried unanimously.

**Public Hearing — Amending Section 90-358(1) Minimum Yard Requirements B-1 Highway Business District**

**Applicant: City of Wayne**

**Sec. 90-358. Minimum yard requirements**

The minimum requirements are as follows:

1. Front yard. There shall be a minimum front yard of not less than a depth of 100 feet from the centerline of a federal aid-primary ~~or federal aid-secondary~~ designated street or highway or 35 feet from the property line, whichever is greater. In all other streets or highways, there shall be a minimum front yard of not less than a depth of 25 feet from the property line. These yard requirements shall apply to any yard abutting a federal aid-primary ~~or federal aid-secondary~~ designated street or highway regardless of the lot's being an interior or corner lot.
2. Rear yard. No rear yard is required, except the minimum rear yard abutting an R district shall be 25 feet.
3. Side yard. No side yard is required, except the minimum side yard abutting an R district shall be ten feet.
4. Distance between structures. The minimum distances between a residential or other principal structure and other structure shall be ten feet.

(Ord. No. 93-11, § 701.08, 9-28-1993)

**Public Hearing — Amending Section 90-428(1) Minimum Yard Requirements B-3 Neighborhood Commercial District**

**Applicant: City of Wayne**

**Sec. 90-428. Minimum yard requirements**

(a) Front yard. In a B-3 district, there shall be a minimum front yard of not less than a depth of 80 feet from the centerline of a federal aid-primary ~~federal aid-secondary~~ designated street or highway or 15 feet from the property line, whichever is greater. On all other streets or highways, there shall be a minimum front yard of not less than a depth of 15 feet from the property line. These yard requirements shall apply to any yard abutting a federal aid-primary ~~or federal aid-secondary~~ designated street or highway regardless of the lot's being an interior or corner lot.

Deleted: or

(b) Rear yard. The minimum rear yard abutting an R district shall be ten feet.

(c) Side yard. The minimum side yard abutting an R district shall be ten feet.

(d) Distance between structures. The minimum distance between a residential or other principal structure and another structure shall be ten feet.

(Ord. No. 93-11, § 703.08, 9-28-1993)

**Public Hearing — Amending Section 90-422(3) Permitted Principal Uses and Structures, B-3 Neighborhood Commercial District**

**Applicant: City of Wayne**

**Sec. 90-422. Permitted principal uses and structures**

The following shall be permitted as uses by right in a B-3 district:

1. Business offices.
2. Professional offices.
3. Retail stores and service establishments which supply commodities or provide services primarily to meet the convenience needs of residents of one or more residential neighborhoods, including:
  1. Apparel stores.
  2. Automobile parking.
  3. Bakery goods store.
  4. Banks and other lending agencies, detached banking facilities, and automatic teller machines, subject to section 90-425.
  5. Barbershops, beauty parlors, tanning salons, and shoeshine shops.
  6. Bookstores.
  7. Car wash establishments, subject to section 90-425.
  8. Charitable institutions (soup kitchens, missions, food pantries).
  9. Cleaning agencies (pickup and delivery only).
  10. Clinic (medical).
  11. Coin-operated laundromats, excluding dry cleaning.
  12. Drugstores and pharmacies.
  13. Dry cleaning and laundry agencies, provided that cleaning and laundering is not done on the premises.
  14. Electrical appliances and incidental repair shops.
  15. Food lockers (no slaughtering).
  16. Foodstores, delicatessens, and supermarkets.
  17. Funeral homes and mortuaries.
  18. Garden supply stores and nurseries, provided that all equipment, supplies, merchandise and plants shall be kept within a completely enclosed building, and provided that fertilizer of any type shall be stored and sold in packaged form only.
  19. Hardware stores.
  20. Medical, pharmaceutical, dental, and related health care and personal services.
  21. Pressing, altering and repairing of wearing apparel establishments.
  22. Radio and television, office equipment, electrical and electronic equipment stores, and repair shops.

23. Restaurants, cafeterias, tearooms and cafes, including outdoor cafes.
24. Shoestores.
25. Specialty shops such as:
  1. Camera shops, photographic supplies and photograph studios.
  2. Candy and confectionery.
  3. Dairy products.
  4. Florists.
  5. Gift shops.
  6. Hobby and art supply.
  7. Locksmiths.
  8. Newsstand/magazine.
  9. Soda fountains.
  10. Stationery stores.
  11. Video and electronic rentals.
26. Tailor and dressmaker shops.
27. Variety stores.
4. Signs in accordance with the provisions of section 90-713.
5. **Single-Family Dwelling**
6. **Two-Family Dwelling**

(Ord. No. 93-11, § 703.02, 9-28-1993)

**Public Hearing — Amending Section 90-423(2) Permitted Accessory Uses and Structures, B-3 Neighborhood Commercial District**

**Applicant: City of Wayne**

**Sec. 90-423. Permitted accessory uses and structures**

The following accessory uses and structures shall be permitted in a B-3 district:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions, provided that:
  1. a) Shall be in conformance with the provisions of Section 90-703 of this code.
- ~~2. One family dwellings over or to the rear of a permitted use, provided that such dwellings are primarily for the use of the person owning or operating the commercial use on the same site.~~

(Ord. No. 93-11, § 703.03, 9-28-1993; Ord. No. 2004-15, §, 12-14-2004)

**Public Hearing — Amending Section 90-424(13 & 14) Exceptions, B-3  
Neighborhood Commercial District**

**Applicant: City of Wayne**

**Sec. 90-424. Exceptions**

In accordance with article XI of this chapter, the following exceptions are allowed in a B-3 district:

1. Auto sales and services, including open air display of new or used cars.
2. Bowling alleys.
3. Child care centers.
4. Child care homes.
5. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and/or elevated pressure tanks.
6. On-premises laundry and cleaning.
7. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district.
8. Planned unit developments.
9. Public and quasi-public uses of an educational, recreational or religious type, including preschools, public and parochial elementary schools and junior high schools, high schools, private nonprofit schools, churches, parsonages and other religious institutions; parks and playgrounds.
10. Public uses of an administrative, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, police and fire stations, and other public buildings, structures and facilities.
11. Private club or lodge.
12. Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" as provided in section 90-10, provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
- ~~13. Single-family dwelling.~~
- ~~14. Two-family dwelling.~~
15. Miniwarehouses.
16. Manufactured homes for residential purposes, provided the home complies with all provisions 90-711.
17. Vehicle Towing Service.

(Ord. No. 97-1, § 2, 2-11-1997; Ord. No. 2010-28, §, 10-19-2010)

## Public Hearing – Amending Section 90-394 Exceptions of the B-2 Central Business District

### Sec. 90-394. Exceptions

In accordance with article XI of this chapter, the following exceptions are allowed in the B-2 district:

1. Child care homes and centers.
2. Cleaning and laundry on premises.
3. Commercial recreation facilities (bowling alleys, miniature golf courses, dancehalls, and similar uses).
4. Electric distribution substations and gas regulator stations.
5. ~~Multifamily residential uses, provided that such uses shall meet the state fire marshal's requirement standards for new construction, unless specifically waived by the planning commission for an existing structure; and:~~
  1. ~~a. Provided the dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~
  2. ~~b. Provided a minimum of two off-street parking spaces for each unit are available.~~
  3. ~~c. Whenever the planning commission considers and rules upon a permit for a use by exception (conditional use) as it may pertain to multifamily residential uses which are proposed to occupy the first or ground floor of a structure in the B-2 district, the commission should exclude, as a condition, the area occupied on a lot within 30 feet of a front lot line at ground level such that it be used/usable for any allowable uses other than residential.~~
  4. ~~Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district.~~
6. Private clubs and lodges.
7. Service stations (gasolines), excluding automotive repair services not included in the definition of "service station" as provided by this chapter, provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
8. ~~Single-family dwelling, provided:~~
  1. ~~a. Such dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~
  2. ~~b. A minimum of two off-street parking spaces for each unit are available.~~
9. Storage garages and miniwarehouses.
10. ~~Two-family dwelling, provided:~~
  1. ~~a. Such dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~
  2. ~~b. A minimum of two off-street parking spaces for each unit are available.~~
11. Public and quasi-public uses of an educational, recreational or religious type, including preschools, public and parochial elementary schools and junior high

schools, high schools, private nonprofit schools, churches, parsonages, and other religious institutions; parks and playgrounds.

12. Public uses of an administrative, public service or cultural type, including city, county, state or federal post offices, administrative centers and courts, libraries, police and fire stations, and other public buildings, structures and facilities.
13. Public utility facilities.
14. Sports arenas within buildings.
15. Temporary shelter for homeless.
16. Manufactured homes for residential purposes, provided the home complies with all provisions of section 90-711.

**Public Hearing – Adding Section 90-402 Permitted Conditional Uses  
of the B-2 Central Business District**

**Sec. 90-402. Permitted conditional uses.**

A building or premises in a B-2 district may be used for the following in conformance with the prescribed conditions:

1. Multifamily Residential Uses:
  - a. Provided that such use shall meet the State Fire Marshal's requirements.
  - b. Provided the dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.
  - c. Provided a minimum of two off-street parking spaces for each unit are available.
  - d. Provided the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for nonresidential use.
  
2. Single-family dwelling, provided:
  - a. Provided that such use shall meet the State Fire Marshal's requirements.
  - b. Provided the dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.
  - c. Provided a minimum of two off-street parking spaces for each unit are available.
  - d. Provided the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for nonresidential use.
  
3. Two-family dwelling, provided:
  - a. Provided that such use shall meet the State Fire Marshal's requirements.
  - b. Provided the dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.
  - c. Provided a minimum of two off-street parking spaces for each unit are available.
  - d. Provided the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for nonresidential use.

**RESOLUTION NO. 2011-79**

**A RESOLUTION APPROVING THE APPLICATION FOR A ZONING USE BY EXCEPTION PERMIT TO ALLOW FOR A DRIVE-THROUGH COFFEE SHOP AT 527 E. 7<sup>TH</sup> STREET, LEGALLY DESCRIBED AS LOTS 1 AND 17, BLOCK 1, EAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.”**

WHEREAS, the Planning Commission has considered an application for a zoning use by exception permit submitted by Diane Pick to allow for a drive-through coffee shop at 527 E. 7<sup>th</sup> Street, legally described as Lots 1 and 17, Block 1, East Addition to the City of Wayne, Wayne County, Nebraska; and

WHEREAS, the Planning Commission, subsequent to a public hearing held October 3, 2011, recommended approval of the use by exception permit request for Section 90-355(4) Drive Through Coffee Shop for Diane Pick to allow her to have a drive-through coffee shop on Lots 1 and 17, Block 1, East Addition to the City of Wayne, Wayne County, Nebraska, provided that in addition to the space at which the product or service is dispensed, at least three stack or queue spaces will be provided as a minimum with no stack or queue permitted to occupy public right-of-way, and subject to the following “Findings of Fact”:

- Staff’s recommendation; and
- Consistency with the Comprehensive Plan and the current and future land use maps; and

WHEREAS, the City Council considered the aforesaid application to allow for a drive-through coffee shop in a B-1 Highway Business Zoning District (527 E. 7<sup>th</sup> Street) subsequent to a public hearing held on October 18, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Council accepts the recommendation of the Planning Commission and approves the application, subject to the above-stated “Findings of Fact.”

PASSED AND APPROVED this 18<sup>th</sup> day of October, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

ORDINANCE NO. 2011-24

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 2. B-1 HIGHWAY BUSINESS DISTRICT, SECTION 90-358 MINIMUM YARD REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 90, Article V Business and Commercial Districts, Division 2., B-1 Highway Business District, Section 90-358 Minimum Yard Requirements of the Wayne Municipal Code shall be amended as follows:

**Sec. 90-358. Minimum Yard Requirements**

The minimum requirements are as follows:

1. Front yard. There shall be a minimum front yard of not less than a depth of 100 feet from the centerline of a federal aid-primary ~~or federal aid-secondary~~ designated street or highway or 35 feet from the property line, whichever is greater. In all other streets or highways, there shall be a minimum front yard of not less than a depth of 25 feet from the property line. These yard requirements shall apply to any yard abutting a federal aid-primary ~~or federal aid-secondary~~ designated street or highway regardless of the lot's being an interior or corner lot.
2. Rear yard. No rear yard is required, except the minimum rear yard abutting an R district shall be 25 feet.
3. Side yard. No side yard is required, except the minimum side yard abutting an R district shall be ten feet.
4. Distance between structures. The minimum distances between a residential or other principal structure and other structure shall be ten feet.

Section 2. That the Planning Commission held a public hearing on October 3, 2011, regarding these amendments, and have recommended approval thereof subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 3. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

ORDINANCE NO. 2011-25

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 3. B-3 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 90-428 MINIMUM YARD REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 90, Article V Business and Commercial Districts, Division 3. B-3 Neighborhood Commercial District, Section 90-428 Minimum Yard Requirements of the Wayne Municipal Code shall be amended as follows:

**Sec. 90-428. Minimum Yard Requirements**

The minimum requirements are as follows:

- (a) Front yard. In a B-3 district, there shall be a minimum front yard of not less than a depth of 80 feet from the centerline of a federal aid-primary ~~or federal aid-secondary~~ designated street or highway or 15 feet from the property line, whichever is greater. On all other streets or highways, there shall be a minimum front yard of not less than a depth of 15 feet from the property line. These yard requirements shall apply to any yard abutting a federal aid-primary ~~or federal aid-secondary~~ designated street or highway regardless of the lot's being an interior or corner lot.
- (b) Rear yard. The minimum rear yard abutting an R district shall be ten feet.
- (c) Side yard. The minimum side yard abutting an R district shall be ten feet.
- (d) Distance between structures. The minimum distance between a residential or other principal structure and another structure shall be ten feet.

Section 2. That the Planning Commission held a public hearing on October 3, 2011, regarding these amendments, and have recommended approval thereof subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 3. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**ORDINANCE NO. 2011-26**

**AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 3. B-3 NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 90-422 PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 90-423 PERMITTED ACCESSORY USES AND STRUCTURES, AND SECTION 90-424 EXCEPTIONS, B-3 NEIGHBORHOOD COMMERCIAL DISTRICT; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

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

Section 1. That Chapter 90, Article V Business and Commercial Districts, Division 3. B-3 Neighborhood Commercial District, Section 90-422 Permitted Principal Uses and Structures of the Wayne Municipal Code shall be amended as follows:

**Sec. 90-422. Permitted principal uses and structures**

The following shall be permitted as uses by right in a B-3 district:

1. Business offices.
2. Professional offices.
3. Retail stores and service establishments which supply commodities or provide services primarily to meet the convenience needs of residents of one or more residential neighborhoods, including:
  1. Apparel stores.
  2. Automobile parking.
  3. Bakery goods store.
  4. Banks and other lending agencies, detached banking facilities, and automatic teller machines, subject to section 90-425.
  5. Barbershops, beauty parlors, tanning salons, and shoeshine shops.
  6. Bookstores.
  7. Car wash establishments, subject to section 90-425.
  8. Charitable institutions (soup kitchens, missions, food pantries).
  9. Cleaning agencies (pickup and delivery only).
  10. Clinic (medical).
  11. Coin-operated laundromats, excluding dry cleaning.
  12. Drugstores and pharmacies.
  13. Dry cleaning and laundry agencies, provided that cleaning and laundering is not done on the premises.
  14. Electrical appliances and incidental repair shops.
  15. Food lockers (no slaughtering).
  16. Foodstores, delicatessens, and supermarkets.

17. Funeral homes and mortuaries.
  18. Garden supply stores and nurseries, provided that all equipment, supplies, merchandise and plants shall be kept within a completely enclosed building, and provided that fertilizer of any type shall be stored and sold in packaged form only.
  19. Hardware stores.
  20. Medical, pharmaceutical, dental, and related health care and personal services.
  21. Pressing, altering and repairing of wearing apparel establishments.
  22. Radio and television, office equipment, electrical and electronic equipment stores, and repair shops.
  23. Restaurants, cafeterias, tearooms and cafes, including outdoor cafes.
  24. Shoestores.
  25. Specialty shops such as:
    1. Camera shops, photographic supplies and photograph studios.
    2. Candy and confectionery.
    3. Dairy products.
    4. Florists.
    5. Gift shops.
    6. Hobby and art supply.
    7. Locksmiths.
    8. Newsstand/magazine.
    9. Soda fountains.
    10. Stationery stores.
    11. Video and electronic rentals.
  26. Tailor and dressmaker shops.
  27. Variety stores.
4. Signs in accordance with the provisions of section 90-713.
- 5. Single-Family Dwelling**
- 6. Two-Family Dwelling**

Section 2. That Chapter 90, Article V Business and Commercial Districts, Division 3. B-3 Neighborhood Commercial District, Section 90-423 Permitted Accessory Uses and Structures of the Wayne Municipal Code shall be amended as follows:

**Sec. 90-423. Permitted accessory uses and structures**

The following accessory uses and structures shall be permitted in a B-3 district:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as exceptions, provided that:
  1. a) Shall be in conformance with the provisions of Section 90-703 of this code.

~~2. One family dwellings over or to the rear of a permitted use, provided that such dwellings are primarily for the use of the person owning or operating the commercial use on the same site.~~

Section 3. That Chapter 90, Article V Business and Commercial Districts, Division 3. B-3 Neighborhood Commercial District, Section 90-424 Exceptions B-3 Neighborhood Commercial District of the Wayne Municipal Code shall be amended as follows:

**Sec. 90-424. Exceptions**

In accordance with article XI of this chapter, the following exceptions are allowed in a B-3 district:

1. Auto sales and services, including open air display of new or used cars.
2. Bowling alleys.
3. Child care centers.
4. Child care homes.
5. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and/or elevated pressure tanks.
6. On-premises laundry and cleaning.
7. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district.
8. Planned unit developments.
9. Public and quasi-public uses of an educational, recreational or religious type, including preschools, public and parochial elementary schools and junior high schools, high schools, private nonprofit schools, churches, parsonages and other religious institutions; parks and playgrounds.
10. Public uses of an administrative, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, police and fire stations, and other public buildings, structures and facilities.
11. Private club or lodge.
12. Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" as provided in section 90-10, provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
- ~~13. Single family dwelling,~~
- ~~14. Two family dwelling,~~
15. Miniwarehouses.
16. Manufactured homes for residential purposes, provided the home complies with all provisions 90-711.
17. Vehicle Towing Service.

Section 4. That the Planning Commission held a public hearing on October 3, 2011, regarding these amendments, and have recommended approval thereof subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 5. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

ORDINANCE NO. 2011-27

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE V BUSINESS AND COMMERCIAL DISTRICTS, DIVISION 2. B-2 CENTRAL BUSINESS DISTRICT, SECTION 90-394 EXCEPTIONS; AND BY ADDING SECTION 90-402 PERMITTED CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 90, Article V Business and Commercial Districts, Division 2. B-2 Central Business District, Section 90-394 Exceptions of the Wayne Municipal Code shall be amended as follows:

**Sec. 90-394. Exceptions**

In accordance with article XI of this chapter, the following exceptions are allowed in the B-2 district:

1. Child care homes and centers.
2. Cleaning and laundry on premises.
3. Commercial recreation facilities (bowling alleys, miniature golf courses, dancehalls, and similar uses).
4. Electric distribution substations and gas regulator stations.
- ~~5. Multifamily residential uses, provided that such uses shall meet the state fire marshal's requirement standards for new construction, unless specifically waived by the planning commission for an existing structure; and:
  - ~~a. Provided the dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection;~~
  - ~~b. Provided a minimum of two off-street parking spaces for each unit are available;~~
  - ~~c. Whenever the planning commission considers and rules upon a permit for a use by exception (conditional use) as it may pertain to multifamily residential uses which are proposed to occupy the first or ground floor of a structure in the B-2 district, the commission should exclude, as a condition, the area occupied on a lot within 30 feet of a front lot line at ground level such that it be used/usable for any allowable uses other than residential;~~
  - ~~d. Other trade and service uses which are similar to the permitted principal uses and which are in harmony with the intent of this district.~~~~
6. Private clubs and lodges.
7. Service stations (gasoline), excluding automotive repair services not included in the definition of "service station" as provided by this chapter, provided that all operations, except the sale of gasoline and oil, shall be conducted in a building enclosed on at least two sides.
- ~~8. Single-family dwelling, provided:
  - ~~a. Such dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~~~

~~b. A minimum of two off-street parking spaces for each unit are available.~~

9. Storage garages and mini-warehouses.

~~10. Two-family dwelling, provided:~~

~~a. Such dwelling meets the regulations contained in the R-3 district, unless otherwise provided for in this subsection.~~

~~b. A minimum of two off-street parking spaces for each unit are available.~~

11. Public and quasi-public uses of an educational, recreational or religious type, including preschools, public and parochial elementary schools and junior high schools, high schools, private nonprofit schools, churches, parsonages, and other religious institutions; parks and playgrounds.
12. Public uses of an administrative, public service or cultural type, including city, county, state or federal post offices, administrative centers and courts, libraries, police and fire stations, and other public buildings, structures and facilities.
13. Public utility facilities.
14. Sports arenas within buildings.
15. Temporary shelter for homeless.
16. Manufactured homes, for residential purposes, provided the home complies with all provisions of Section 90-711.

Section 2. That Chapter 90, Article V Business and Commercial Districts, Division 2. B-2 Central Business District of the Wayne Municipal Code shall be amended by adding Section 90-402. Permitted conditional uses thereto:

**Sec. 90-402. Permitted conditional uses.**

**A building or premises in a B-2 district may be used for the following in conformance with the prescribed conditions:**

**1. Multifamily Residential Uses:**

- a. **Provided that such use shall meet the State Fire Marshal's requirements.**
- b. **Provided the dwelling meets the regulations contained in the R-3 District, unless otherwise provided for in this subsection.**
- c. **Provided a minimum of two off-street parking spaces for each unit are available.**
- d. **Provided the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for nonresidential use.**

**2. Single-family dwelling, provided:**

- a. **Provided that such use shall meet the State Fire Marshal's requirements.**
- b. **Provided the dwelling meets the regulations contained in the R-3 District, unless otherwise provided for in this subsection.**
- c. **Provided a minimum of two off-street parking spaces for each unit are available.**

- d. Provided the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for nonresidential use.
3. Two-family dwelling, provided:
- a. Provided that such use shall meet the State Fire Marshal's requirements.
  - b. Provided the dwelling meets the regulations contained in the R-3 District, unless otherwise provided for in this subsection.
  - c. Provided a minimum of two off-street parking spaces for each unit are available.
  - d. Provided the first or ground floor level must exclude a residential use on the area within 30 feet of the front lot line with said area reserved for nonresidential use.

Section 3. That the Planning Commission held a public hearing on October 3, 2011, regarding these amendments, and have recommended approval thereof subject to the following "Findings of Fact":

- 1. Staff recommendation; and
- 2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 4. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**ORDINANCE NO. 2011-28**

**AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF ALL OF WESTERN RIDGE THIRD ADDITION TO B-1 HIGHWAY BUSINESS.**

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

Section 1. That the real estate area shown on the attached map be changed and rezoned to B-1 (Highway Business). The area being rezoned is described as Western Ridge Third Addition.

Section 2. That the Planning Commission held a public hearing on October 3, 2011, regarding this rezoning request, and have recommended approval thereof subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Section 3. The official zoning map shall be forthwith changed by the zoning officials to properly show the real estate hereinabove described as now in a B-1 (Highway Business District) zone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 5. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

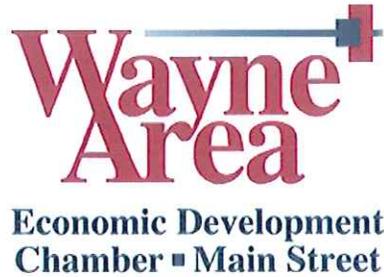
PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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



October 14, 2011

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

Re: Wayne Revolving Loan Fund applications (3) - \$150,000 for Fourth Generation Family Limited Partnership (Bomgaars); \$50,000 for Miss Molly's Coffee Company; \$150,000 for Wayne Area Economic Development on behalf of a company to be named

Dear Lowell,

The Business & Industries Committee met on Thursday, October 13, 2011, and reviewed three (3) Wayne Revolving Loan Fund (WRLF) applications.

Fourth Generation Family Limited Partnership (Bomgaars) has requested \$150,000 in funds to assist with its construction of a new 26,500 sq ft store on the west edge of Wayne. The total project will likely be over \$1.5 million when completed. Six to eight new employees are anticipated to be added once the new store is open in 2012.

Miss Molly's Coffee Company has requested \$50,000 in funds to assist with the purchase and renovations at the old McNatt's building on Main Street. The project of \$250,000 will include the building purchase, a coffee house (with coffee roaster), an open reception/multi-purpose space in the back, a gluten-free kitchen, a meeting room on the second story overlooking Main Street, an apartment, office space, and ample basement area.

Wayne Area Economic Development on behalf of a company to be named has requested \$150,000 in funds to assist with the start up expenses and licensing fees for a compressed natural gas automobile assembly plant. Once a company is identified to own and operate the business, a location would be confirmed. This \$400,000 project, in addition to RLF money, would utilize conventional financing with a possible loan guarantee (per LB 840 funds) and investors.

The Business and Industry Committee voted unanimously to recommend all three (3) WRLF applications for approval to the City Council.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Blecke". The signature is written in a cursive style with a large initial "W" and a stylized "B".

Wes Blecke  
Executive Director



**Economic Development  
Chamber ■ Main Street**

October 14, 2011

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

RE: Sales Tax Advisory Committee – recommendation for Miss Molly’s Coffee Company (\$30,000) and Wayne Area Economic Development on behalf of a company to be named (\$150,000)

Dear Lowell,

The Sales Tax Advisory Committee met on Thursday, October 13, 2011, and reviewed two (2) applications to Wayne’s Economic Development Program fund.

The committee recommended approving a request by Miss Molly’s Coffee Company for a \$30,000 performance-based loan. The terms the committee agreed to included a five (5) year note, with \$6,000 forgiven per year as long as the company maintains 2 FT employees and 13 PT employees. (These potential employment numbers were given by the applicant). This project would put a coffee company plus other business potentials on Main Street in the old McNatt’s building. The vote on the motion to recommend approving the request was unanimous with all 7 members present in favor.

Using its “LB 840 Application Review” matrix, the committee scored the project with the following: *Doesn’t Meet* scored 0; *Doesn’t Meet/Somewhat Meets* scored 6; *Somewhat Meets* scored 14; *Somewhat Meets/Meets* scored 25; and *Meets* scored 31. This review scoring is used for deliberation. The committee does not use a raw number threshold to recommend projects to the Council.

The committee also recommended approving a request by Wayne Area Economic Development on behalf of a company to be named for a loan guarantee up to \$150,000. This project would bring a compressed natural gas vehicle assembly plant (contract manufacturing) to Wayne. This project would need to find conventional financing before the guarantee would be utilized. The vote on the motion to recommend approving the request was unanimous with 5 of the 7 members present in favor.

Using its “LB 840 Application Review” matrix, the committee scored the project with the following: *Doesn’t Meet* scored 15; *Doesn’t Meet/Somewhat Meets* scored 1; *Somewhat Meets* scored 8; *Somewhat Meets/Meets* scored 11; and *Meets* scored 18. This review scoring is used for deliberation. The committee does not use a raw number threshold to recommend projects to the Council.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Wes Blecke', written in a cursive style.

Wes Blecke  
Executive Director

**RESOLUTION NO. 2011-80**

**A RESOLUTION CONFIRMING THE APPLICATION FOR AND APPROVING THE USE OF NOT TO EXCEED \$50,000 FROM THE WAYNE REVOLVING LOAN FUND.**

WHEREAS, the City of Wayne held a public hearing on October 18, 2011, regarding the \$50,000 Wayne Revolving Loan Fund application of Miss Molly's Coffee Company, LLC, to be used to renovate the property and improve the face of the building located at 203 Main Street; and

WHEREAS, the only comments regarding the \$50,000 loan were received in writing from Wayne Industries, Inc., favorably recommending the loan be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the application submittal of Miss Molly's Coffee Company, LLC, is hereby affirmed and the same is hereby approved; and that the Mayor, City Administrator, and City Attorney are authorized to proceed forthwith in preparation of the necessary project use documents, and are hereby authorized to enter into all necessary agreements regarding the same.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that it approves the loan from the Wayne Revolving Loan Fund in the sum not to exceed \$50,000; the use of said funds to be used to renovate the property and improve the face of the building located at 203 Main Street.

BE IT FURTHER RESOLVED by the Mayor and the City Council of the City of Wayne, Nebraska, that said application be designated WRLF No. 2011-01.

PASSED AND APPROVED this 18<sup>th</sup> day of October, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

## APPLICATION FOR ECONOMIC DEVELOPMENT WAYNE REVOLVING LOAN FUND

Application No. _____
Date Received <span style="font-size: 1.2em;">10/7/11</span>

2011

### PART I. GENERAL INFORMATION

*TYPE OR PRINT ALL INFORMATION*

1. APPLICANT IDENTIFICATION	2. PERSON PREPARING APPLICATION
Applicant Name: <i>Miss Molly's Coffee Company LLC</i>	Name/Business: <i>Melodee A. Younts</i>
Mailing Address: <i>203 Main</i>	Address: <i>57592-849 Rd</i>
<i>Wayne</i> NE <i>68787</i>	<i>Wayne</i> NE <i>68787</i>
(City) (State) (ZIP)	(City) (State) (Zip)
Telephone Number: _____	Telephone Number: <i>402-833-0083</i>
Fax Number: _____	Fax Number: <i>614-746-8725 cell</i>
Federal Tax ID Number: <i>27-376235</i>	Federal Tax ID # / SS#: _____
Email Address: _____	Email Address: _____
3. OWNERSHIP TYPE	5. FUNDING SOURCES
<input type="checkbox"/> Minority <input type="checkbox"/> Disabled <input checked="" type="checkbox"/> Female <input type="checkbox"/> Other	WRLF Funds Requested: \$ <i>50,000</i> Matching Funds: \$ <i>170,000</i> Other Funds: \$ <i>30,000</i> Total Project Funds: \$ <i>250,000</i> <i>(Round amounts to the nearest hundred dollars.)</i>
4. APPLICATION TYPE	
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Joint (List other applicants in box #6)	

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

*Miss Molly's Coffee Company is a parent company that will be located on Main. It includes a coffee house, roaster, activity and meeting rooms, and a merchandising room.*

### 7. CERTIFYING OFFICIAL: Chief Executive Officer or owner of applicant requesting WRLF funds.

To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This application has been duly authorized by the governing body of the applicant following an official public hearing. This applicant will comply with all Federal and state requirements governing the use of CDBG funds.

<i>Melodee A. Younts</i> Signature in ink	<i>Owner - Melodee A. Younts</i> Typed Name and Title	<i>10-7-11</i> Date Signed
<i>[Signature]</i> Attest	<i>Mrs. Blecke WAFED Exec Dir</i> Typed Name and Title	<i>10-7-11</i> Date Signed

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

City of Wayne  
Wayne Revolving Loan Fund  
306 Pearl Street  
Wayne, NE 68787  
(402) 375-1733 Fax (402) 375-1619

**PART II. FUNDING SUMMARY**

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

Activity Code	Activity	CDBG Funds	Matching Funds	Other Funds	Total Funds	Sources of Matching or Other Funds
0010	Acquisition		170,000		170,000	Bank Financing Personal Equity
0070	Public Fac. & Improvements					
0230	Streets					
0250	Storm Sewers					
0270	Sanitary Sewers					
0290	Sewage Treatment					
0310	Water Source/Well					
0330	Water Distribution					
0350	Water Storage					
0370	Flood & Drainage Facilities					
0690	Fixed Assets / Land and Building					
0730	Working Capital					
0750	Fixed Assets / Machinery & Equipment	25,000			25,000	WRLF
0770	Fixed Assets / Leaseholds Improvements	25,000		30,000	55,000	WRLF & LB840
0791	Microenterprise					
0792	Business Incubators					
0793	Information Technology					
0797	Productivity Enhancement					
0798	Commercial / Retail / Service					
0690	Speculative Building					
0710	Job Training					
0180	Total Nonadministration					
0181	General Administration					
1000	TOTAL PROGRAM COSTS	50,000	170,000	30,000	250,000	

**APPLICANT CERTIFICATIONS**

- a. All information in this application and the exhibits are true and complete; at least 51 percent of the jobs created or retained will be available to or held by lower income persons; all employment recruitment activities will be coordinated with the Nebraska Job Service.
- b. There are no legal actions underway or being contemplated that would significantly impact the capacity of this company to effectively proceed with the project; and to fulfill all WRLF program requirements. No project costs have been incurred by this company which have not been approved in writing by the City of Wayne.

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

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

If benefiting business is a Corporation, sign below:

By: Matthew A. Goulet Date: 10-7-11

[Signature] Wes Bleck WNEB Exec Dir 10-7-11  
Attest \_\_\_\_\_ Typed Name/Title Date

**PART III. PROJECT DESCRIPTION AND IMPACT**

Refer to the requirements for submitting applications, including Section 2.2 required information from all applicants and Section 2.5, required application conditions, and supporting exhibits as required by NDED guidelines. On separate sheets of paper, provide the required information and enclose with this application form.

Submit the original and one copy of the application form and all application materials.  
DO NOT BIND, FOLD, OR STAPLE



Miss Molly's COFFEE company is requesting a Loan from the WAED fund to renovate the second floor and improve the face of the old McNatt building that is being purchased by Richard and Melodee Younts. These funds will be used toward:

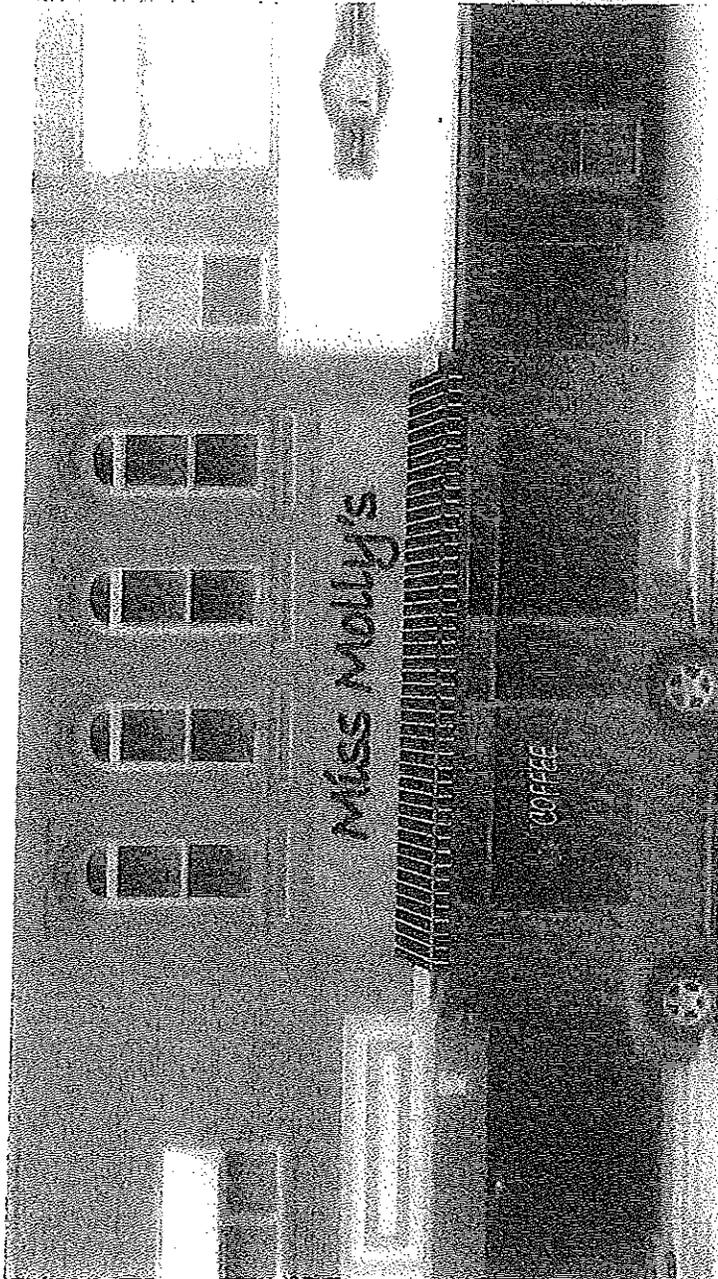
- ✓ Repair and renovation to the existing apartment to make it rentable. Water damage caused by years of unaddressed roof leakage issues will require replacement of the living and dining room ceilings. Walls will need patching and painting. Bathroom plumbing fixtures will need replacing. Existing skylights will need to be repaired, replaced and repainted. A fire escape surface will need to be added to the rear exit door. The stairway leading to the first floor will need to be closed and firewalled. A window will need to be updated to allow use as a fire exit from bedroom number two. The third bedroom will no longer be usable as a bedroom because it has no exit, so will be converted into an office and a fire rated door will have to be added. A new front door will be required to meet fire codes. Once these updates have been completed, this will be one of the nicest apartments in downtown Wayne.
- ✓ A hospitality/reception suite overlooking Main will be added. Plans for this suite include small private gatherings, parties, receptions, and meetings in an intimate setting. Adhering to fire code regulations may also allow the use of this suite as an extended stay apartment, meeting a need in Wayne for this type of housing. At this time we plan to develop a hospitality room that can be accessed from the coffee house below with the addition of a staircase. The windows in this room need to be replaced, the walls and ceilings need to be redone, wiring needs to be redone, and the existing bathroom fixtures need replacement as well. There is a framed area that can easily accommodate a small kitchen. Painting, window coverings, light fixtures and floor refinishing will be part of the projected cost. Replacement doors into the hall that is shared by the other apartment will also be needed.
- ✓ Two offices can be created that access the common hall. These will need minimal repair to be immediately useable.
- ✓ The Common Hall will need repair to the skylight, paint, new light fixtures, emergency exit signage, and a new exit door.
- ✓ Access to these apartment areas is through the adjoining building (First Realty) hall and stairway to Main Street. This stairway is currently unsightly, crooked, rusty, and the railing appears to be inadequate and unsafe. We would propose to share the costs of this replacement with the owners of building to which the stairs are attached.
- ✓ Firewall separation requirements from the State Fire Marshall's office will be met.

- ✓ Face repairs to the front of the building will also be needed. Brick pointing is needed to reverse deterioration problems. Top of the building painting will greatly improve the appearance. The awning needs to be removed. Repair to top of the window area above the windows will be required, and new front light fixtures will be a huge benefit to this end of the block. A new sign and a small fabric awning will be added that will reflect the age and style of the building. With these renovations, this lovely old building will once again be a showcase highlight to Main Street.



Miss Molly's COFFEE Company is requesting consideration for loan funds for the purpose of making the basement of the old McNatt building usable as an activity center in downtown Wayne. The building has been purchased by Richard and Melodee Younts and will be opening as a coffee house, reception, merchandising, and events business. The basement is exceptionally sound and offers unlimited potential for use. The remodeling plans for the basement would include:

- ❖ Adding a rear exit to the alley from the basement for safety and access purposes.
- ❖ Stabilizing the antique elevator at the main floor level, leaving it in the building, and making it a museum type attraction for everyone to see.
- ❖ Removing and replacing all electrical fixtures, adding a new breaker box and a new meter service.
- ❖ Placing firewall on all ceiling and beam areas as dictated by the State Fire Marshall.
- ❖ Adding a partition near the bottom of the interior stairs that would divide the space for limited use as an activity/exercise area. Firewall and doors may be required.
- ❖ Replacing existing bathroom fixtures.
- ❖ Enclosing a utility/storage room that is fire rated.
- ❖ Developing a limited occupancy use area. We would like to work with WSC to create an indoor archery target range if the city zoning codes will allow this activity. This appears to be a perfect partnering opportunity for us because the WSC Archery program will provide all the necessary equipment in exchange for a place to practice during winter weather (they currently drive to a range in Norfolk). This will be very restricted occupancy of 4 persons at a time, to include two students and two instructors. We may also be able to use this space for independent archers to use by the hour. This plan will encourage college-town interaction, cause a buzz about the unusual use of a downtown basement space, and be available during the cold winter months without leaving Wayne.



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LOVE SIGNS, INC.



UNITED STATES  
SIGN COUNCIL

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

Application Number:
Date Received <i>10/7/11</i>

11810 (Form approved 07/23/09) 2011

### PART I. GENERAL INFORMATION

**TYPE OR PRINT ALL INFORMATION**

1. APPLICANT IDENTIFICATION	2. PERSON PREPARING APPLICATION
Applicant Name: <i>Miss Molly's Coffee Company LLC</i>	Name/Business: <i>Melodee Younts</i>
Mailing Address: <i>303 Main</i>	Address: <i>57592-849 Rd</i>
<i>Wayne</i> NE <i>68787</i>	<i>Wayne</i> NE <i>68787</i>
(City) (State) (ZIP)	(City) (State) (Zip)
Telephone Number:	Telephone Number: <i>402-833-0023</i> <i>614-746-8725 cell</i>
Fax Number:	Federal Tax ID #/SSN:
Federal Tax ID Number: <i>27-3764235</i>	
Email Address:	Email Address: <i>sevengates@comcast.net</i>
3. BUSINESS TYPE	5. FUNDING SOURCES
<input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other	WEDP Funds Requested: \$ <i>30,000</i> Matching Funds: \$ <i>170,000</i> Other Funds: \$ <i>50,000</i> Total Project Funds: \$ <i>250,000</i> <small>(Round amounts to the nearest hundred dollars.)</small>
4. ASSISTANCE TYPE REQUESTED	
<input type="checkbox"/> Low interest loan <input type="checkbox"/> Interest buy down <input checked="" type="checkbox"/> Performance-based loan <input type="checkbox"/> Grant <input type="checkbox"/> Other	

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

*Miss Molly's Coffee Company is requesting funds to renovate the second floor - repair & update existing apartment, add hospitality/ executive suite, and repair and paint face of building*

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

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

<i>Melodee A Younts</i>	<i>Melodee A. Younts, Owner</i>	<i>10-6-11</i>
<small>Signature in Ink</small>	<small>Typed Name and Title</small>	<small>Date Signed</small>
<i>[Signature]</i>	<i>Mrs Blecker WEDD Exec Dir</i>	<i>10-7-11</i>
<small>Area</small>	<small>Typed Name and Title</small>	<small>Date Signed</small>

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

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

**PART II. FUNDING SUMMARY**

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

Eligible Activities	WEDP Funds	Matching Funds	Other Funds	Total Funds	Sources of Matching or Other Funds
The purchase of real estate, options for such purchases, the renewal or extension of such options, and public works improvements		170,000		170,000	Bank of America Woodal Equity
Payments for salaries and support of City staff to implement the Program or for contracting of an outside entity to implement any part of the Program.					
Expenses for business and industry recruitment activities to locate or relocate a qualifying business into the area and for equity investment in a qualifying business.					
The authority to issue bonds pursuant to the act subject to City Council approval.					
Grants or agreements for job training.					
Small business and microenterprise development including expansion of existing businesses.					
Interest buy down agreements.					
Expand and promote Wayne through marketing, workforce attraction, and tourism related activities.					
Development of housing related programs to foster population growth.	10,000			10,000	LB840 Funds
Activities to revitalize and encourage growth in the downtown area.	20,000		50,000	70,000	LB840 & WRLF
May contribute to or create a revolving loan fund from which low interest or performance based loans will be made to qualifying entities on a match basis.					
Other approved activity					
<b>TOTAL PROGRAM COSTS</b>	<b>36,000</b>	<b>170,000</b>	<b>50,000</b>	<b>250,000</b>	

**APPLICANT CERTIFICATIONS**

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

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

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

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

By: Melodie A. Green Date: 10-7-11

[Signature] Wes Black WAFED Exec Dir 10-7-11  
 Attest \_\_\_\_\_ Typed Name/Title \_\_\_\_\_ Date \_\_\_\_\_



Miss Molly's COFFEE Company is requesting a Loan from the WAED fund to renovate the second floor and improve the face of the old McNatt building that is being purchased by Richard and Melodee Younts. These funds will be used toward:

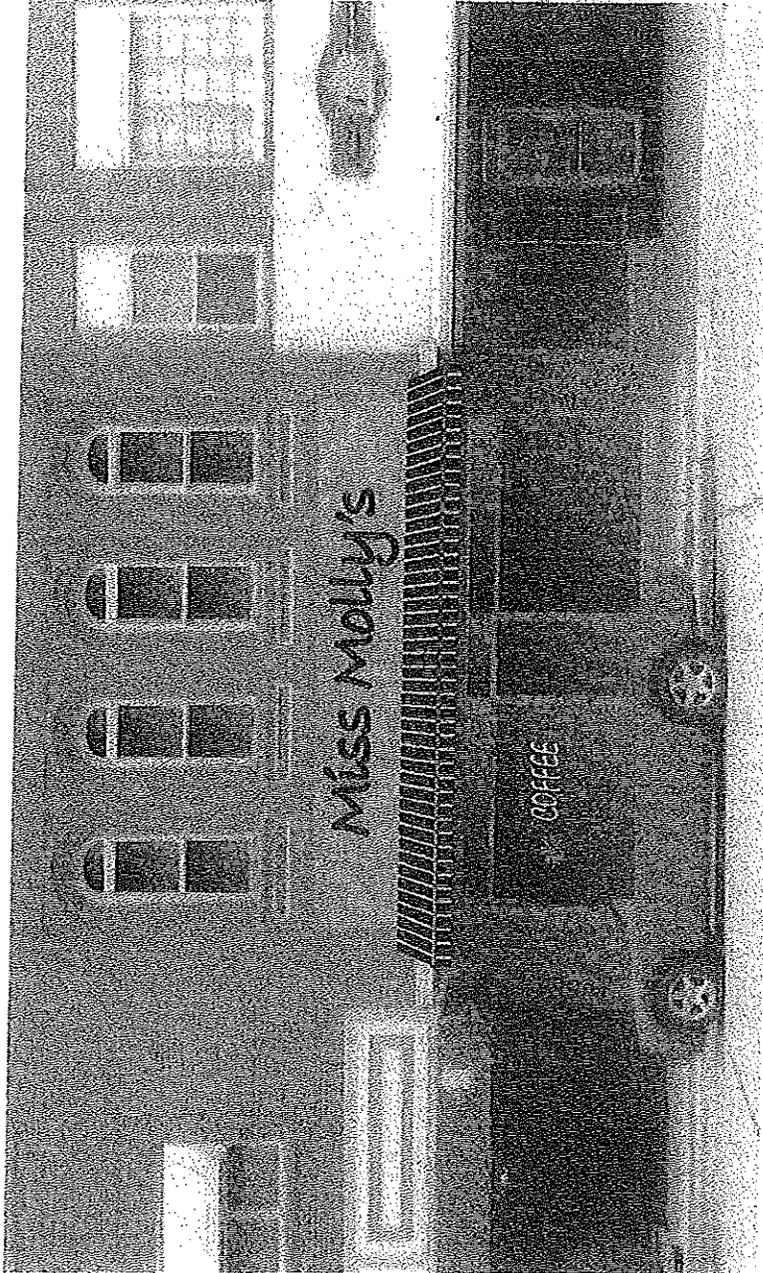
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- ✓ The Common Hall will need repair to the skylight, paint, new light fixtures, emergency exit signage, and a new exit door.
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- ✓ Face repairs to the front of the building will also be needed. Brick pointing is needed to reverse deterioration problems. Top of the building painting will greatly improve the appearance. The awning needs to be removed. Repair to top of the window area above the windows will be required, and new front light fixtures will be a huge benefit to this end of the block. A new sign and a small fabric awning will be added that will reflect the age and style of the building. With these renovations, this lovely old building will once again be a showcase highlight to Main Street.



Miss Molly's COFFEE Company is requesting consideration for loan funds for the purpose of making the basement of the old McNatt building usable as an activity center in downtown Wayne. The building has been purchased by Richard and Melodee Younts and will be opening as a coffee house, reception, merchandising, and events business. The basement is exceptionally sound and offers unlimited potential for use. The remodeling plans for the basement would include:

- ❖ Adding a rear exit to the alley from the basement for safety and access purposes.
- ❖ Stabilizing the antique elevator at the main floor level, leaving it in the building, and making it a museum type attraction for everyone to see.
- ❖ Removing and replacing all electrical fixtures, adding a new breaker box and a new meter service.
- ❖ Placing firewall on all ceiling and beam areas as dictated by the State Fire Marshall.
- ❖ Adding a partition near the bottom of the interior stairs that would divide the space for limited use as an activity/exercise area. Firewall and doors may be required.
- ❖ Replacing existing bathroom fixtures.
- ❖ Enclosing a utility/storage room that is fire rated.
- ❖ Developing a limited occupancy use area. We would like to work with WSC to create an indoor archery target range if the city zoning codes will allow this activity. This appears to be a perfect partnering opportunity for us because the WSC Archery program will provide all the necessary equipment in exchange for a place to practice during winter weather (they currently drive to a range in Norfolk). This will be very restricted occupancy of 4 persons at a time, to include two students and two instructors. We may also be able to use this space for independent archers to use by the hour. This plan will encourage college-town interaction, cause a buzz about the unusual use of a downtown basement space, and be available during the cold winter months without leaving Wayne.



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UNITED STATES SIGN COUNCIL

**RESOLUTION NO. 2011-81**

**A RESOLUTION CONFIRMING THE APPLICATION FOR AND APPROVING THE USE OF NOT TO EXCEED \$150,000 FROM THE WAYNE REVOLVING LOAN FUND.**

WHEREAS, the City of Wayne held a public hearing on October 18, 2011, regarding the \$150,000 Wayne Revolving Loan Fund application of Fourth Generation Family Limited Partnership, d/b/a Bomgaars, to be used in the construction of a new retail building on the west end of Wayne, with said funds going towards drainage and water runoff improvements; and

WHEREAS, the only comments regarding the \$150,000 loan were received in writing from Wayne Industries, Inc., favorably recommending the loan be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the application submittal of Fourth Generation Family Limited Partnership, d/b/a Bomgaars, is hereby affirmed and the same is hereby approved; and that the Mayor, City Administrator, and City Attorney are authorized to proceed forthwith in preparation of the necessary project use documents and are hereby authorized to enter into all necessary agreements regarding the same.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that it approves the loan from the Wayne Revolving Loan Fund in the sum not to exceed \$150,000; the use of said funds to be used in the construction of a new retail building on the west end of Wayne, with said funds going towards drainage and water runoff improvements.

BE IT FURTHER RESOLVED by the Mayor and the City Council of the City of Wayne, Nebraska, that said application be designated WRLF No. 2011-02.

PASSED AND APPROVED this 18<sup>th</sup> day of October, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**APPLICATION FOR ECONOMIC DEVELOPMENT  
WAYNE REVOLVING LOAN FUND**

**2011**

Application No. _____
Date Received _____

**PART I. GENERAL INFORMATION**

*TYPE OR PRINT ALL INFORMATION*

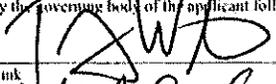
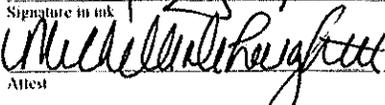
<b>1. APPLICANT IDENTIFICATION</b>	<b>2. PERSON PREPARING APPLICATION</b>
Applicant Name <b>FOURTH GENERATION FAMILY LIMITED PARTNERSHIP</b>	Name/Business <b>BOMGAARS</b>
Mailing Address <b>1805 ZENITH DR</b>	Address <b>1805 ZENITH DR</b>
<b>SIoux CITY NE IA 51103</b>	<b>SIoux CITY IA 51103</b>
(City) (State) (ZIP)	(City) (State) (Zip)
Telephone Number <b>712-226-5000</b>	Telephone Number <b>712-226-5000</b>
Fax Number <b>712-226-5110</b>	Federal Tax ID # / SS# <b>42-0795588</b>
Federal Tax ID Number <b>39-1886825</b>	Email Address <b>TWINGERT@BOMGAARS.COM</b>
Email Address <b>TWINGERT@BOMGAARS.COM</b>	
<b>3. OWNERSHIP TYPE</b>	<b>5. FUNDING SOURCES</b>
<input type="checkbox"/> Minority <input type="checkbox"/> Disabled	WRLF Funds Requested <b>\$ 150,000.00</b>
<input type="checkbox"/> Female <input checked="" type="checkbox"/> Other	Matching Funds <b>\$</b>
<b>4. APPLICATION TYPE</b>	Other Funds <b>\$ 1,300,000.00</b>
<input checked="" type="checkbox"/> Individual	Total Project Funds <b>\$ 1,450,000.00</b>
<input type="checkbox"/> Joint (List other applicants in box #6)	<i>(Round amounts to the nearest hundred dollars.)</i>

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

**BOMGAARS WISHES TO CONSTRUCT A NEW RETAIL BUILDING ON EAST END OF WAYNE. WRLF FUNDS WILL GO TOWARDS DRAINAGE AND WATER RUN OFF.**

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

To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This application has been duly authorized by the governing body of the applicant following an official public hearing. This applicant will comply with all Federal and state requirements governing the use of CDBG funds.

	<b>TORREY WINGERT, VP-CFO</b>	<b>9-27-11</b>
Signature in ink	Typed Name and Title	Date Signed
	<b>MICHELLE DELAUGHTER</b>	<b>9-27-11</b>
Attest	Typed Name and Title	Date Signed

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

City of Wayne  
Wayne Revolving Loan Fund  
306 Pearl Street  
Wayne, NE 68787  
(402) 375-1733 Fax (402) 375-1619

**PART II. FUNDING SUMMARY**

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

Activity Code	Activity	CDBG Funds	Matching Funds	Other Funds	Total Funds	Sources of Matching or Other Funds
0010	Acquisition					
0070	Public Fac. & Improvements			75,000		WRLF FUNDS
0230	Streets					
0250	Storm Sewers					
0270	Sanitary Sewers					
0290	Sewage Treatment					
0310	Water Source/Well					
0330	Water Distribution					
0350	Water Storage					
0370	Flood & Drainage Facilities			75,000		WRLF FUNDS
0690	Fixed Assets / Land and Building			1,300,00		CONVENTIONAL FINANCING & CASH
0730	Working Capital					
0750	Fixed Assets / Machinery & Equipment					
0770	Fixed Assets / Leaseholds Improvements					
0791	Microenterprise					
0792	Business Incubators					
0793	Information Technology					
0797	Productivity Enhancement					
0798	Commercial / Retail / Service					
0690	Speculative Building					
0710	Job Training					
0180	Total Nonadministration					
0181	General Administration					
1000	TOTAL PROGRAM COSTS					

**APPLICANT CERTIFICATIONS**

- a. All information in this application and the exhibits are true and complete; at least 51 percent of the jobs created or retained will be available to or held by lower income persons; all employment recruitment activities will be coordinated with the Nebraska Job Service.
- b. There are no legal actions underway or being contemplated that would significantly impact the capacity of this company to effectively proceed with the project; and to fulfill all WRLF program requirements. No project costs have been incurred by this company which have not been approved in writing by the City of Wayne.



**RESOLUTION NO. 2011-82**

**A RESOLUTION CONFIRMING THE APPLICATION FOR AND APPROVING THE USE OF NOT TO EXCEED \$150,000 FROM THE WAYNE REVOLVING LOAN FUND.**

WHEREAS, the City of Wayne held a public hearing on October 18, 2011, regarding the \$150,000 Wayne Revolving Loan Fund application of Wayne Area Economic Development to be used to bring a car assembly plant to Wayne, where the Noble line of vehicles would be assembled; and

WHEREAS, the only comments regarding the \$150,000 loan were received in writing from Wayne Industries, Inc., favorably recommending the loan be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the application submittal of Wayne Area Economic Development is hereby affirmed and the same is hereby approved; and that the Mayor, City Administrator, and City Attorney are authorized to proceed forthwith in preparation of the necessary project use documents and are hereby authorized to enter into all necessary agreements regarding the same.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that it approves the loan from the Wayne Revolving Loan Fund in the sum not to exceed \$150,000; the use of said funds to be used to bring a car assembly plant to Wayne where the Noble line of vehicles would be assembled.

BE IT FURTHER RESOLVED by the Mayor and the City Council of the City of Wayne, Nebraska, that said application be designated WRLF No. 2011-03.

PASSED AND APPROVED this 18<sup>th</sup> day of October, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**APPLICATION FOR ECONOMIC DEVELOPMENT  
WAYNE REVOLVING LOAN FUND**

**2011**

Application No. _____
Date Received 10/10/11

**PART I. GENERAL INFORMATION**

*TYPE OR PRINT ALL INFORMATION*

1. APPLICANT IDENTIFICATION			2. PERSON PREPARING APPLICATION		
Applicant Name	Wayne Compress Natural Gas Company LLC (not yet created) or another like company		Name/Business	Wayne Area Economic Development on behalf of a company not yet created	
Mailing Address	108 W 3 <sup>rd</sup> St		Address	108 W 3 <sup>rd</sup> St	
Wayne	NE	68787	Wayne	NE	68787
(City)	(State)	(ZIP)	(City)	(State)	(Zip)
Telephone Number	402-375-2240		Telephone Number	402-375-2240	
Fax Number			Federal Tax ID # / SS#		
Federal Tax ID Number			Email Address	20-3524694	
Email Address	<a href="mailto:wblecke@waynetworks.org">wblecke@waynetworks.org</a>			<a href="mailto:wblecke@waynetworks.org">wblecke@waynetworks.org</a>	
3. OWNERSHIP TYPE			5. FUNDING SOURCES		
<input type="checkbox"/> Minority	<input type="checkbox"/> Disabled		WRLF Funds Requested	\$	150,000
<input type="checkbox"/> Female	<input checked="" type="checkbox"/> Other		Matching Funds	\$	150,000
4. APPLICATION TYPE			Other Funds	\$	100,000
<input checked="" type="checkbox"/> Individual			Total Project Funds	\$	400,000
<input type="checkbox"/> Joint (List other applicants in box #6)			<i>(Round amounts to the nearest hundred dollars.)</i>		

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

This project would bring a car assembly plant to Wayne, where the Noble line of vehicles would be assembled (engine, transmission and CNG fueling system)...(please see attached business plan) – The location (in or around Wayne) of the plant will be up to the company once it is formed. Currently, investors are being sought as well as a new business to start up as the contract manufacturer or an existing business to expand to the car assembly work.

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

To the best of my knowledge and belief, data and information in this application are true and correct, including any commitment of local or other resources. This application has been duly authorized by the governing body of the applicant following an official public hearing. This applicant will comply with all Federal and state requirements governing the use of CDBG funds.

Signature in ink	Wes Blecke, WAED Executive Director Typed Name and Title	October 10, 2011 Date Signed
------------------	---	---------------------------------

Attest	Typed Name and Title	Date Signed
--------	----------------------	-------------

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

City of Wayne  
Wayne Revolving Loan Fund  
306 Pearl Street  
Wayne, NE 68787  
(402) 375-1733 Fax (402) 375-1619

**PART II. FUNDING SUMMARY**

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

<b>Activity Code</b>	<b>Activity</b>	<b>CDBG Funds</b>	<b>Matching Funds</b>	<b>Other Funds</b>	<b>Total Funds</b>	<b>Sources of Matching or Other Funds</b>
0010	Acquisition	100,000	150,000		250,000	Conventional financing (LB 840); CDBG
0070	Public Fac. & Improvements					
0230	Streets					
0250	Storm Sewers					
0270	Sanitary Sewers					
0290	Sewage Treatment					
0310	Water Source/Well					
0330	Water Distribution					
0350	Water Storage					
0370	Flood & Drainage Facilities					
0690	Fixed Assets / Land and Building					
0730	Working Capital			60,000	60,000	Private equity
0750	Fixed Assets / Machinery & Equipment	50,000		40,000	90,000	CDBG; private equity
0770	Fixed Assets / Leaseholds Improvements					
0791	Microenterprise					
0792	Business Incubators					
0793	Information Technology					
0797	Productivity Enhancement					
0798	Commercial / Retail / Service					
0690	Speculative Building					
0710	Job Training					
0180	Total Nonadministration					
0181	General Administration					
<b>1000</b>	<b>TOTAL PROGRAM COSTS</b>	<b>150,000</b>	<b>150,000</b>	<b>100,000</b>	<b>400,000</b>	

**APPLICANT CERTIFICATIONS**

- a. All information in this application and the exhibits are true and complete; at least 51 percent of the jobs created or retained will be available to or held by lower income persons; all employment recruitment activities will be coordinated with the Nebraska Job Service.
- b. There are no legal actions underway or being contemplated that would significantly impact the capacity of this company to effectively proceed with the project; and to fulfill all WRLF program requirements. No project costs have been incurred by this company which have not been approved in writing by the City of Wayne.

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

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

If benefiting business is a Corporation, sign below:

By: Wes Blecke, WAED Executive Director Date: October 10, 2011

---

Attest

Typed Name/Title

Date

### **PART III. PROJECT DESCRIPTION AND IMPACT**

Refer to the requirements for submitting applications, including Section 2.2 required information from all applicants and Section 2.5, required application conditions, and supporting exhibits as required by NDED guidelines. On separate sheets of paper, provide the required information and enclose with this application form.

<p>Submit the original and one copy of the application form and all application materials. DO NOT BIND, FOLD, OR STAPLE</p>
---

**Business Plan for**  
**Wayne Compressed Natural Gas Conversion LLC**  
**(WCNGC LLC)**

Wayne Compressed Natural Gas Conversion LLC

1611 Summerfield Drive or another location determined by the company

Wayne, NE 68787

(402) 375-2240

(402) 375-2246

[info@waynetworks.org](mailto:info@waynetworks.org)

## I. Table of Contents

I.	Table of Contents .....	2
II.	Executive Summary .....	3
III.	General Company Description .....	4
IV.	Products and Services.....	5
V.	Marketing Plan .....	6
VI.	Operational Plan .....	8
VII.	Management and Organization .....	11
VIII.	Startup Expenses and Capitalization .....	12
IX.	Financial Plan .....	13

## II. Executive Summary

Wayne Compressed Natural Gas Conversion LLC (WCNGC) will convert the CNG fueling infrastructure for new Noble Car Company (NCC) vehicles. In addition WCNGC will assemble the engine and transmission onto the chassis, attach accompanying parts into/onto the automobile, and make necessary connections for the vehicle to run. As the company and industry matures, WCNGC will evaluate converting used vehicles from gasoline to CNG. These vehicles could run on CNG only or could be converted to use both gasoline and CNG. Another potential revenue source for WCNGC will be to consider placing its CNG fueling station outside of the conversion facility so that the public can purchase CNG at a location in Wayne.

Initially, Noble Car Company will be the sole provider of assembly work for WCNGC. Once the assembly/conversion operation begins and the company is comfortable with the work, it will evaluate the used car conversions. Also, to diversify installation/conversion providers, WCNGC will also look for other automobile makers to gain market share. WCNGC directors and the plant manager will be responsible for determining the feasibility of this market share gain. (The directors and investors of the company are yet to be determined.)

As the CNG fueling industry grows and matures, WCNGC will continue to seek alternative operations for its business. As the electric car becomes more affordable, electric conversions could be easily completed in the Wayne facility.

WCNGC realizes alternative energy in automobiles is very popular. This trend will likely continue for years to come. While we can't predict what the fueling source will be for the automobile 50 years down the road, WCNGC is confident that CNG conversions are very profitable now and in the near future. While other conversions become available, WCNGC can easily adapt to gain a share of these new markets.

WCNGC hopes to obtain \$400,000 in start-up cash to begin operations. Funds will be potentially obtained from a variety of sources. Some of these sources include, but are not limited to, investors, conventional bank financing, USDA Business & Industry Guaranteed Loan Program, City of Wayne's Revolving Loan Fund, City of Wayne's LB 840 (sales tax) Fund, Wayne Area Economic Development's Revolving Loan Fund, and Northeast Nebraska Economic Development District Loan Fund.

### **III. General Company Description**

Wayne Compressed Natural Gas Conversion LLC (WCNGC) will install the engines and transmissions in all new Noble cars coming in to the Wayne facility and install a compressed natural gas (CNG) kit, including tank, tubing and attachments to the engine. A simple frame will be attached underneath. Air conditioning units on the vehicles will also be recharged at the time of assembly. WCNGC will begin operations with 10 FTEs, including a plant manager, office manager and 8 technicians/general laborers.

The goal of WCNGC LLC is to install engines, transmissions and CNG systems for the Noble Car Company. After the initial installations are successful, expansion into used vehicle conversion and reselling CNG is quite possible for additional revenue.

WCNGC will be organized as a limited liability company (LLC) although this could be changed once company ownership is determined. Profits and losses will be passed on to the members of the company.

#### **IV. Products and Services**

WCNGC LLC will begin with installing engines, transmissions and CNG fueling kits for Noble Car Company (NCC).

WCNGC will be a contract manufacturer for the NCC. NCC will pay WCNGC LLC \$100 per hour for each engine/transmission/CNG kit installation. Complete assembly time is currently estimated at 6 hours per vehicle for a \$600 per car payment from NCC for labor. In addition NCC will pay 15% profit for the kits and frames used for the conversion installation. This is estimated to be approximately \$240 per conversion.

Another possible service for WCNGC LLC to expand to is converting used vehicles to CNG. This will be an option after the NCC installations have been completed .

Depending on where the CNG fueling station is located, WCNGC LLC has an opportunity to sell CNG to customers with converted vehicles. If the station is located outside of the facility, a card reader could be installed for the public to purchase CNG.

## **V. Marketing Plan**

WCNGC LLC will have one contract customer in the beginning: Noble Car Company (NCC). NCC will provide all of the business for new vehicle installations. As WCNGC LLC becomes more comfortable with the new engine and CNG installations, it will look to convert used gasoline cars to CNG fueled engines from around the area. However, this will only be done once NCC orders are filled for the day/week/month.

### **Economics and Products**

The potential in the CNG industry is very great. Initially, WCNGC will use Noble Car Company as its sole provider for assemblies/conversions. As CNG demand grows and expertise is gained by the company, it is expected that additional services, like converting used vehicles to CNG only or a hybrid conversion of CNG and gasoline, will expand into more than just Noble vehicles. (See the appendices for articles on the CNG market.)

All service warranty coverage on new Noble vehicles, engines and fuel systems will be taken care of by Noble Car Company.

### **Customers**

Initially the only customer for WCNGC LLC will be Noble Car Company. As the installations for the new Noble vehicles are completed and competency is increased, diversifying to converting used vehicles from Wayne and the surrounding area will be sought. At this point the potential customer will become anyone driving a gasoline only vehicle.

### **Competition**

WCNGC LLC will eventually compete with other CNG installation/conversion facilities within the Noble Car Company family. However, with that said, NCC will place up to the number of vehicles licensed to the WCNGC LLC facility. As demand grows, WCNGC will have the opportunity to increase its licensing agreement with NCC to 250, 500 or even possibly 1000 cars per month. This ramp up will only occur if WCNGC agrees to it. Profit potential should increase exponentially as additional installations occur. NCC will ultimately be in competition with other companies selling CNG (non Noble) vehicles.

As the CNG fuel concept develops, there will be other automobile shops (be it dealerships or independent mechanics) converting gasoline vehicles, new and used, to

CNG. This will be a part of the market where WCNGC will have to be aggressive with marketing its services and reputation with NCC. Having a reputable car company already using WCNGC installations for its new vehicles will greatly increase the credibility of WCNGC conversion capabilities with used vehicles in and around the immediate area.

### Sales Forecast

Initially WCNGC's sole customer will be Noble Car Company. The sales forecast for new CNG vehicles should continue to increase as the technology becomes more understood with the mainstream consumer. WCNGC will begin with assembling 125 cars per month pursuant to its licensing fee with NCC. As the demand grows and NCC needs additional installations per month, WCNGC will have the opportunity to increase its work load. The licensing fee agreements with NCC are the following:

125 cars per month	\$250,000
250 cars per month	\$500,000
500 cars per month	\$1,000,000

If demand is such and NCC needs to go further with agreements, it could double the upper tier to 1000 cars per month if the facility can handle the increase. If demand warrants it and WCNGC wants to increase to the next level of licensing fee (125 to 250 cars per month), WCNGC would have to pay an additional \$250,000 (for a total of \$500,000).

Noble Car Company will provide proof of pre-order sales as they occur. NCC is currently working in the Canadian market as well as the West Coast of the United States market to begin pre-selling these CNG vehicles.

## **VI. Operational Plan**

WCNGC LCC will likely receive a truck of 10 new vehicles every/every other day. This truck will then be loaded with 10 converted cars for transport.

### **Production**

A new Noble car will come into the facility for assembly/conversion. Process will be determined by the plant manager as assembly/conversions take place. Generally speaking, two (2) technicians will place the vehicle onto a hoist to begin the conversion process. A 5.5 gallon CNG fuel tank will be mounted under the vehicle. A frame will be installed to hold the tank.

Lastly, the engine and transmission will be placed in the car and installed. Testing will be done to make sure the assembly/conversion was successful.

This process will be better defined and redefined as actual conversions take place.

### **Location**

The location for the assembly process is being proposed to be in the Opportunity Building at 1611 Summerfield Drive in the Wayne Business Park in Wayne, NE. WCNGC LLC anticipates needing 10,000 sq ft (or half of the existing building) of the current building and a couple of acres for parking – employee and product. However, once the company is formed the investor members will determine the best location.

#### **Access:**

The Summerfield Drive location has Highway 35 access from both the west off of Centennial Road and from the south from Industrial Way. The location is one mile from Highway 15.

#### **Construction:**

WCNGC LLC will rent industrial space. At this point it does not intend to own the real property.

#### **Cost:**

The aforementioned location would likely cost approximately \$6500 in rent per month. This would include all improvements to make the building adequate for assembly

operations. WCNGC LLC could also consider owning its own facility or paying for tenant improvements to reduce lease payments.

## **Personnel**

While the installation process needs skilled labor to complete, the process is not overly complicated. Individuals with limited automotive knowledge can easily be trained to complete engine/transmission/CNG installations. To begin with, 2 employees will be assigned to each installation. At the 125 cars per month license, 5 vehicles plus will have to be converted each day. Other personnel will be needed to transport vehicles to and from the assembly line, to clean and test vehicles before they are transported out, and other miscellaneous tasks.

All initial training will be supplied by the Noble Car Company. NCC will plan to convert cars with WCNGC personnel for the first week and then leave one NCC technician with WCNGC for an additional week of conversions. New employees will be trained by existing WCNGC LLC employees. The operation will initially consist of one (1) plant manager, one (1) office manager/administrative assistant/bookkeeper, and eight (8) full time technicians/mechanics.

Proposed pay structure includes approximately \$38,000 for the plant manager, \$30,000 for the office manager, and \$14 per hour on average for the 8 technicians/mechanics.

Recent graduates from Northeast Community College in Norfolk, NE would be a great source for technicians/mechanics.

## **Inventory**

WCNGC will need to keep approximately a week's worth of inventory on hand. Inventory responsible to WCNGC will include Freon, engine fluids, and paper products. All cars and engines/transmissions, CNG kits and frames will be the responsibility of Noble Car Company.

## **Suppliers**

The main suppliers for the assembly operations will be coordinated by NCC.

### **Managing Your Accounts Receivable**

Initially the only receivables will come from NCC. After the business is comfortable with the assembly and installation for NCC, it will look at local/regional conversions and the retail CNG filling station at the facility's location.

### **Managing Your Accounts Payable**

WCNGC plans to make all payments within 30 days of receiving invoices. Specific suppliers have not been identified. Products used frequently will include Freon, engine fluids, steel tubing, paper products, cleaning products and other items.

## **VII. Management and Organization**

WCNGC LLC will have a plant manager responsible for the day-to-day operations of the business. The company will also employ an office person for paperwork, phone calls, interaction with the public, etc. There will be up to 8 mechanics working the installations and conversions. They will initially be trained by officials from the Noble Car Company.

The organizational structure of the company has not been determined regarding investors and directors.

### **VIII. Startup Expenses and Capitalization**

WCNGC plans to start business with \$400,000 in operating capital from investors and bank financing. This amount will assist the company in the beginning to supplement its cash flow until such time as the revenues are greater than the expenses. A major portion of this start up cash will be used to pay a one-time \$250,000 licensing fee to secure 125 car conversions per month. Financing sources have not been determined and will not be finalized until the company is legally formed. Potential sources include, but are not limited to: investors, conventional bank financing, USDA Business & Industry guaranteed loans, City of Wayne Revolving Loan Fund, LB 840 (City sales tax) funds Wayne Area Economic Development Revolving Loan Fund, and Northeast Nebraska Economic Development District Revolving Loan Fund.

## **IX. Financial Plan**

The projected financials for WCNGC LLC are below. While most expenses and revenues have been accounted for, there is still a possibility of others that have not been figured in to the projections. These will become more accurate and complete as we continue to learn more about the CNG process and demand. Below are the current projections.

**Wayne Compressed Natural Gas Conversion**  
**Pro Forma Balance Sheet**

125					
<b><u>Revenues</u></b>					
		Hours			
Labor for assembly/conversion	\$100	6	\$ 600.00	\$	75,000
15% profit for conversion kits			\$ 180.00	\$	22,500
Freon recharge profit			\$ 36.00	\$	4,500
Frame installation profit			\$ 60.00	\$	7,500
<i>Total Revenue</i>				\$	109,500
<b><u>Expenses</u></b>					
		# of employees			
Labor					
Manager		1		\$	4,004
Office		1		\$	3,266
General		8	\$ 14.00	\$	25,481
Workmans Comp		10%		\$	2,500
Liability/Product Insurance				\$	2,500
Supplies					
Engine supplies				\$	1,000
Paper				\$	1,000
Misc (tubing, etc)				\$	3,000
Freon kegs				\$	1,500
CNG Station (leased)				\$	1,500
Loan Payments (P&I)				\$	1,877
Rent (ALL leaseholder improvements included)				\$	6,500
Maintenance				\$	1,000
Advertising (labor)				\$	200
Professional services				\$	250
Telephone				\$	200
Utilities				\$	2,500
Depreciation				\$	-
<i>Total Expenses</i>				\$	58,278
<b>Net Profit/(Loss)</b>				\$	51,222
	<b>Per month</b>			\$	51,222
	<b>12 months</b>			\$	614,664

Wayne Compressed Natural Gas Conversion Cash Flow Analysis (Ramp-Up Phase Assumption)

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
	25%	35%	50%	65%	70%	75%	90%	90%	100%	100%	100%	100%
<b>Revenues</b>												
Labor for assembly/conversion	\$ 18,750	\$ 26,250	\$ 37,500	\$ 48,750	\$ 52,500	\$ 56,250	\$ 67,500	\$ 67,500	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
15% profit for conversion kits	\$ 5,625	\$ 7,875	\$ 11,250	\$ 14,625	\$ 15,750	\$ 16,875	\$ 20,250	\$ 20,250	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500
Freon recharge profits	\$ 1,125	\$ 1,575	\$ 2,250	\$ 2,925	\$ 3,150	\$ 3,375	\$ 4,050	\$ 4,050	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500
Frame installation profits	\$ 1,875	\$ 2,625	\$ 3,750	\$ 4,875	\$ 5,250	\$ 5,625	\$ 6,750	\$ 6,750	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500
<b>Total Revenue</b>	\$ 27,375	\$ 38,325	\$ 54,750	\$ 71,175	\$ 76,650	\$ 82,125	\$ 98,550	\$ 98,550	\$ 109,500	\$ 109,500	\$ 109,500	\$ 109,500
<b>Expenses</b>												
Labor (includes wages, taxes, health, retirement)	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004	\$ 4,004
Manager	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266	\$ 3,266
Office	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481	\$ 25,481
General (S)	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Workmans Comp	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Liability/Product Insurance	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
Supplies	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
Engine supplies	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Paper	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877	\$ 1,877
Misc (tubing, etc)	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500
Freon kegs	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200
CNG station (leased)	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250
Loan payments	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Building lease (includes all leaseholder improvements)	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278
Maintenance	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200
Advertising (labor)	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250
Professional Services	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Telephone	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Depreciation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Expenses</b>	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278	\$ 58,278
<b>Net Profit (Loss)</b>	\$ (30,903)	\$ (19,953)	\$ (3,528)	\$ 12,897	\$ 18,372	\$ 23,847	\$ 40,272	\$ 40,272	\$ 51,222	\$ 51,222	\$ 51,222	\$ 51,222
Running total to date	\$ -	\$ (50,856)	\$ (54,384)	\$ (41,487)	\$ (23,115)	\$ 732	\$ 41,004	\$ 81,276	\$ 132,498	\$ 183,720	\$ 234,942	\$ 286,164

**Personnel Costs**

	Proposed Salary	FICA	3% Retirement	Insurance (Pre)	TOTAL
Manager	\$ 38,000.00	\$ 2,907.00	\$ 1,140.00	\$ 6,000.00	\$ 48,047.00
Office	\$ 30,000.00	\$ 2,295.00	\$ 900.00	\$ 6,000.00	\$ 39,195.00
Technicians*	\$ 232,960.00	\$ 17,821.44	\$ 6,988.80	\$ 48,000.00	\$ 305,770.24
Total Personnel	\$ 300,960.00			per year	\$ 393,012
*8 FTE, \$14 per hour average				per month	\$ 32,751

**Start up Soft Costs (30 days prior)**

**Month Zero Assumptions**

**Start up Hard Costs (30 days prior)**

Labor	Manager	\$ 4,004	Licensing Fee	\$ 250,000.00
	Office	\$ 3,266	Hoists	4 \$ 32,000.00
	General	\$ 25,481	Forklift (used)/CarCaddy	\$ 5,000.00
	Workers Comp	\$ 2,508	Freon charger	\$ 3,500.00
Liability Insurance		\$ 2,500	Engine caddy	2 \$ 1,000.00
Supplies	Engine supplies	\$ 1,250		\$ 291,500.00
	Paper	\$ 1,250		
	Misc	\$ 3,500		
	Freon kegs	\$ 1,750		
CNG Station (leased)		\$ 1,500		
Loan Payments (P&I)		\$ 1,877		
Rent (ALL leaseholder improvements included)		\$ 6,500		
Maintenance		\$ 500		
Advertising (labor)		\$ 1,000		
Professional services		\$ 1,000		
Telephone		\$ 250		
Utilities		\$ 2,500		
Depreciation		\$ -		
Subtotal		\$ 60,636		
Equipment, etc.		\$ 291,500		
Cash needed to start		\$ 352,136		

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

LB840 (form approved 073109)

**2011**

Application Number:

Date Received

10/10/11

**PART I. GENERAL INFORMATION**

*TYPE OR PRINT ALL INFORMATION*

1. APPLICANT IDENTIFICATION		2. PERSON PREPARING APPLICATION	
Applicant Name	Wayne Compress Natural Gas Company LLC (not yet created) or another like company	Name/Business	Wayne Area Economic Development on behalf of a company not yet created
Mailing Address	108 W 3 <sup>rd</sup> St	Address	108 W 3 <sup>rd</sup> St
Wayne	NE 68787	Wayne	NE 68787
(City)	(State) (ZIP)	(City)	(State) (Zip)
Telephone Number	402-375-2240	Telephone Number	402-375-2240
Fax Number		Federal Tax ID # / SS#	20-3524694
Federal Tax ID Number			
Email Address	<a href="mailto:wblecke@wayneworks.org">wblecke@wayneworks.org</a>	Email Address	<a href="mailto:wblecke@wayneworks.org">wblecke@wayneworks.org</a>
3. BUSINESS TYPE		5. FUNDING SOURCES	
<input type="checkbox"/> Corporation	<input checked="" type="checkbox"/> Limited Liability Company	WEDP Funds Requested	\$ 150,000
<input type="checkbox"/> Partnership	<input type="checkbox"/> Sole Proprietorship	Matching Funds	\$ 150,000
<input type="checkbox"/> Other _____		Other Funds	\$ 100,000
4. ASSISTANCE TYPE REQUESTED		Total Project Funds	\$ 400,000
<input type="checkbox"/> Low interest loan	<input type="checkbox"/> Interest buy down	<i>(Round amounts to the nearest hundred dollars.)</i>	
<input type="checkbox"/> Performance-based loan	<input type="checkbox"/> Grant		
<input checked="" type="checkbox"/> Other: Loan Guarantee			

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

This project would bring a car assembly plant to Wayne, where the Noble line of vehicles would be assembled (engine, transmission and CNG fueling system)...(please see attached business plan) – The location (in or around Wayne) of the plant will be up to the company once it is formed. Currently, investors are being sought as well as a new business to start up as the contract manufacturer or an existing business to expand to the car assembly work.

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

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

Signature in ink \_\_\_\_\_  
 Wes Blecke, WAED Executive Director  
 Typed Name and Title

October 10, 2011  
 Date Signed

Attest \_\_\_\_\_  
 Typed Name and Title

Date Signed

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

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

**CITY OF WAYNE RECREATION SERVICES DIRECTOR**

**DESCRIPTION OF WORK:** Under the direction of the City Administrator; the Recreation Services Director provides a broad and comprehensive public recreation and leisure service program, utilizing the City of Wayne's Community Activity Center (CAC) and other recreation areas or facilities in the community. The Director plans, organizes, and directs all recreation activities and programs that encourage and promote community participation. The Director also oversees management of CAC staff and directly supervises the CAC Assistant Director.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Developing and promoting comprehensive plans for recreation, parks and leisure services programs and facilities that meet the needs of the community;
- Supervising, planning, designing constructing and maintaining baseball/softball/soccer parks and leisure services facilities in cooperation with other City departments;
- Selecting, developing, and supervising paid staff and volunteers;
- Evaluating effectiveness of recreation services department areas, facilities and programs;
- Developing and implementing budgetary and fiscal management plans and programs;
- Promoting and increasing membership and usage at the CAC through development and offering of programs and activities;
- Working to insure that recreation, parks and leisure services are well-balanced, coordinated and integrated in the community;
- Interpreting offered programs to the public and maintaining cooperative planning and working relations with allied public and advisory agencies, including the City's appointed Recreation-Leisure Services Commission; and
- Performing such other related duties and responsibilities as may be directed by the City Administrator.

**EXAMPLES OF WORK:** Assumes general responsibility for the care, security, maintenance, and inventory of all recreation equipment and facilities (except for the swimming pool); prepares such reports as may be required; employs and trains coaches and seasonal personnel upon completion and verification of application forms; arranges the use of appropriate local facilities with School District, City of Wayne, and Wayne State College; prepares annual department budgets; directly supervises and approves expenditures for equipment, supplies, dues, fees, etc., within budget guidelines; assists other recreation personnel in total recreation program activities when necessary; and maintains accurate record filing system in office setting.

**JOB STANDARDS/SKILLS:** Bachelor's Degree in Recreation-Leisure Services, physical education, public administration, or related field required. Have minimum of four (4) years public recreation-leisure services experience; supervisory; first-aid; CPR skills are preferred.

**JOB LOCATION:** Wayne Community Activity Center and grounds at 901 West 7<sup>th</sup> Street; other various facilities to include Hank Overin Field; Wayne State College tennis courts; Wayne golf course; City Summer Sports Complex; Bressler Park; pedestrian trail system; and swimming pool.

**EQUIPMENT USED:** Lawn mowers; city vehicles; pitching machines; computer; typewriter; VCR; camera; copy machine; telephone; hand tools; calculator; floor machine; recreation equipment

**SALARY RANGE:** \$24,000 to \$35,000, depending on experience and qualifications, plus full benefits package, including medical, vacation, sick leave, holidays, short term/long term disability, and retirement.

**RESOLUTION NO. 2011-83**

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON STREET IMPROVEMENT DISTRICT NO. 2011-1 (PHEASANT RUN ROAD).**

WHEREAS, seven bids were received on October 14, 2011, on Street Improvement District No. 2011-1 (Pheasant Run Road); and

WHEREAS, the bids have been reviewed by the City's engineer on the project, Advanced Consulting Engineering Services; and

WHEREAS, Advanced Consulting Engineering Services is recommending that the contract be awarded to \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for Street Improvement District No. 2011-1 (Pheasant Run Road), as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

**Bidder**

**Amount**

BE IT FURTHER RESOLVED, that the bid, as set forth and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor be, and he is hereby instructed and authorized to enter into a contract on behalf of the City of Wayne, Nebraska, with the contractor for the above project, and the City Administrator is authorized to approve and execute change orders in amounts not to exceed five percent of the contract amount.

PASSED AND APPROVED this 18<sup>th</sup> day of October, 2011.

THE CITY OF WAYNE, NEBRASKA,

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

ATTEST:

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

**Wayne Planning Commission Meeting Minutes  
Monday, July 18, 2011**

Chair Pat Melena called the regular meeting of the Wayne Planning Commission to order at 7:00 P.M., on Monday, July 18, 2011, in the Council Chambers of the Municipal Building. Roll call was taken with the following members present: Bill Kranz, Derek Hill, Jeff Carstens, Jill Sweetland, Mark Sorensen, Chair Pat Melena, and Inspector/Planner Joel Hansen. Absent: Kelby Herman, Lee Brogie, and Jessie Piper.

Motion was made by Commissioner Sweetland and seconded by Commissioner Carstens to approve the minutes as presented for June 6, 2011. Chair Melena stated the motion and second. All were in favor; motion carried unanimously.

Chair Melena read the Open Meetings Act and advised that anyone desiring to speak should limit themselves to three minutes and wait until being recognized by the Chair.

Chair Melena stated the first item on the agenda is a public hearing for the annexation of an area to the City of Wayne, containing 25.46 acres more or less.

Inspector Hansen noted for the Commission that some developers have come to the city asking to be petitioned into the city limits. They are: Victoria Pick, Steve and Cindy Meyer, and Mark and Lona Meyer. The area they wish to annex also includes Glen's Auto Body, which is owned by Glen and Sandra Nichols. This area is west of Western Ridge First Addition. A map was included in the Commission's packet for this area. Western Ridge First Addition is also included in the annexation as the subdivision agreement for this addition states that when the areas around it (Western Ridge First Addition) are annexed it would automatically be annexed as well.

Chair Melena asked for any comments from the public.

Brent Pick, Wayne Ne, was present to address the Commission. He stated that they are currently doing the preliminary plat for this property and the annexation for Bomgaars Corporation. They currently have their purchase agreement in hand for Lot 1. This is driving the annexation and plat as the area has never been platted. The property cannot be sold until these steps take place. The property cannot be sold until it has been platted and a legal description given to it. Mr. Pick stated that was the size of lot Bomgaars Corporation wanted was a four acre lot.

Commissioner Sorensen questioned why the area was not squared off for the whole Western Ridge Addition?

Mr. Pick stated that they wanted to square it off all the way to the back, nearly six acres, but Bomgaars did not want that much they only wanted four acres, which leaves them another lot in the back, nearly two acres in size. Part of the plat is to try and figure out how to get services to the back lot, Lot 2.

Inspector Hansen stated that the area has been blighted which means it is eligible for TIF financing. In order to take part in the TIF financing they have to be annexed into the city, which brought about the annexation. Then the developer needed to decide how big they wanted the subdivision. That essentially is end of the B-1 zoning which is where the developers decided to stop it and part of the reason they decided to stop it is because they have to provide all of the utilities to the land that is subdivided. So if the developers had gone further, they would have needed to put in more sewer and water in and if there are no buyers at this time, the developers would have had a lot of additional costs and no way to recoup them at this time.

Mr. Pick stated that they are only running sewer and water to the top of Lot 2 and currently they are also paving this area all the way to the north end of Lot 2 as well.

There being no further comments, Chair Melena closed the public hearing and opened the discussion up amongst the Commission members.

Chair Melena questioned Inspector Hansen as to what type of comments he has been receiving, the neighbors.

Inspector Hansen noted that when the utilities are done within the subdivision, the other property owner within the subdivision, will be affected because they already own city water so there is no cost for water, but they will have a sewer assessment that will be based on their frontage footage for that sewer. Those estimated costs should be in the annexation plan that was on the table, it also includes some engineering. The property owners to the south, Northeast Nebraska Public Power District will not have any assessments because when they put the sanitary sewer on the south side of the road, they paid for that 100 percent with the agreement they would not have to share on the north side when it went all the way to the corner. So it will not affect them at all. The property owner to the west of the subdivision will have an assessment but it can be deferred until such time as they come into the city and be developed. The assessment will not cost them anything at this time, but if they develop and have a subdivision then the assessment would come into effect.

Inspector Hansen noted for the Commission that he has spoken to Kelby Herman (property owner to the east and Commission member). He is going to be impacted because once he is annexed he also has to hook onto the city sewer, as he is on a septic system currently. He is not against being in the city, but he does have some concern about how soon he would have to hook onto sanitary sewer. And again this was also included in the subdivision agreement on a piece of property he purchased and he was aware that agreement was in place when he purchased the property. That is a separate issue and he may need to be on the council agenda at a later time to deal with it. At this point in time, Kelby needs to be annexed and he has to be hooked onto city sewer based on that subdivision agreement.

Inspector Hansen further noted for the Commission that he has spoken to the other property owner, Glen Nichols. Inspector Hansen noted that Mr. Nichols is not happy about the assessment. Mr. Nichols is not opposed to being in the city limits, but he again has a working septic system and is concerned about how long he would have to hook-up to city sewer. This will be worked on in the next agenda item, the subdivision agreement.

Commissioner Kranz questioned how Mr. Nichols would hook-up his sewer.

Inspector Hansen noted that the sewer main would need to go in front of his property and then the septic system would need to be disconnected in the back and come along with a line and he would pay an assessment based on the costs through the annexation plan, but he would not have a hook-up fee because the assessment covers the hook-up fee. And the assessment can be strung out over ten years at probably five percent interest. In fact that will probably be the option for all the properties. Inspector Hansen stated that Mr. Nichols will not be allowed to put grease, etc down the sewer. That will need to be drained separately.

Commissioner Kranz was questioning if there were any other businesses in town doing the same thing.

Inspector Hansen stated that there are even some homes in town with floor drains in their garage that they have required them to put in a trap such that the oil and grease coming from the car won't end up in the sanitary system too.

Commissioner Sweetland questioned if the cost gets recouped through the assessments.

Planning Commission Meeting Minutes  
Monday, July 18, 2011  
Page Four

Inspector Hansen stated that was correct. He further noted that when council creates a district, they could choose. Some cities when they do a sanitary sewer district, the city pays for the manholes and assesses out just the cost of the line. So it is more a question for the city council what they decide to do when they create a utility district.

Commissioner Hill questioned why the legal read 25.46 acres more or less.

Inspector Hansen stated that typical survey language. When measuring something in square feet, it may read 18 decimals long, which is the reason for the wording 'more or less'.

There being no further discussion, motion made by Commissioner Sorensen and seconded by Commissioner Hill to approve and forward a recommendation of approval to the City Council for the annexation area, with the finding of facts being staff's recommendation, consistency with the comprehensive plan, and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Carstens – aye; Commissioner Hill – aye; Commissioner Kranz – aye; and Chair Melena – aye. Chair Melena stated the motion carried unanimously.

Chair Melena stated the next item on the agenda is the preliminary and final plat for Western Ridge Third Addition.

Inspector Hansen stated this is essentially the same area of the annexation, minus Western Ridge First Addition, property owned by Kelby and Joelle Herman. A copy of the plat was included in the packet, as well as the annexation plan. Some of the numbers are harder to read; a larger copy is available in Council Chambers for anyone desiring to review it. Sharon Braun, local registered abstractor, reviewed the plat as well as himself prior to submittal and made recommendations for changes. Ms. Braun stated she is comfortable with the plat as it sits in front of the Commission.

Inspector Hansen noted that the subdivision goes to the center of the county road and the annexation goes across the road. Essentially that got brought in just because state statute says that if you annex something up to a road, you automatically annex the road.

Chair Melena asked for any comments from the public.

Brent Pick, Wayne NE, was present to address the Commission on the plat. Mr. Pick noted for the Commission that the state right-of-way has been purchased back by both Glen Nichols and the parties selling. They bought that state right-of-way line. The red line on the aerial photo in the packet was the original right-of-way line.

Inspector Hansen noted for the Commission that the legal description for the annexation will not match the legal description for the subdivision. The part that was purchased from the state was already annexed into the city.

There being no further discussion, Chair Melena closed the public hearing and opened discussion up amongst the Commission members.

Commissioner Kranz questioned the little circle on the drawing.

Inspector Hansen stated that was a scribble from before when they were looking at the sanitary sewer that was added on when they did Northeast Nebraska Public Power District on the south side of the road because there is a question on where the sanitary sewer sits.

Commissioner Kranz questioned where the surface drainage is going to be handled.

Inspector Hansen stated that is the subdivision agreement which goes with the plat. It states that the state will allow water to come into their current right-of-way but no more than what is currently coming in. So through grade changes and such the developers will need to do some detention on those lots to keep the first half-inch before it runs off into the ditch. Also, the one map in the packet showed some topo lines. The developers have intentions to remove a large amount of dirt off that hill, so before that lot is sold and they start developing impermeable surfaces on it, it will have a lot different look to the topo of that land out there. The west side will probably look like Kelby Herman's east side where the housing is where there is a more level area then a large bank coming up to his property. It will probably look similar to that area.

Commissioner Kranz was questioning the paving of roads.

Inspector Hansen noted that the county road currently there will probably be dropped by about eleven feet before it is paved. There will be a lot of dirt work done to this area so that the north half of that area will drain back to the north.

Commissioner Sorensen noted that they are basically taking the knob off that road.

Inspector Hansen stated that was correct. He further noted that there will still be a small knob there because they cannot make it level because it already comes up at a grade off the highway with concrete so they need to somewhat match that, so it won't be perfectly level across there but it will greatly improve the site distance. They are also working with the neighbor to the west to try and engineer their driveway so everything will work. Once the plans are done the neighbors to the west will be involved in discussions to see what will work best for them.

Inspector Hansen noted that a comment was made earlier about how the current landowners feel. It states in the subdivision agreement as well, that existing septic systems within the Western Ridge Third Addition subdivision will be required to be abandoned within three years of the final approval of the subdivision by the City Council and the sewer service connected to the city sewer system. The owner would like to have more time. The City Administrator would be comfortable going up to five years instead of three, if need be. That will be dealt with at the City Council level.

Commissioner Sorensen questioned what the delay would be, just for more time to start accumulating funds to do the work.

Inspector Hansen stated that essentially that and the argument they have a working septic system so why would they want to throw away a working septic system and make them spend the money to hook on to city sewer.

Inspector Hansen stated that Glen Nichols will have the assessment immediately regardless of whether or not he will hook on. The extra costs at this time will be just to run the pipe from the y that is put in the line to his building. In the opinion of City Administrator Johnson, if you are in the city you help pay for the cost of the sewer and the system improvements we are doing now. By city code, you are given sixty days from once you receive official notice from the city and the code says that if you are annexed into the city you are suppose to be on city sewer. If you went strictly by the code, the property owner basically gets sixty days, where the city is offering three years via the subdivision agreement.

Commissioner Sorensen opined that he felt the city was being very generous by allowing the property owners three years, where the code states sixty days.

Commissioner Kranz opined that he did not want it to be forgotten about, like the sidewalk ordinance which states that the property owner needs to put in a

sidewalk once a new residential structure has been built. The property owner gets a waiver and the sidewalk never gets built. Commissioner Kranz opined that the key here is not necessarily an extension of time but that it not be forgotten.

Commissioner Sorensen questioned how do you not forget about these?

Inspector Hansen stated that the City Clerk has the city calendar on her computer, essentially it is a large outlook calendar and puts dates on there so when it gets to be so close to the deadline she gets a notice on her computer that the deadline is about up and when the day comes, she gets another message as well.

Chair Melena questioned if the Commission was making the decision on the term.

Inspector Hansen stated that the Commission is only making a recommendation and that the Council will have the final decision.

Commissioner Sorensen questioned if the Commission wanted to recommend sixty days rather than three years, they could.

Inspector Hansen stated that was correct; they just need to make it a part of the motion.

Chair Melena opined that the Commission should follow what is written in the agreement.

Commissioner Sorensen concurred that they should follow the agreement.

There being no further discussion, motion was made by Commissioner Kranz and seconded by Commissioner Carstens to forward a recommendation of approval for the Preliminary Plat for Western Ridge Third Addition, with the findings of fact being staff's recommendation, consistency with the comprehensive plan, and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Kranz – aye; Commissioner Hill – aye; Commissioner Carstens – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Chair Melena – aye. Chair Melena stated the motion carried unanimously.

A motion was made by Commissioner Kranz and seconded by Commissioner Sweetland to forward a recommendation of approval for the Final Plat for

Western Ridge Third Addition, with the findings of fact being staff's recommendation, consistency with the comprehensive plan, and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Carstens – aye; Commissioner Hill – aye; Commissioner Kranz – aye; and Chair Melena – aye. Chair Melena stated the motion carried unanimously.

Chair Melena stated the next item on the agenda is the discussion and recommendation for the Redevelopment Plan for Lot 1 of Western Ridge Third Addition.

Inspector Hansen stated this is a contract between the City of Wayne and Bomgaars. Inspector Hansen stated the Commission's only responsibility is to verify this development is compatible with the comprehensive plan. This is strictly a document that is negotiated with the Council and the developer.

Chair Melena asked for any comments from the public, there being none, Chair Melena opened discussion amongst the Commission.

Commissioner Kranz questioned if this document is needed for the Tax Increment Financing.

Inspector Hansen stated that was correct. The TIF spells out how many taxes will be used to cover the assessments for the water, sewer, and paving. What is left, the developer can use it to help pay for land acquisition, dirt moving/grading, parking area, and connection of utilities to the building. The funds cannot be used for the building.

Chair Melena asked if this is consistent for what TIF is normally used for.

Inspector Hansen stated that was correct.

Chair Melena asked Inspector Hansen to review what the TIF funds can and cannot be used for.

Commissioner Sweetland asked if job creation can be used for TIF.

Inspector Hansen stated no, it cannot.

There being no further discussion, motion was made by Commissioner Carstens and seconded by Commissioner Sorensen to approve and forward a

recommendation of approval to the City Council for the Redevelopment Plan for Lot 1, Western Ridge Third Addition to the City of Wayne, Wayne Nebraska, with the findings of fact being it is consistent with the Comprehensive Plan and the current and future land use maps. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Carstens – aye; Commissioner Hill – aye; Commissioner Kranz – aye; and Chair Melena – aye. Chair Melena stated the motion carried unanimously.

Chair Melena stated the last item on the agenda is a public hearing amending Section 90-836 Expiration of Exception Use Permits.

Inspector Hansen stated this was a topic that came up at last month's meeting for discussion to see what the group wanted to do and to give them a heads-up as well. This topic really came about due to the Burrows dental clinic on West 7<sup>th</sup> and Pearl Streets. They came to the Planning Commission and asked for a Use by Exception permit and it was granted; they then went to the City Council and their use was granted again.

Commissioner Sweetland opined that this topic was discussed at the last meeting in length and the Commission felt that it would be less hassle for the Commission if the time was extended to the three years. Commissioner Sweetland opined that they want to help people develop and the Commission felt strongly about it last time.

Chair Melena opined that he is not against it, but he asked the Commission to keep it mind, that a special meeting should be an exception and not three or four times a year because of a time constraint.

There being no further discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Carstens to approve the amended language for Section 90-836 Expiration of Exception Use Permits from one year to three years and forward a recommendation of approval to the City Council, with the findings of fact being staff's recommendation. Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Kranz – aye; Commissioner Hill – aye; Commissioner Carstens – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Chair Melena – aye. Chair Melena stated the motion carried unanimously.

Commissioner Carstens questioned if the prior agenda item needed to have the motion amended to include approval of the Resolution.

Inspector Hansen stated that it probably should be included in the motion.

Commissioner Carstens amended and Commissioner Sweetland seconded the motion for the Redevelopment Plan for Lot 1 Western Ridge Third Addition to read as follows: to amend the initial motion to also include approval of the resolution for the redevelopment plan with the four findings under the "resolved" portion of the resolution. Chair Melena stated the motion and second. Roll call vote was taken: Commissioner Kranz – aye; Commissioner Hill – aye; Commissioner Carstens – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Chair Melena – aye. Chair Melena stated the motion carried unanimously.

There being no further discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Hill to adjourn the meeting. Chair Melena stated the motion and second. Chair Melena stated the motion carried unanimously; meeting was adjourned.

WAYNE MUNICIPAL AIRPORT AUTHORITY  
September 12, 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 Clay Bode Airport Manager, Curt Christensen Olsson Associates, Dawn Navrkal and Nancy Braden Treasurer.

Rump moved and Ley 2<sup>nd</sup> to accept the minutes of July 11, 2011. Roll was called with the following results: Yeas: Nissen, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Rump moved and Ley 2<sup>nd</sup> that we approve the claims of September 12, 2011. Roll was called with the following results: Yeas: Nissen, Luedeke, Rump and Ley. Nays: None. The chairman declared the motion carried.

Moved by Rump and 2<sup>nd</sup> by Luedeke that we open the budget hearing. Roll was called with the following results: Yeas: Nissen, Luedeke, Rump and Ley. Nays: None. The chairman declared the motion carried.

Moved by Ley and 2<sup>nd</sup> by Rump that we close the budget hearing. Roll was called with the following results: Yeas: Nissen, Luedeke, Rump and Ley. Nays: None. The chairman declared the motion carried.

Moved by Ley 2<sup>nd</sup> by Luedeke that we adopt Budget Resolution No. 2011-2 for the 2011-2012 Budget for the Airport Authority. 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 2<sup>nd</sup> that the authority financially support ground school / flight school this year to the same extent as last year. 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 Ley moved and Luedeke 2<sup>nd</sup> that the meeting be adjourned. All voting in the affirmative the meeting was adjourned.

David R. Ley  
Secretary