

**AGENDA
CITY COUNCIL MEETING
November 1, 2011**

5:30 Call to Order

1. [Approval of Minutes – October 18, 2011](#)

2. [Approval of Claims](#)

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

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

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

3. [Resolution 2011-84: Accepting Bid and Awarding Contract on the Curb and Gutter Repair Project on Main Street between Clark Street and 7th Street](#)

Background: When the new Main Street was constructed, expansion joint was installed between the building fronts and the new sidewalks, but no expansion joint was installed at the intersections with side streets. A lot of areas of new Main Street curbs are being sheared off from the summer heat expansion of the side street sidewalks. This project will repair curbs and install expansion joint protection. This will not be the end of this problem, but it will repair the current damage.

Recommendation: Only one bid was received. It was from an experienced local contractor. The recommendation of the Superintendent of Public Works and Utilities and the Street Superintendent is to approve the bid and award the contract.

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

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

6. [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 \(Second Reading\)](#)

7. [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 \(Second Reading\)](#)
8. [Ordinance 2011-28: Amending the Zoning of Western Ridge Third Addition to B-1 Highway Business District \(Second Reading\)](#)
9. [Ordinance 2011-29: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Thursday, December 15th and Friday, December 16th \(Wayne State College Graduation\)](#)
10. [Ordinance 2011-30: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Tuesday, December 31st \(New Year's Eve\)](#)
11. [Resolution 2011-85: A Resolution of the LB840 Economic Development Plan of the City of Wayne, Nebraska, Authorizing the Borrowing of Funds - \\$120,000.00 at 3% Interest from the City of Wayne Electric Fund, Wayne, Nebraska](#)

Background: In 2008, the voters approved a 1% local sales tax to fund city capital projects and economic development projects. The voters approved the collection and expenditure of \$3.2 million in local sales tax over 15 years to be used for LB840 economic development projects. Nancy has prepared an updated LB840 funds status spreadsheet which is included in this packet. With the approval of the Noble Car and Miss Molly's projects, the Citizens Advisory Committee and the City Council have now approved \$1,054,000 of the \$3.2 million in funds available over 15 years. In addition, as the early loans are repaid, those re-use funds are added back to become available for new LB840 projects.

The city is legally allowed to borrow against future sales tax revenues to fund large projects or to cash flow smaller projects that present themselves faster than the sales tax revenues come in. This loan will be added to the \$400,000 remaining balance of the first \$500,000 LB840 loan for a total borrowed of \$520,000. These loans are repaid with loan payments from projects and future sales tax revenues.

Attachments: "City of Wayne LB840 History" spread sheet.

Recommendation: The recommendation of the Finance Director is to approve the \$120,000 loan to cover recent commitments to LB840 projects.

12. [Resolution 2011-86: Acknowledging Requirements for the Temporary Use of the State Highway System for Special Events \(Annual Christmas on Main Parade of Lights – December 8, 2011\)](#)

Background: This action complies with the new Department of Roads Procedures for allowing communities to close a highway right-of-way for an event like a parade.

13. [Resolution 2011-87: Approving Letter Agreement for Professional Services with Olsson Associates for the Wayne South Logan Creek Channel Stabilization Design Project \(Not to Exceed \\$57,344\)](#)

Background: Several high water flow events in the past 10 years have washed out a large swirl area at Boy Scout Park between the Logan Creek channel and the outlet of the storm drain culvert. The bank is unstable and needs to be re-graded and protected with rip-rap or steel pilings. This agreement was on the agenda in September, but I asked for action to be delayed while we checked to see if we could repair this using local contractors without an engineering design. We have found that any work done in this eroded area will require an Army Corps of Engineers 404 Permit. We can't get that permit without submitting a licensed engineer design plan for the work to be done.

This agreement will provide for these engineering requirements and also the application, approval and documentation process for the 404 Permit.

Recommendation: The recommendation of the City Administrator is to approve this agreement for services and begin working to stabilize this area.

14. Discuss Possible Dates for Council Retreat

15. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

[Wayne Public Library Board of Trustees Meeting Minutes – August 2, 2011](#)

[Wayne Public Library Board of Trustees Meeting Minutes – September 6, 2011](#)

October 18, 2011

The Wayne City Council met in regular session at City Hall on Tuesday, October 18, 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, Kathy Berry and Jill Brodersen; City Attorney Mike Pieper; City Administrator Lowell Johnson and City Clerk Betty McGuire. Absent: Councilmembers Jim Van Delden and Kaki Ley.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on October 6, 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 Sturm made a motion, which was seconded by Councilmember Frevert, whereas the Clerk has prepared copies of the Minutes of the meeting of October 4, 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:

ADDITIONS & CORRECTIONS FROM CLAIMS LIST OF 10/4/11: DELETE -
NE U.C. FUND UNEMPLOYMENT COMP \$334.66

VARIOUS FUNDS - FISCAL YEAR CLAIMS 2011-2012:

4IMPRINT, SU, 803.99; ADVANTAGE TAPE, SE, 225.00; BROWN SUPPLY, SU, 194.75; CARHART LUMBER CO, SE, 786.98; CHARTWELLS, SE, 5738.85; DANKO EMERGENCY EQUIPMENT, SU, 545.85; DEETS FURNITURE, SU, 995.00; DIGITAL ALLY, SU, 127.50; FLETCHER FARM SERVICE, SU, 695.60; FREDRICKSON OIL, SE, 119.39; FREDRICKSON TYRFIL, SE, 50.00; GEMPLER'S, SE, 39.00; GREAT PLAINS ONE-CALL, SE, 73.37; HARDING & SHULTZ, SE, 40263.46; HDR ENGINEERING, SE, 1806.65; INNOVATIVE PROTECTIVES, SU,

641.70; IRS, TX, 17120.41; KTCH, SE, 160.00; LEAGUE OF NEBRASKA, FE, 1416.00; MCGRATH NORTH, SE, 3096.00; MES-MIDAM, SU, 2216.66; MUNICIPAL SUPPLY, SU, 89.88; NE AIR FILTER, SU, 45.45; NE DEPT OF REVENUE, TX, 2573.66; NE LAW ENFORCEMENT, FE, 50.00; NORFOLK TRUCK CENTER, SU, 92475.00; NORTHEAST EQUIPMENT, SU, 123.75; NNPPD, SE, 12180.28; OMAHA WORLD-HERALD, SE, 1332.62; PAMIDA, SU, 93.25; PEPSI-COLA, SU, 484.20; POLLARD PUMPING, SE, 222.50; QUALITY FOODS, SU, 2.97; STAN HOUSTON EQUIPMENT, SU, 347.27; STATE NATIONAL BANK, SE, 49.98; STEFFEN, SU, 5200.00; US BANK, SU, 5980.61; UTILITIES SECTION, FE, 105.00; WAYNE AUTO PARTS, SU, 312.14; WAYNE COMMUNITY SCHOOLS, RE, 1644.50; WAYNE COUNTY CLERK, SE, 11.00; WAYNE HERALD, SE, 967.50; ZACH OIL, SU, 5100.15; DAVE'S DRY CLEANING, SE, 96.00; MATT FRIEND TRUCKING, SU, 7713.00; NE HARVESTORE, SU, 27.04; PROVIDENCE MEDICAL CENTER, SE, 200.00

FISCAL YEAR CLAIMS 2011-2012: AMERICAN BROADBAND, RE, 330.00; AMERICAN LIBRARY ASSOC, FE, 180.00; AMERITAS, SE, 1411.11; APPEARA, SE, 159.09; BANK FIRST, SE, 150.00; BROWN SUPPLY, SU, 934.06; CITY OF WAYNE, RE, 117.00; CITY OF WAYNE, PY, 55187.01; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 297.99; COMMUNITY HEALTH, RE, 3.00; CONSOLIDATED MANAGEMENT, RE, 47.00; CORBY SCHWEERS, RE, 232.50; COUNTRY NURSERY, SE, 120.00; CREDIT BUREAU SERVICES, RE, 112.16; DALE PAULSON/PAULSON CONST, SE, 7001.54; DE LAGE LANDEN FINANCIAL, SE, 394.00; CITY EMPLOYEE, RE, 122.12; ENGINEERED CONTROLS, SE, 450.00; FLOOR MAINTENANCE, SU, 39.95; FORT DEARBORN LIFE, SE, 1471.19; GILL HAULING, SE, 133.00; CITY EMPLOYEE, RE, 700.00; HAUGE ASSOCIATES, RE, 167.75; CITY EMPLOYEE, RE, 11.48; HR SPECIALIST, SU, 139.00; ICMA, RE, 5659.83; KRIZ-DAVIS, SU, 1559.16; MARK AHMANN, RE, 480.00; CITY EMPLOYEE, RE, 66.71; MIDWEST LABORATORIES, SE, 626.95; MIKE TOWNE, SE, 800.00; NATIONAL BUSINESS INST., RE, 688.00; CITY EMPLOYEE, RE, 1567.50; NE CODE OFFICIAL ASSOC, FE, 200.00; NE LIBRARY COMMISSION, SU, 566.00; NE PUBLIC HEALTH, SE, 84.00; NE SAFETY COUNCIL, FE, 330.00; NPPD, SE, 323076.12; NEBRASKA U.C. FUND, RE, 1158.60; N.E. NE AMERICAN RED CROSS, RE, 29.62; NE NEB INS AGENCY, SE, 55194.00; OAKSTONE PUBLICATIONS, SU, 139.92; PAMELA EVERETT, RE, 500.00; CITY EMPLOYEE, RE, 22.12; PETERSON'S, A NELNET CO, SU, 107.80; PRESTO X, SE, 47.00; PROVIDENCE MEDICAL CENTER, RE, 10,000.00; SOCIETY FOR HUMAN, FE, 180.00; SOOLAND BOBCAT, SU, 185.37; SPARKLING KLEAN, SE, 1138.00; STADIUM SPORTING GOODS, SE, 28.00; STATE NATIONAL BANK, RE, 577021.67; STATE NATIONAL BANK, RE, 81148.32; STATE NATIONL BANK, RE, 100.00; SUTTON, TIM, RE, 285.59; TRI-CITY SIGN COMPANY, SE, 5445.00; UNITED WAY, RE, 5.00; CITY EMPLOYEE, RE, 20.62; CITY EMPLOYEE, RE, 33.00; WALTER OTTE, RE, 477.25; WASTE CONNECTIONS, SE, 48.10; WATERLINK, INC, SE, 1053.42; WAYNE COMMUNITY SCHOOLS, SE, 100.00; WAPA, SE, 25657.66; CITY EMPLOYEE, RE, 71.00; WRIEDT, RONALD, SE, 50.00; ZEE MEDICAL SERVICE, SU, 60.60; 4IMPRINT, SU, 116.67; AMAZON.COM, SU, 208.77; CITY EMPLOYEE, RE, 128.60; BIG T ENTERPRISES, SU, 609.80; CITY

EMPLOYEE, RE, 21.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, SE, 160.00; CONSOLIDATED MANAGEMENT, SE, 73.50; COVENTRY HEALTH, SE, 18012.69; DAKOTA BUSINESS SYSTEMS, SE, 102.50; DGR & ASSOCIATES, SE, 238.00; DUTTON-LAINSON, SU, 290.43; ELECTRIC FIXTURE & SUPPLY, SU, 498.77; ELECTRONIC ENGINEERING, SE, 704.85; ELLIS PLUMBING & HEATING, SE, 1643.89; EXHAUST PROS, RE, 75.00; FIREMAN'S ASSOCIATION, SE, 5000.00; FLOOR MAINTENANCE, SU, 71.25; FRIESEN CHEVROLET, SU, 17.35; GREEN SOURCE, SU, 19.95; CITY EMPLOYEE, RE, 15.76; HERITAGE HOMES, RE, 2100.00; CITY EMPLOYEE, RE, 576.61; KORY LESEBERG, SE, 1250.00; KRIZ-DAVIS, SU, 879.69; MARRIOTT HOTELS, SE, 1655.26; MIDWEST TAPE, SU, 599.80; NE DEPT OF LABOR, SE, 403.00; NET-TECH, SU, 325.36; NORTHSTAR SERVICES, RE, 80.00; NSAWWA, FE, 150.00; OLSSON ASSOCIATES, SE, 681.00; PITNEY BOWES, SE, 648.00; PRESTO X, SE, 35.15; CITY EMPLOYEE, RE, 138.49; PUSH-PEDAL-PULL, SE, 234.28; SKARSHAUG TESTING LAB, SE, 336.54; STATE NATIONAL BANK, RE, 5182.50; CITY EMPLOYEE, RE, 231.21; TOM SIEVERS, RE, 500.00; CITY EMPLOYEE, RE, 282.33; W.T. COX SUBSCRIPTIONS, SU, 2455.09; WAED, RE, 6383.33; WAYNE GREENHOUSE, SU, 24.34; CITY EMPLOYEE, RE, 547.40; WESCO, SU, 3977.56; ZEE MEDICAL SERVICE, SU, 31.75

Councilmember Frevert made a motion and Councilmember Haase seconded to approve the claims.

Councilmember Alexander stated he just received an e-mail about the claim of McGrath North for Attorney's fees in the amount of \$3,096.00, and asked what this was in regard to.

Attorney Pieper responded that claim is for attorney's fees involving one of the police officers.

Councilmember Alexander asked Council to hold off on paying this claim until more information is found out about it.

Administrator Johnson advised the Council he did not have a problem with holding payment on that claim until the next meeting, and that the motion can be amended to exclude that particular claim.

Councilmember Alexander asked the Councilmembers who made and seconded the motion, if they would consider amending their motion to exclude the claim of McGrath North. Councilmember Haase stated he would; however, Councilmember Frevert stated he would not.

Mayor Chamberlain then asked Councilmember Haase if he was okay with his second if Councilmember Frevert would not amend his motion. Councilmember Haase responded that he was.

Councilmember Brodersen asked if this was something the City should not be paying. Councilmember Alexander replied he did not know, which is why he wanted to table that claim.

Attorney Pieper advised the Council that the City does have an opinion that the claim can be paid.

Councilmember Alexander stated this got brought to his attention right before the Council meeting, and he is not comfortable with approving it. If we had to have an opinion to pay it, he thought the Council should probably review it.

Councilmember Sturm stated if he has questions concerning the claims or there is something on the claims list he doesn't understand, he contacts staff prior to the meeting.

Councilmember Brodersen stated she was informed that there might be an issue with this claim.

Councilmember Alexander stated it was 5:10 p.m. when he received this e-mail, and asked how he was supposed to know what it is when it's a line item on the paper.

Councilmember Sturm stated that Attorney Pieper has told them that the City's attorney has reviewed the claim, and when it comes to legal things, he trusts that they

know more than he does. Since the City's attorney has reviewed the matter and has advised the Council that it can be paid, he is comfortable with that.

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

Lukas Rix and Terri Buck were present to extend an invitation to Council to attend "Wayne Innovation Night" on Friday, November 11th, at 7:00 p.m. at the Wayne Fire Hall. It's an opportunity for members of the community to come to the Fire Hall and share their ideas for more opportunities for Wayne to become innovative.

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.

Tom Sievers, Fire Chief, introduced Kimberly Marie Zuniga and requested Council consideration to approving her membership application to the Wayne Volunteer Fire Department Cadet Program.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the membership application of Kimberly Marie Zuniga to the Wayne Volunteer Fire Department Cadet Program. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander introduced Ordinance No. 2011-17 and moved for approval of the third and final reading thereof which reduces the occupation tax to \$150 for non-profit Class C Liquor Licenses; Councilmember Sturm 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.

Councilmember Sturm introduced Ordinance No. 2011-23 and moved for approval of the third and final reading thereof; Councilmember Brodersen 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.

Mayor Chamberlain declared the time was at hand for the 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.

Joel Hansen, Zoning Administrator, stated that the Planning Commission held a public hearing on this matter and recommended approval thereof, subject to the following "Findings of Fact":

- Staff's recommendation; and

- This is consistent with the comprehensive plan and the current and future land use maps.

Wayne Municipal Code requires one condition for a use permit such as this which is that the business must prove it has the ability to stack three cars behind the car being served. Use by exception permits do not involve the property owner or any tenants; it involves the property only and the use permit is attached to the deed for all time.

Molly Younts, one of the owners of the drive through coffee shop, was present to answer questions and explain a little bit about the company. The location of the property is at the corner of 7th Street and Dearborn Avenue. They have been working on this project/concept for over one year.

Wes Blecke, Director of WAED, was in favor of the Planning Commission's recommendation on the use by exception permit.

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

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

Councilmember Sturm introduced Resolution 2011-79, and moved for its approval; Councilmember Haase seconded.

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. 7TH STREET, LEGALLY DESCRIBED AS LOTS 1 AND 17, BLOCK 1, EAST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.”

In response to a question posed by Councilmember Sturm, Mr. Hansen advised the Council that the use permit is only for the two center lots on the map. It is specific to just those two parcels and has to be there for all time regardless who owns the property.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the amendment of Sec. 90-358(1) Front Yard – Minimum Yard Requirements of the B-1 Highway Business District. The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the following ordinance would amend Sec. 90-358(1) 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.

Mr. Hansen stated the only change is the omission of the words "or federal aid secondary." All federally classified side streets intersecting 7th Street and Main Street currently have a 100' setback requirement from the center line of the street. This action will make all side streets coming off of Highway 35 and Highway 15 have the same setback as the rest of the B-1 side street front setbacks, which is 25 feet from the property line. In some instances, this change would almost double the buildable space on some

lots. This should open up a lot more redevelopment opportunities on some of these lots as well.

This is also the recommendation in the B-3 zoning district, which is the next public hearing item on the agenda.

The Planning Commission held a public hearing on this matter and recommended approval thereof, subject to the following “Findings of Fact”:

- Staff’s recommendation; and
- This is consistent with the comprehensive plan and the current and future land use maps.

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

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

Councilmember Frevert introduced Ordinance 2011-24, and moved for its approval; Councilmember Sturm seconded.

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.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation regarding the amendment of Sec.

90-428(a) Front Yard – Minimum Yard Requirements of the B-3 Neighborhood Commercial District. The applicant is the City of Wayne.

Joel Hansen, Zoning Administrator, stated the following ordinance would amend Sec. 90-428(a) 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.

This is essentially doing the same thing as the last item on the agenda, except that it affects the B-3 Zoning District. This eliminates the 80' setback requirement from the centerline of the street and makes it uniform with the rest of the B-3 side street front yard setbacks, which is 15' from the property line.

The Planning Commission held a public hearing on this matter and recommended approval thereof, subject to the following "Findings of Fact":

- Staff's recommendation; and
- This is consistent with the comprehensive plan and the current and future land use maps.

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

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

Councilmember Sturm introduced Ordinance 2011-25, and moved for its approval; Councilmember Frevert seconded.

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.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the amendment of 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.

Joel Hansen, Zoning Administrator, stated the following ordinance would amend those sections referred to above 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. Food stores, 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. Shoe stores.
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**

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.~~

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. Mini warehouses.
16. Manufactured homes for residential purposes, provided the home complies with all provisions 90-711.
17. Vehicle Towing Service.

The Planning Commission held a public hearing on this matter and recommended approval thereof, subject to the following "Findings of Fact":

- Staff's recommendation; and
- This is consistent with the comprehensive plan and the current and future land use maps.

Currently, single-family and two-family dwellings are permitted in this zoning as a "use by exception." This amendment will reclassify those as permitted uses. This will harmonize our 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.

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

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

Councilmember Sturm introduced Ordinance 2011-26, and moved for its approval; Councilmember Alexander seconded.

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.

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the amendment of 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.

Joel Hansen, Zoning Administrator, stated the following ordinance would amend those sections referred to above 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.

The Planning Commission held a public hearing on this matter and recommended approval thereof, subject to the following "Findings of Fact":

- Staff's recommendation; and
- This is consistent with the comprehensive plan and the current and future land use maps.

Staff has been dealing with several entities looking to purchase downtown buildings that are currently empty but need the revenue from upstairs (or rear) apartments to help cash-flow their renovations to get the business started. The use is currently allowed, but requires a fee and public hearings that can delay a business opportunity. Conditions are already outlined in the code for multifamily use, and making this a conditional use would allow the Zoning Administrator to verify these same conditions were met without the added cost and process of two public hearings. This will hopefully spur more downtown development.

This action would also keep 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.

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.

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

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

Councilmember Brodersen introduced Ordinance 2011-27, and moved for its approval, with an additional condition being added as item (e) in Sections 1, 2, and 3 of Sec. 90-402: "Provided the lot must also contain an existing nonresidential use"; Councilmember Sturm seconded.

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.

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

Mayor Chamberlain declared the time was at hand for the 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.

Joel Hansen, Zoning Administrator, stated when Western Ridge Third Addition was in the process of being platted, it was discovered that the zoning district line had been drawn in, and no true metes and bounds descriptions were done. Therefore, an indescribable zoning district line was left, and where it was drawn cannot be verified to line up with the platted lots. The City is therefore making the rezoning request to legally define the zoning district line and have all of Western Ridge Third Addition be zoned to B-1 Highway Business District.

The Planning Commission held a public hearing on this matter and recommended approval thereof, subject to the following "Findings of Fact":

- Staff's recommendation; and
- This is consistent with the comprehensive plan and the current and future land use maps.

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

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

Councilmember Sturm introduced Ordinance 2011-28, and moved for its approval; Councilmember Brodersen seconded.

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.

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

Mayor Chamberlain declared the time was at hand for the public hearing on the Wayne Revolving Loan Fund (WRLF) application of Miss Molly's Coffee Company, LLC, for \$50,000 which will be used to renovate the second floor and improve the face of the building located at 203 Main Street.

Wes Blecke, Executive Director of Wayne Area Economic Development, advised the Council that Wayne Industries has reviewed the application and unanimously recommended approval thereof.

Melodee and Molly Younts were present to answer questions. The building being purchased is the former McNatt building.

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

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

Councilmember Sturm introduced Resolution No. 2011-80 and moved for its approval; Councilmember Alexander seconded.

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.

Since this money is going towards the renovation of the building and not the sale of the building, Councilmember Frevert was advised he did not have a conflict and could vote on this matter.

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

Wes Blecke, Executive Director of WAED, was present and advised the Council that the Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The Committee recommended approving the request of Miss Molly's Coffee Company, LLC, for a \$30,000 performance based loan. The terms the Committee is suggesting would be a five year, performance based loan, with \$6,000 to be forgiven per year as long as the company maintains two full-time and 13 part-time employees. This project would put a coffee company, plus other business potentials, on Main Street in the old McNatt building. The vote on the motion to

recommend approving the request was unanimous with 7 members present voting in favor.

When asked how the Committee determines the criteria when recommending a performance based loan, Mr. Blecke responded that the Committee determines what is reasonable and whether or not they think the company can meet the requirements based upon the information provided to them by the applicants. There is no formula used.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the recommendation of the LB 840 Sales Tax Advisory Committee to approve a \$30,000 performance based loan to Miss Molly's Coffee Company, LLC, which will be a five-year note, with \$6,000 being forgiven each year as long as the company maintains two full-time and 13 part-time employees. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing on the Wayne Revolving Loan Fund (WRLF) 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.

Wes Blecke, Executive Director of Wayne Area Economic Development, advised the Council that Wayne Industries has reviewed the application and unanimously recommended approval thereof. This is a twenty year note, with a balloon payment due in seven years. This will be a 26,500 sq. ft. facility. Their current building is 15,000 sq.

ft. They are hoping to be open the middle of October, 2012. They will physically move the store in two days.

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

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

Councilmember Alexander introduced Resolution No. 2011-81 and moved for its approval; Councilmember Sturm seconded.

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.

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

Mayor Chamberlain declared the time was at hand for the public hearing on the Wayne Revolving Loan Fund (WRLF) 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.

Wes Blecke, Executive Director of Wayne Area Economic Development, advised the Council that Wayne Industries has reviewed the application and unanimously recommended approval thereof.

They are working on bringing a contract manufacturing facility of the Noble line of vehicles to Wayne. There is a draft business plan in place, and at this time, they are looking at \$400,000 in financing. If approved, \$150,000 will come from the Wayne

Revolving Loan Fund; \$150,000 will come from LB840 funds; and \$100,000 will come from local investors. WAED will not be the owner of this, nor are they investing in this project. At some point, they will hand this off to a company yet to be named.

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

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

Councilmember Brodersen introduced Resolution No. 2011-82 and moved for its approval; Councilmember Sturm seconded.

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.

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

Wes Blecke, Executive Director of WAED, was present and advised the Council that the Sales Tax Advisory Committee met and reviewed an application to Wayne's Economic Development Program Fund. The Committee recommended approving the request by Wayne Area Economic Development on behalf of a company yet to be named for a loan guarantee up to \$150,000. This project would bring a compressed natural gas vehicle assembly plant 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 5 of the 7 members present in favor thereof. He noted that the Council

has to commit the funds, but the funds wouldn't actually be expended unless something would happen.

Mr. Blecke noted that loan guarantees are not something he ever advocated for with LB840 funds, because you are tying up funds that you are not using. But in this circumstance, he thinks it's very appropriate because you want the bank involved to show commitment on their part as well. The funds would be tied up for the length of the loan.

Councilmember Frevert made a motion and seconded by Councilmember Brodersen approving the recommendation of the LB 840 Sales Tax Advisory Committee to approve a loan guarantee of up to \$150,000 to Wayne Area Economic Development on behalf of a company yet to be named to bring a compressed natural gas vehicle assembly plant to Wayne. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson presented the Council with a revised job description for a Recreation Services Director position. This would be a full-time position, and staff will be getting ready to advertise for the same.

Mayor Chamberlain stated he and staff have had some discussions regarding this position and what the needs must be. The applicants that previously applied for the part-time Community Activity Center Director position will be contacted and given the opportunity to put their name in for this position.

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the job description for the Recreation Services Director position. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated seven bids were received for the street improvement project on Pheasant Run Road. The engineer on the project, Advanced Consulting Engineering Services, has reviewed the bids and is recommending awarding the same to the low bidder, Elkhorn Paving Construction, Norfolk, Nebraska, in the amount of \$149,979.51. The engineer's estimate was \$165,000. The project will probably start next spring.

Joel Hansen, Zoning Administrator, noted there is an alternate bid that could increase the cost depending upon how much retaining wall we have to build.

Councilmember Brodersen introduced Resolution No. 2011-83 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2011-83

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

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

Mayor Chamberlain requested Council consideration to approving the reappointment of Lee Brogie to the Planning Commission.

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the reappointment of Lee Brogie to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Breck Giese to the Planning Commission. He will replace Kelby Herman.

Councilmember Frevert made a motion and seconded by Councilmember Alexander approving the appointment of Breck Giese to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who voted Nay, the Mayor declared the motion carried.

Councilmember Frevert made a motion and seconded by Councilmember Brodersen 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 6:44 p.m.

CLAIMS LISTING NOVEMBER 1, 2011

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,481.66
APPEARA	MAT SERVICE	27.09
ARNIE'S FORD-MERCURY INC	INSTALL TIRES & ALIGNMENT	291.96
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
BLACK HILLS ENERGY	GAS BILLS	205.36
BOMGAARS	FD-BATTERIES/TAIL LIGHT/RESPIRATOR	113.20
CITY EMPLOYEE	HEALTH REIMBURSEMENT	107.57
CENTURYLINK	TELEPHONE CHARGES	309.01
CITY OF WAYNE	CAT TRAP REFUND	20.00
CITY OF WAYNE	PAYROLL	54,887.06
CLAUSSEN & SONS IRRIG.	FD IRRIGATION BLOWOUT	50.00
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
CONSOLIDATED MANAGEMENT	MEALS-DISPATCHER TRAINING	27.50
CREDIT BUREAU SERVICES	PAYROLL DEDUCTIONS	112.16
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	79.27
ECHO GROUP INC JESCO	LIGHT BULBS-ENERGY WISE	1,600.00
ECHTENKAMP, DOUGLAS J	ENERGY INCENTIVE	260.54
EISCHEID ARTIFICIAL RAIN	WINTERIZE CH/LIB/SRC SPRINKLERS	90.00
ELECTRIC FIXTURE & SUPPLY	FUSES	206.83
ENERGY FEDERATION, INC.	LIGHT BULBS	2,566.00
ERIKSEN CONSTRUCTION CO,	WWTP	48,404.27
FIRST CONCORD GROUP LLC	CAFETERIA FEES	3,834.32
FLOOR MAINTENANCE	FOAM PLATES/BOWLS/DETERGENT/BLEACH	266.98
FORT DEARBORN LIFE	VFD INSURANCE	106.64
FRANK MRSNY	ENERGY INCENTIVE	432.00
GALE GROUP	SUBSCRIPTIONS	1,404.00
GERHOLD CONCRETE CO INC.	CONCRETE	57.38
HAUGE ASSOCIATES, INC.	PAYROLL DEDUCTIONS	33.30
HD SUPPLY WATERWORKS, LTD	WATER METERS	1,438.29
CITY EMPLOYEE	HEALTH REIMBURSEMENT	46.80
CITY EMPLOYEE	HEALTH REIMBURSEMENT	108.00
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,773.70
IRS	FEDERAL WITHHOLDING	17,186.64
JAFF LTD	LIGHTING EFFICIENCY	340.00
GODFATHER'S	PIZZA'S-REC VB	71.50
JEO CONSULTING GROUP	WIND ENERGY/WWTP/SLUDGE STUDY	23,241.19
JOHN'S WELDING AND TOOL	PIPE	14.96
CITY EMPLOYEE	HEALTH REIMBURSEMENT	840.76
KNIFE RIVER MIDWEST LLC	COLD MIX ASPHALT	750.30
KRIZ-DAVIS COMPANY	EMERGENCY LIGHTS/METERS/TUBING ETC	1,693.10
LEAGUE OF NEBRASKA	CITY/CTY DUES- L JOHNSON/A LAWRENCE	400.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	144.37
MCGUIRE & NORBY	ATTORNEY FEES	4,711.88
MERCY MEDICAL CLINICS	FLU SHOTS	200.00

MIDWEST OFFICE AUTOMATION	COPY CHARGES	1,287.97
MONICA WARNER	ENERGY INCENTIVE	431.67
NE DEPT OF REVENUE	STATE WITHHOLDING	2,601.77
NE LAW ENFORCEMENT	TELECOMMUNICATOR COURSE	312.00
NE NEB INS AGENCY INC	INSURANCE-FREIGHTLINER	241.00
NE STATE PATROL	CRIMINAL HISTORY RECORDS	30.00
NORTHEAST NE PUBLIC POWER	ELECTRICITY	4,088.48
OLSSON ASSOCIATES	RICE DATA COLLECTION	566.55
POSTMASTER	WATER SURVEY POSTAGE	57.39
CITY EMPLOYEE	HEALTH REIMBURSEMENT	208.88
QUILL CORPORATION	OFFICE SUPPLIES	101.52
REPCO MARKETING INC	SIMULATOR SOLUTION	52.50
ROSE EQUIPMENT INC.	SQUEEGEES FOR TARRING	69.18
RUSTY PARKER	LIGHTING EFFICIENCY	528.00
SPARKLING KLEAN	SUPPLIES/CLEANING	429.54
SPX COOLING TECHNOLOGIES	COOLING TOWER	132,931.00
STADIUM SPORTING GOODS	EMBROIDERY	22.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	111.08
STATE NATIONAL BANK	PUBLIC SAFETY BONDS	5,141.25
TYLER TECHNOLOGIES	MAINTENANCE-AR/GASB/RW/AD	2,966.83
VERIZON WIRELESS SERVICES	CELL PHONES	204.50
VIAERO	CELL PHONES	142.08
WAYNE COUNTY COURT	BOND	300.00
WESCO DISTRIBUTION INC	CONNECTORS/CONDUIT/ARRESTERS	2,727.47
WEST-E-CON	RADIO & ANNTENNA REPAIRS	450.00

RESOLUTION NO. 2011-84

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE CURB AND GUTTER REPAIR PROJECT ON MAIN STREET BETWEEN CLARK STREET AND 7TH STREET.

WHEREAS, one bid was received on October 24, 2011, on the "Curb and Gutter Repair Project" on Main Street between Clark Street and 7th Street; and

WHEREAS, the bid has been reviewed by City Staff;

WHEREAS, City Staff is recommending that the contract be awarded to Robert Woehler & Sons Construction, Inc., in the amount of \$9,450.00 which is based upon \$63 per foot x 150'.

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 the "Curb and Gutter Repair Project" on Main Street between Clark Street and 7th Street, as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount</u>
Robert Woehler & Sons Construction, Inc. Wayne, NE	\$9,450.00 (\$63 per ft. x 150')

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 1st day of November, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

COPY

main st. curb repair
This is the only bid.

contractor fails to clean up as provided above, the City may do so, and the cost thereof shall be charged to the contractor.

XIV. BIDDER'S SHEET

1. References: List two references, including the following information.

- 1. Company Name Ronza Restaurant/Wayne
 Contact Person Toni
 Phone # 402-375-2414
- 2. Company Name National Guard Armory/Wayne
 Contact Person John Wren
 Phone # 402-375-7060



2. Description of Warranty:

1 year Material & Workmanship
Excluding any damage from being hit with city or others
Equipment during snow removal or any other time

3. Bidders should furnish prices on the following items,

Removal and replacement of Curb and gutter
 With expansion joint \$ 63 per foot
150'
\$9,450-

Bidder's Information:

Company Name: Robert Wuehler + Sons Construction, Inc.
 Address: 123 Fairgrounds Ave - Wayne, NE
 Phone #: 402-375-3744 / 402-369-0049 69787
 Company Representative Bradley J Wuehler Secretary
 Sign [Signature]



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 November, 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 November, 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 November, 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; and**
 - e. Provided the lot must also contain an existing 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; and
 - e. Provided the lot must also contain an existing 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; and
 - e. Provided the lot must also contain an existing 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 November, 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 November, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-29

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE GRADUATION ACTIVITIES.

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., only, on Thursday, December 15, 2011, and Friday, December 16, 2011, in conjunction with the Wayne State College Graduation Activities.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2011-30

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR NEW YEAR'S EVE.

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

That the hours of sale of alcoholic liquor shall be extended to 2:00 o'clock a.m., only, on Saturday, December 31, 2011, in conjunction with New Year's Eve.

PASSED AND APPROVED this _____ day of November, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2011-85

A RESOLUTION OF THE LB 840 ECONOMIC DEVELOPMENT PLAN OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND, WAYNE, NEBRASKA.

WHEREAS, Section 4 of the LB840 Economic Development Plan provides authority to issue bonds pursuant to the Act subject to City Council approval; and

WHEREAS, the City has determined that it is in the best interest of the LB840 Economic Development Fund to borrow said funds from the City of Wayne Electric Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the LB840 Economic Development Fund shall borrow from the City of Wayne Electric Fund the amount of \$120,000.00 at 3% interest, payable in equal payments over a period of seven years, and that the Mayor of the City of Wayne, Nebraska, is authorized and directed to execute on behalf of the City of Wayne, Nebraska, the Promissory Note and Security Instruments with such modifications as are deemed appropriate.

PASSED AND APPROVED this 1st day of November, 2011.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

CITY OF WAYNE

LB840 History

27-Oct-11

LB840 funds approved by the voters	\$	3,200,000.00
Approved Projects	\$	1,054,205.87
Remaining balance	\$	<u>2,145,794.13</u>

Approved Projects

Digital Blue	\$	30,600.00	forgivable loan
Interactive Impact	\$	30,000.00	forgivable loan
Northeast Nebraska Investors	\$	250,000.00	forgivable loan
DRJ LLC/Inet Library	\$	43,019.00	forgivable loan
Farmers Market & Community garden	\$	2,750.00	grant
Veterns Memorial (\$75,000 approved)	\$	72,685.87	grant
Community Wide promotion (WAED)	\$	20,000.00	grant
Benscoter Subdivision	\$	36,000.00	forgivable loan
City of Wayne Housing DPA	\$	7,132.00	loan
Project Majestic	\$	200,000.00	forgivable loan
Godfathers Pizza	\$	38,000.00	grant/loan
DRJ LLC/Inet Library	\$	43,019.00	loan
Approved projects	\$	<u>773,205.87</u>	

City/Bomgaars sewer under HWY 35	\$	26,000.00	grant
RBDK LLC (Burrows)	\$	70,000.00	loan
Windom Ridge (Housing Study)	\$	5,000.00	grant
Nobel Car (loan Guarantee)	\$	150,000.00	loan guarantee
Miss Molly	\$	30,000.00	forgivable loan
Approved / funds not expended yet	\$	<u>281,000.00</u>	

Cash Balance

Sales tax received to date	\$	400,125.39
Electric fund Loan	\$	500,000.00
Interest	\$	1,070.29
Payment of Interest on loan to electric fund	\$	(21,000.00)
Loan Repayments 2010-11	\$	10,682.00
Loan Repayment	\$	(100,000.00)
Expended to date	\$	(773,205.87)
Cash available	\$	<u>17,671.81</u>

CITY OF WAYNE

LB840 History

27-Oct-11

Loan Request

Approved LB840	\$	281,000.00
Less loan guarantee	\$	(150,000.00)
Less Cash Balance	\$	(17,671.81)
Funds needed by LB 840 fund	\$	<u>113,328.19</u>
Loan requested	\$	120,000.00
Payback 3% 7 years		

RESOLUTION NO. 2011-86

A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

WHEREAS, the annual "Christmas on Main Parade of Lights" will be held on Main Street from 1st Street to 6th Street on Thursday, December 8, 2011, from 6:30 p.m. to approximately 7:45 p.m. or immediately after the parade, at which time the City will relinquish control of this section of Highway 15 back to the Nebraska Department of Roads; and

WHEREAS, Wayne Area Economic Development, in compliance with City of Wayne policy for events held on public right-of-way, will provide special events insurance coverage to indemnify, defend, and hold harmless the City of Wayne and the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event; and

WHEREAS, during the above time periods of these events, the City of Wayne acknowledges all duties set out in subsection (2) of LB589/N.R.S. Section 39-1359.

NOW, THEREFORE, BE IT RESOLVED, that during the above time periods of these events, the City of Wayne, Nebraska, accepts and will carry out all duties set out in subsection (2) of LB589/N.R.S. Section 39-1359.

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that if a claim is made against the State, it shall indemnify, defend, and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event.

PASSED AND APPROVED this 1st day of November, 2011.

THE CITY OF WAYNE, NEBRAS

By _____
Mayor

ATTEST:

City Clerk



Economic Development
Chamber ■ Main Street

October 26, 2011

Marlen Chinn
City of Wayne Police Department
306 Pearl Street
Wayne, NE 68787

Dear Marlen,

Wayne Area Economic Development respectfully requests a parade permit for the annual Christmas on Main Parade of Lights to be held on December 8, 2011. The parade start time has not been determined but will be 6:30 or 7:00 pm. The parade typically lasts less than 30 minutes. We would like the entries to line up on West 1st Street, in the order of first come, first serve. The parade will proceed north on Main Street, disbursing at the corner of 6th and Main. Participants will be reminded that candy or other items should not be thrown from the vehicle.

We truly appreciate the support from the City of Wayne and especially the Police Department during the holiday events. Your cooperation and assistance helps turns these events into successful marketing tools for our community and shining memories for the families that live here.

We look forward to hearing from you. If you have any questions, please contact me at the Economic Development office at 402-375-2240.

Sincerely,

A handwritten signature in cursive script that reads "Irene Fletcher".

Irene Fletcher
Assistant Director

RESOLUTION NO. 2011-87

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE WAYNE SOUTH LOGAN CREEK CHANNEL STABILIZATION DESIGN PROJECT.

WHEREAS, the Wayne City Council is desirous of entering into an Agreement with Olsson Associates for professional services regarding the “Wayne South Logan Creek Channel Stabilization Design Project”; and

WHEREAS, a proposal has been requested and received from Olsson Associates for said services in an amount not to exceed \$57,344.00; and

WHEREAS, staff recommendation is to accept said proposal of Olsson Associates.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Letter Agreement between the City of Wayne and Olsson Associates for the “Wayne South Logan Creek Channel Stabilization Design Project” be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement for the professional services on behalf of the City.

PASSED AND APPROVED this 1st day of November, 2011.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



LETTER AGREEMENT FOR
PROFESSIONAL SERVICES

August 30, 2011

City of Wayne
Anthony Lawrence
306 Pearl Street
Wayne, NE 68787

Re: **AGREEMENT FOR PROFESSIONAL SERVICES**
Wayne South Logan Creek Channel Stabilization Design "Project"

Dear Anthony:

It is our understanding that the City of Wayne ("Client") requests Olsson Associates ("Olsson") to perform the following services pursuant to the terms of this Letter Agreement for Professional Services, any signed Master Agreement, Olsson's General Provisions and any exhibits attached thereto (hereinafter "the Agreement") for the Project.

1. Olsson has acquainted itself with the information provided by Client relative to the Project and based upon such information offers to provide the services described below for the Project. Client warrants that it is either the legal owner of the property to be improved by this Project or that Client is acting as the duly authorized agent of the legal owner of such property. Client acknowledges that it has reviewed the General Provisions (and any exhibits attached thereto), which are expressly made a part of and incorporated into the Agreement by this reference. In the event of any conflict or inconsistency between this Letter Agreement, any Master Agreement and/or the General Provisions regarding the services to be performed by Olsson, the requirements of this Letter Agreement shall take precedence.
2. Olsson shall provide Client all Basic Services for the Project as more specifically described in Exhibit A hereto. Should Client request work not described and included in the above Description of Basic Services, such as Additional Services, Olsson shall invoice Client for such services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Olsson shall not commence work on Additional Services without Client's prior approval in writing.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

SCHEDULE FOR OLSSON'S SERVICES

3. Unless otherwise agreed, Olsson would expect to begin performing its services under the Agreement promptly upon your signing.

Anticipated Start Date: 09/19/11 Anticipated Completion Date: 06/01/12

Olsson will endeavor to start its services on the Anticipated Start Date and to complete its services on the Anticipated Completion Date. However, the Anticipated Start Date, the Anticipated Completion Date and any milestone dates are approximate only, and Olsson reserves the right to readjust its schedule and any or all of those dates at its sole discretion, for any reason, including, but not limited to, delays caused by Client or delays caused by third parties.

COMPENSATION

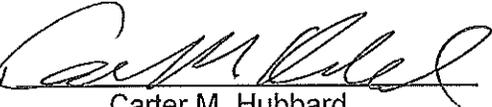
4. Client shall pay to Olsson for the performance of the Basic Services the actual time of personnel performing such Services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Reimbursable expenses will be invoiced in accordance with the Schedule contained in the General Provisions attached to this Letter Agreement. Olsson's Basic Services will be provided on a time and expense basis not to exceed Fifty Seven Thousand Three Hundred Forty Four Dollars (\$57,344). Olsson shall submit invoices on a monthly basis, are due upon presentation and shall be considered past due if not paid within 30 calendar days of the due date.

TERMS AND CONDITIONS OF SERVICE

5. We have discussed with you the risks, rewards and benefits of the Project and our fees for services and the Agreement represents the entire understanding between Client and Olsson with respect to the Project. The Agreement may only be modified in writing signed by both parties.
6. If this proposal satisfactorily sets forth your understanding of our agreement, please sign in the space provided below (indicating Client's designated Project representative if different from the party signing). Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of 5 days from the date set forth above, unless changed by us in writing.

7. By signing below, you acknowledge that you have full authority to bind Client to the terms of the Agreement.

OLSSON ASSOCIATES

By 
Carter M. Hubbard

By 
Don R. Day

If you accept the preceding proposal and the Agreement, please sign:

City of Wayne "Client"

By _____

Title _____

Dated: _____

If different from above,

Client's Designated Project Representative

G:\Admin\LETPROP\Resources\Wayne\Letter Agreement.DOC

EXHIBIT "A" to GENERAL PROVISIONS ATTACHED TO
LETTER AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN CLIENT AND OLSSON, DATED AUGUST 30, 2011

DESCRIPTION OF BASIC PROFESSIONAL SERVICES AND RELATED MATTERS

This is an exhibit attached to and made a part of the General Provisions attached to the Proposed Letter Agreement for Professional Services dated August 30, 2011 between City of Wayne ("Client") and Olsson Associates ("Olsson") providing for professional services. The Basic Services of Olsson are as indicated below.

GENERAL

Survey – Olsson will collect topographic survey data for the site, including the two proposed bank stabilization sites and surrounding areas. Olsson will collect survey data to define the alignment and extents of the adjacent trail, trees, utilities (where known), and other site features. Vertically, survey data will be set to the North American Vertical Datum of 1988 (NAVD 88). Horizontally, survey data will correspond to the horizontal datum used for the City of Wayne Pedestrian Trail plans.

Data Collection and Processing - Olsson will download the survey data into AutoCAD and prepare topographic and site maps for the two stream stabilization locations. The site maps will be the basis for the proposed stream stabilization design plan set. Site maps will include location and alignment of features surveyed above. Olsson will also collect geotechnical data and other information from the past Wayne Pedestrian Trail project.

Geotechnical Investigation - Olsson will perform a detailed geotechnical investigation of the two sites, including performing soil borings at each site. Olsson will also gather geotechnical information from the Wayne Trail project. Olsson will analyze site soils and groundwater conditions to determine geotechnical stability of proposed sheet pile and segmented block walls.

Preliminary Design and Plan Preparation – Develop a proposed design and retaining wall alignment that is satisfactory to the client and that accommodates site constraints. At the storm sewer outfall, develop alignment that allows culvert to discharge in downstream direction into South Logan Creek, in order to minimize scour potential. Develop alignment for proposed plunge pool that provides for dissipation of energy of storm sewer discharges prior to entering South Logan Creek channel.

Submittal Coordination Meeting/Plan-in-Hand Review - Meet with the Client at the site to review plans, quantities, and proposed construction activities. Discuss site constraints, funding issues, schedule, permitting requirements. Meetings will be held twice: once after the submittal of the preliminary plans, and once after the submittal of the final plans and specifications. Olsson will gather feedback and comments from meeting after submittal of preliminary plans and incorporate revisions into final plans.

Plans and Specifications – Prepare detailed construction plans and specifications for construction of the proposed banks stabilization features. Plans will include typical detail drawings for installing any required channel armoring or protection measures.

Plans will also include estimates of quantities for construction activities and materials. Opinions of cost will be generated based off of these quantity estimates.

Permitting – Conduct wetland delineation according to 1987 USACE Delineation Manual and 2010 Midwest Regional Supplement and prepare delineation report. Coordinate with the U.S. Army Corps of Engineers, the agency responsible for review and/or permitting of projects that impact “waters of the United States”. Prepare Pre-Construction Notification (PCN) and supporting documentation for permitting. Provide any information necessary to expedite the Corps review of the proposed project. Any permit from the USACE will require compliance with Threatened and Endangered Species Act and the National Historic Preservation Act. U.S. Fish and Wildlife Service, Nebraska Game and Parks Commission, and the Nebraska State Historical Act will be contacted for information regarding Threatened and Endangered Species and Historical/Cultural Resources. Provide Stormwater Pollution Prevention Plan (SWPPP), detailing the appropriate sediment and erosion control measures for the proposed project. Submit required information to the Nebraska Department of Environmental Quality, the agency responsible for review and permitting of erosion and sediment control measures on projects greater than 1 acre in extent. Prepare and submit a Floodplain Development Permit to City of Wayne, the entity responsible for floodplain administration on this portion of South Logan Creek. The submittal will include no-rise certification for the proposed construction.

Future Services

We anticipate the following services will be required to complete this project. The following services are not included in this contract. Olsson will work with the Client to prepare a scope of services and fee estimate when the design of the proposed measures nears completion.

Bidding - Olsson will prepare bid tabulation documents and bid packages for the proposed construction projects. Olsson will prepare a bid advertisement and assist with the bid letting process, including tabulating bids and verifying contractor calculations. Olsson will coordinate with the City of Wayne and assist them in the bidding process, including attending the pre-bid and bid letting meetings. Olsson will review the bids to determine if they are in conformance with the plans and specifications. The City of Wayne will be responsible for advertising for bids and selection of a contractor. Olsson will perform bidding services on a time and expense basis.

Construction Services - Olsson will provide construction observation and testing services for the proposed project. Olsson will review construction activities and measures for conformance to the plans and specifications. Construction observation services provided by Olsson shall not relieve the contractor of any responsibility or liability for construction of the proposed bank stabilization measures. Contractor is still solely responsible for proper construction of the measures, proper sediment and erosion control measures, and appropriate safety measures. Olsson will perform observation and testing services on a time and expense basis.

Wayne Public Library Board of Trustees
Tuesday, August 2, 2011 / 5 p.m., Conference Room

Minutes

The meeting was called to order at 5 PM.

In attendance: Joel Ankeny and Mollie Spieker. Also, Lauran Lofgren, library director. Since there was not a quorum no official business took place.

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 Library/Senior Center Conference Room.

The minutes and financial report were reviewed.

DIRECTOR'S REPORT 84% of year

•	Statistics	JUN11	JUL11	JUL10	% of
Previous					
				Year Total	
Circulation	7995	6737	5466	100	
Patrons	6521	5620	5780	85	
Meeting Room	3	3	5	39	
Reference ?s	276	244	203	90	
Computer ?s	175	224	184	65	
Phone Calls	431	356	437	78	
OPACS	331	268	235	106	
CD-ROMs	3618	4356	243	767	
Internet	1134	1284	1068	77	
New Patron Cards	32	32	34	75	
Items Added	170	136	120	77	
Items Deleted	8	41	45	34	

- Staff projects and concerns
 - Completed interviews for assistant position. Angela Perry began July 18.
 - Paula Erickson has given notice – moving out of state. City administrator said we could use the same applicant pool so the position has been offered to and accepted by Anna Osten. She will begin August 8.
 - LKL, JOSnes, and the two interns – Rebecca Agler and Megan Wherley – attended a NELS Target meeting in O’Neill.
 - Both interns have finished their hours at the library. Their stipends were paid by \$1000 grant from the Nebraska Library Commission and a \$500 gift from the Friends of the Library.
 - LKL attended the July NELS Board meeting in Newman Grove as a substitute board member.
 - LKL met with the County Commissioners on Tuesday, July 19, for the annual report to the county and request for future funding.
 - JOSnes spoke at Rotary on children’s literacy
 - LKL attended budget hearing with the city council.
 - LKL and JOSnes attended the United Way check presentation and request for future funding on Monday, July 11. The United Way contribution purchases books to hand out to kids who read at least 15 books during the summer reading program.
 - The grant computers have arrived. Brian is in the process of reviewing their setup. The computers did not arrive soon enough for use at this year’s county fair. However, we do have 4H scheduled to use the computers here at the library on August 9 in the conference room.

- Summer reading ended July 22. 162 kids read at least 15 books, 124 read at least 30 books, and 89 read 45 books or more. A few kids read in the neighborhood of 300 books during the eight week program. 36 local organizations and businesses donated prizes and money to help support the program.

OLD BUSINESS

- Library Survey
 - Survey is now on the website and has gone out in the electric bill. Responses are just beginning to come in. The survey will run until August 21.
- Update on budget process
 - The budget the board submitted to the city council has moved forward with the exception of the salary requests. The fulltime position was removed, and the equalization raises have changed to the step increases and (currently) a 2% COL increase. Budget talks continue this evening and will probably go to public hearing on August 16.
- Discussion on Gale databases and options for the next fiscal year
 - Last year the board voted to continue the Gale databases for one more year with the understanding we would hit PR hard and look for at least doubling usage of the databases. At this point it looks like we'll be up about 60% from last year, so I don't recommend we continue them. Gale searches are averaging \$5.50 per search, Overdrive averages \$.99 per use, and Ancestry.com has averaged \$.21 per use. NO ACTION TAKEN
 - Since the money is already in the budget, I would like to investigate expanding our access to Overdrive (downloadable audiobooks and ebooks) to have our own collection. We currently share titles with 75 other libraries in the state which leads to very long wait times. We could (in addition to the state-wide titles) start our own collection with \$500 to open and \$500 to purchase the first set of titles. We could add another \$500 to get additional titles that would only be available to our patrons. We would just purchase the really popular ones which would significantly cut down our patrons waiting time. NO ACTION TAKEN
 - The remainder of the Gale budget would be split between children's and adult books.
 - There was discussion about combining the children's CD-ROMs into the regular circulation count. – NO ACTION TAKEN

NEW BUSINESS

- Set library closing dates for 2011-2012 fiscal year – NO ACTION TAKEN
- Set board meeting dates for 2011-2012 fiscal year – NO ACTION TAKEN

NEW BOARD MEMBER ORIENTATION is currently scheduled for Tuesday, September 6 at our regular board meeting. This will be a good reminder for current board members as well, and will count towards our next board recertification continuing ed requirements. Orientation will be conducted by Jessica Chamberlain, Director of the Northeast Library System.

The meeting adjourned at 5:16 PM.

Respectfully submitted,
Mollie Spieker

**Wayne Public Library Board of Trustees
Tuesday, September 6, 2011 / 5 p.m., Conference Room**

MINUTES

The meeting was called to order at 5 PM.

In attendance: Jenny Hammer, Spring Dahl, Dennis Lipp, Joel Ankeny. Also, Lauran Lofgren, Library Director and visitor Jessica Chamberlain from the NE Library System.

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 Library/Senior Center Conference Room.

The approval of minutes was tabled until next month.

D. Lipp moved to approve the financial report as written, J. Hammer seconded. Report approved as written.

DIRECTOR'S REPORT 84% of year

	• Previous	Statistics	JUL11	AUG11	AUG10	% of Year Total
Circulation		6737	5925	4472	111	
Patrons		5620	3715	4471	92	
Meeting Room		3	5	6	42	
Reference ?s		244	221	213	99	
Computer ?s		224	235	222	73	
Phone Calls		356	382	416	85	
OPACS		268	299	190	114	
CD-ROMs		1007	1080	236	439	
Internet		1284	1173	1142	86	
New Patron Cards		32	37	57	86	
Items Added		136	149	167	84	
Items Deleted		41	227	51	45	

- Staff projects and concerns
 - 4-H group used the new laptops for a program in the library
 - LKL attended two day workshop on Technology Planning underwritten by the Bill and Melinda Gates Foundation as part of the recent grant
 - JOSnes and RMcLean attended the final session of the workshop – instruction on the new ADA workstation and software
 - LKL attended a Northeast Library System budget meeting
 - LKL and RMcLean took part in the WSC Business Expo
 - County funding for next year was approved at \$5,000
 - LKL has agreed to serve on a WSC committee to select an architect for the upcoming Conn Library renovation
 - Library Board certification has been renewed for three years
 - LKL gone 4 days in August due to family death

OLD BUSINESS

- Library Survey – completed with 3.5% response, a low-normal response
- Update on budget process -- public hearing and final approval is on tonight's city council agenda
- Discussion on Gale databases--M. Spieker moved to discontinue the subscription to the Gale databases. D. Lipp seconded the motion. By unanimous decision of the board, the database subscription will not be renewed. Funds already set aside for the subscription may be used to enrich Wayne Library's collection of e-reader offerings.

NEW BUSINESS

- Set library closing dates for 2011-2012 fiscal year--D. Lipp moved to accept these, J. Hammer seconded. Closing dates approved.
- Set board meeting dates for 2011-2012 fiscal year--The board changed a few of the dates due to holidays and other conflicts of schedule. M. Spieker moved to accept these as amended, J. Hammer accepted. Dates approved.
- Jessica Chamberlain from the NE Library System gave a presentation that touched on a number of concerns facing library boards, including ethical considerations as well as advocacy.

The meeting adjourned at 6:10 PM.

Respectfully submitted,
Mollie Spieker