

(Amended: June 4, 2012)

AGENDA
CITY COUNCIL MEETING
June 5, 2012

5:30 Call to Order

1. Approval of Minutes – May 15, 2012

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. Introduction of New Police Officers - Josh Jacobi, Cory Moeller and Dylan Jensen

4. Discussion Regarding Potential Litigation In Re: LB840 Loan

5. Public Hearing: Annexation Plan for Property described as a tract of land located in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Seven (7), Township Twenty-Six North (26N), Range Four (4), East of the 6th P.M., Wayne County, Nebraska — NorthStar Services Property (Advertised Time: 5:30 p.m.)

Background: NorthStar Services purchased and built their new main office on a parcel of land on the north side of 14th Street by the east water tower. The property was not annexed at that time. We have discussed annexation with NorthStar, and they have requested the property be annexed. The property is served by all city utility services. Annexation will avoid double water and sewer rates. NorthStar is legally a subdivision of county government, and therefore, pays no real estate taxes.

Recommendation: The recommendation of the City Administrator and City Clerk is to approve this annexation.

6. Ordinance 2012-15: Annexing Property — NorthStar Services – 1202 East 14th Street

7. Public Hearing: Application for Class I Liquor License – Wayne Hospitality Group LLC, d/b/a “Cobblestone Hotel I-98321” (Advertised Time: 5:30 p.m.)

Background: The Cobblestone Hotel opened the first week in May and has a small bar area included in the building layout. A Class I Liquor License allows beer, wine and distilled spirits served on the premises with no carry out.

8. [Resolution 2012-42: Approving Application for Class I Liquor License — Wayne Hospitality Group, LLC, d/b/a “Cobblestone Hotel I-98321”](#)
9. [Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending Section 90-10 Definitions, by adding Dwelling Boarding and Amending the definition of Family \(Advertised Time: 5:30 p.m.\)](#)

Background: This and the following proposed zoning code amendments are forwarded to the Mayor and Council by the Planning Commission after a series of public hearings and final actions. Current city code simply limits the number of unrelated occupants in a residence to four by the definition of “family” therein. Consideration of this amendment began when the Planning Commission received a request from the property owner at 803 Nebraska Street to add a new definition called “Boarding Dwelling” that will allow up to 6 unrelated occupants in a residence as a “Conditional Use” if:

- 1) The lot has at least 1,500 sq. ft. in the R-1 zone, 1,200 sq. ft. in the R-2 and R-3 zones, or 1,000 sq. ft. in the R-4 zone for each occupant; and
- 2) There is enough room on the yard and city terrace for one parking space per occupant.

By current city code, the parking area on a residential corner lot is allowed up to 50% of the combined front yard and city terrace on the addressed front of the house, plus all of the side front yard and side terrace of the corner lot, plus any back yard area and the interior side yard that has alley access. All parking spaces on any city terrace must be paved. All parking in the front yard must be gravel or paved and not grass or dirt. All parking on the side front yard must be gravel or paved and not grass or dirt. This amendment doesn’t change these.

The parking area on an interior (non-corner) residential lot is allowed to cover up to 50% of the combined front yard and terrace and must be paved on the terrace and gravel or paving in the front yard, but not grass or dirt. Cars can park anywhere on the side yards or back yard of the house with no requirements for gravel or paving. This amendment doesn’t change these.

“Conditional Use” means that if the property meets the above conditions, then the building inspector can approve an application for “Boarding Dwelling” occupancy without requiring approval of the Planning Commission or the City Council. You may remember that in February, this same proposal was forwarded to you by the Planning Commission as a “Use by Exception”, which would require a public hearing and approval by the Planning Commission and by the City Council for each individual “Boarding Dwelling” application. The Council took no action at that time and sent it back to the Planning Commission for further review.

This proposal, as forwarded from the Planning Commission, adds “Boarding Dwelling” to all residential zones, R-1, R-2, R-3 and R-4.

In this packet is:

- 1) A memo from Joel Hansen, Zoning Administrator, detailing the changes for each residential zoning district;
- 2) A copy of the city code showing how it would be amended if all the changes are adopted by the Council. Deletions to the code are lined through and additions are in red.
- 3) Four pages of aerial photos of residential lots in Wayne showing the lot sizes in square feet and showing that many residential lots would fit the requirements proposed here for use as a “Boarding Dwelling”; and
- 4) A current zoning map for the City of Wayne

Recommendation: The recommendation of the Planning Commission is presented above and in the attachments. Suggestions from Joel Hansen, Zoning Administrator, are to require 1.25 parking spaces per occupant instead of 1.0 and change the wording in the definition from “Dwelling, Boarding means a *dwelling*...” to “Dwelling, Boarding means a *building*...” to be more consistent with the rest of the city code.

An additional suggestion from the City Administrator would be, if “Boarding Dwelling” is approved as a “Conditional Use”, to try it in the R-3 and R-4 zones first before adding it to the R-1 and R-2 zones.

10. Ordinance 2012-16: Amending Section 90-10 Definitions, by adding Dwelling Boarding and Amending the definition of Family
11. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending Section 90-204 Permitted Conditional Uses in the R-1 Residential District by adding (3) Boarding Dwelling (Advertised Time: 5:30 p.m.)
12. Ordinance 2012-17: Amending Section 90-204 Permitted Conditional Uses in the R-1 Residential District by adding (3) Boarding Dwelling
13. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending Section 90-234 Permitted Conditional Uses in the R-2 Residential District by adding (3) Boarding Dwelling (Advertised Time: 5:30 p.m.)
14. Ordinance 2012-18: Amending Section 90-234 Permitted Conditional Uses in the R-2 Residential District by adding (3) Boarding Dwelling
15. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending Section 90-264 Permitted Conditional Uses in the R-3 Residential District by adding (3) Boarding Dwelling (Advertised Time: 5:30 p.m.)
16. Ordinance 2012-19: Amending Section 90-264 Permitted Conditional Uses in the R-3 Residential District by adding (3) Boarding Dwelling
17. Public Hearing: To Consider the Planning Commission’s Recommendation in Regard to Amending Section 90-294 Permitted Conditional Uses in the R-4 Residential District by adding (3) Boarding Dwelling (Advertised Time: 5:30 p.m.)

18. [Ordinance 2012-20: Amending Section 90-294 Permitted Conditional Uses in the R-4 Residential District by adding \(3\) Boarding Dwelling](#)
19. Public Hearing: To Consider the Planning Commission's Recommendation in Regard to Amending Section 90-710 Parking Regulations by Adding Residential Structures (Boarding Dwelling) (Advertised Time: 5:30 p.m.)
20. [Ordinance 2012-21: Amending Section 90-710 Parking Regulations by Adding Residential Structures \(Boarding Dwelling\)](#)
21. [Public Hearing: Wellhead Protection Plan](#)

Background: The good news in this Wayne Wellhead Protection Plan is that both the quantity and the quality of our groundwater are excellent and stable. No problems were expected and none were found. All five city wells in use are outside the city limits, with the exception of Well #7 which is located in the northeast corner of the golf course. Wells 4 and 5 are in the city limits, but were contaminated with nitrates and are no longer usable for drinking water.

All cities are encouraged by the Nebraska Department of Environmental Quality (NDEQ) to complete a Wellhead Protection Plan to:

- 1) Determine the area of the source of the groundwater around each city well and delineate that area to be monitored;
- 2) Survey the delineated area to find any old open wells, potential large manure seepages, junk yards or other uses that might allow contaminants to move down through the soil and pollute the groundwater around the wells;
- 3) Manage any contamination sources that are found in the delineated area;
- 4) Prepare an emergency plan and a long-range plan for the use of the wells; and
- 5) Provide public information and education for the landowners around the wells and the general public to avoid contamination.

Garry Poutre, Jeff Brady and Water Department Staff worked with a committee of the public, including some of the landowners in the delineated areas of our wells, and JEO to develop this Wellhead Protection Plan. A public hearing is required to solicit comments or questions from the public before you adopt this plan and submit the same to NDEQ for their approval.

22. [Resolution 2012-43: Accepting Wellhead Protection Plan](#)

Recommendation: The recommendation of the Wellhead Protection Committee is to approve the plan and submit it to NDEQ for their approval.

23. [Ordinance 2012-12: Extending the Hours of Sale of Alcoholic Liquor on Friday, July 13, 2012, and Saturday, July 14, 2012, for the Wayne Chicken Days Celebration \(Second Reading\)](#)
24. [Resolution 2012-44: Approving Third Amendment to Communication Tower and Real Estate Lease Agreement](#)

Background: The last inspection of the 150 foot communications tower on the north side of City Hall determined that it doesn't meet newer structural code requirements and needs reinforcement of the lower legs and tower base fasteners. Verizon leases tower space for \$1,800 per month. Verizon has requested to upgrade their antennas on the tower and has offered to pay half of the cost of the \$142,000 tower reinforcement project and to extend the existing terms of their lease agreement for two more years.

Recommendation: The recommendation of the Finance Director and City Administrator is to approve the amendment as presented and to approve up to \$71,000 for the City's half of the project cost.

25. Action on Payment of Invoice in an Amount of up to \$71,000 to Verizon for the City's share of the Tower Reinforcement Project

26. Resolution 2012-45: Accepting Proposal and Approving Contract with Gill Hauling, Inc. for the Transfer Station Operation

Background: Our 24-month transfer station operating agreement with Gill Hauling pays the city \$1,000 per month and expires August 17th. We solicited proposals to offer a new operating agreement for a 36-month period with an option to renew one time and received only one. That proposal is from Gill Hauling for \$1,000 per month.

Recommendation: The recommendation of Garry Poutre, Superintendent of Public Works and Utilities, is to accept the proposal and execute the agreement as presented.

27. Resolution 2012-46: Adopting City Administrator's Employment Agreement

Background: A copy of the agreement is in this packet.

28. Action on Change Order No. 1 — Bencoter Paving Improvement Project - \$27,428.15

Background: This paving project is for portions of Jaxon, Tomar and 4th Streets in the Bencoter Addition. It was bid out in 2010 at the same time as the water and sewer projects. Paving and utility extension districts were formed by the Council to build these projects and assess the cost back to the abutting properties. As with the water and sewer projects, on behalf of the City, I requested a delay on the start of these projects until there was confirmation that the Cobblestone Hotel would be built and provide the TIF funding as planned.

The contractor, Sioux City Engineering, agreed to hold their bid until they were given the notice to proceed. Most of the increase (\$21,000) is from increasing the paving depth from 6" to 7" to meet our new design standards. We are now paving all of our streets at a 7" depth because of the minimal cost increase related to the projected dozens of years of increased life of the pavement shown by numerous engineering studies. In addition, our engineers closely monitor sub-grade compaction, and Gerhold always provides a good margin of extra strength in their mix that should make 7" paving last 75-100 years under normal traffic.

Also, as allowed in the paving contract, the contractor is entitled to additional costs incurred by delays caused by the City. These are listed out in detail on the attached spreadsheet. They were reviewed and allowed by Olsson Associates and pre-authorized by me at the time the contractor wanted to begin the project.

Recommendation: The recommendation of the Project Engineer and City Administrator is to approve the change order as presented.

29. Action on Certificate of Payment No. 1 — Benscoter Paving Improvement Project - \$135,616.41 to Sioux City Engineering Company

Recommendation: The recommendation of the City Administrator is to approve payment for work completed according to contract and approved by the Project Engineer.

30. Resolution 2012-47: [Approving a Temporary Transfer of \\$160,000 in Electric Reserve Funds to the Wayne Community Development Agency to establish a Temporary Revolving Loan Fund for the Housing Construction Loan Incentive Program](#)

Background: The incentive program, as approved by the Council, provides for household incomes to be at 150% of Wayne County median income or less for eligible buyers of homes built using this incentive. The LB840 funding we planned to use for these incentives limits housing assistance to only households with median incomes of 80% of median incomes or less.

Recommendation: The intent of the Retreat Goal for housing incentives was to fill the void above 80% of median household incomes and regular market rate housing construction that needs no assistance. LB840 funds cannot be used for those household income parameters. After review with our auditor, Nancy and I recommend a loan of \$160,000 from the electric fund reserves to establish the temporary revolving loan fund to fund the Housing Construction Loan Incentive Program.

31. Recess

- a. [Convene as Community Development Agency](#)
- b. [Approve Minutes – May 1, 2012](#)
- c. [Action on Request for Third Extension \(December 31, 2012\) on the Closing Date Regarding the Purchase of Lot 2A, Replat of Kardell Industrial Park, a Subdivision by Wayne NG Cars, LLC](#)

Background: In 2011, the community of Wayne was offered a business opportunity to assemble natural gas powered cars for an Iowa Company. On behalf of the Wayne community, WAED and the Nebraska Business Development Center prepared a business plan and a financial assistance proposal approved by the city and offered it out to local investors. Several local investors organized Wayne NG Cars, and they have been negotiating with the Iowa Company on a production agreement.

That process is taking longer than anticipated, and no construction was begun on the lots the CDA agreed to sell them. The execution of the purchase agreement on these two lots has been delayed at the request of Wayne NG Cars, and the closing date was extended to May 31st. Wayne NG Cars has requested another extension of the purchase agreement to December 31, 2012.

In the interim, a letter of interest from another company to purchase these lots has been received, but a specific offer has not been received as of this date.

d. [Action on Housing Construction Incentive Application for Lots 1 and 2, Western Ridge II Subdivision](#)

Background: The housing construction incentive program was approved in April by the City Council to provide short-term zero % interest construction loans of \$20,000 per single-family structure for homes built and sold to households with annual incomes of 150% of the Wayne County median income or less. This is the first application received for this new program, and the request is for a \$40,000 construction incentive loan for two market rate homes built as a town home on two individual lots.

Background: The project meets the requirements of the incentive loan program, and the recommendation of the Finance Director and City Administrator is to approve the loan request for the project.

e. **[Action on Offer to Purchase Lots 2A and 2B in the Kardell Industrial Park Subdivision — Robert Woehler & Sons Construction, Inc.](#)**

f. [Adjourn CDA and Reconvene as Council](#)

32. Appointments:

Randy Lutt to the Wayne Housing Authority Board (fill the vacancy of John Melena)
Darrell Miller to the Sales Tax Advisory Committee (reappointment)

33. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

May 15, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, May 15, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Doug Sturm, Kathy Berry, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Dale Alexander, Kaki Ley and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 3, 2012, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of May 1, 2012, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

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

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ADVANTAGE TAPE, SE, 225.00; ALL SEASON PROPERTY MAINT, SE, 175.00; AMERITAS, SE, 2904.04; APPEARA, SE, 158.40; BANK FIRST, FE, 140.00; BARONE SECURITY SYSTEMS, SE, 716.04; CITY EMPLOYEE, RE, 10.54; CITY EMPLOYEE, RE, 40.23; CARHART LUMBER COMPANY, SU, 1179.26; CHARTWELLS, SE, 5293.10; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 800.00; CITY OF WAYNE, PY, 76154.00; CITY OF WAYNE, RE, 256.00; CITY OF WAYNE, RE, 4390.45; CLAUSSEN & SONS IRRIG., SE, 468.29; COMMUNITY HEALTH, SE, 3.00; COPY WRITE PUBLISHING, SE, 141.89; COUNTRY NURSERY, SU, 320.00; DANKO EMERGENCY EQUIPMENT, SU, 175.01; DCL AMERICA, SU, 15928.00; DEMCO, SU, 165.49; CITY EMPLOYEE, RE,

55.74; ECHO GROUP, SU, 211.15; ED M FELD EQUIPMENT, SU, 825.20; FLOOR MAINTENANCE, SU, 439.34; FORT DEARBORN LIFE, SE, 1402.33; FREDRICKSON OIL, SE, 27.00; GERHOLD CONCRETE, SU, 779.40; GRAINGER, INC., SU, 335.30; GROSSENBURG IMPLEMENT, SU, 164.82; HACH COMPANY, SU, 74.85; HAWKINS, INC, SU, 1535.94; HEIKES AUTOMOTIVE, SE, 58.58; HOBBY LOBBY, SU, 48.02; ICMA, SE, 5286.05; IMLA, FE, 480.00; INGRAM BOOK, SU, 95.18; IRS, TX, 23878.43; JEO CONSULTING GROUP, SE, 794.00; JOHN'S WELDING AND TOOL, SE, 262.42; KITCHEN & BATH, SU, 926.00; KORY LESEBERG, RE, 300.00; KRIZ-DAVIS, SU, 30380.19; KTCH, SE, 705.00; LEAGUE OF NEBRASKA, FE, 95.00; LUMBERMEN'S BRICK & SUPPLY, SU, 930.42; MICROFILM IMAGING SYSTEMS, SE, 495.71; MIDSTATES ERECTORS, SE, 70960.00; MIDWEST LABORATORIES, SE, 1529.85; N.E. NEB ECONOMIC DEV DIS, SE, 532.20; NE DEPT OF REVENUE, TX, 3815.79; NE PUBLIC HEALTH, SU, 85.00; NE SAFETY COUNCIL, SE, 310.49; NPPD, SE, 237296.18; NORFOLK DAILY NEWS, SE, 218.73; NNPPD, SE, 12180.28; O'KEEFE ELEVATOR CO, SE, 732.80; PAC N SAVE, SU, 11.37; PAMIDA, SU, 105.76; CITY EMPLOYEE, RE, 1121.83; PEPSI-COLA, SU, 343.70; PLUNKETT'S PEST CONTROL, SE, 185.12; CITY EMPLOYEE, RE, 27.00; PRESTO X, SE, 121.15; RANDOM HOUSE, SU, 26.25; SPARKLING KLEAN, SE, 1680.01; STATE NATIONAL BANK, SE, 56.84; VOSS LIGHTING, SU, 39.80; WAYNE COUNTY CLERK, SE, 82.50; WAYNE GROCERY, SU, 5.00; WAYNE HERALD, SE, 1778.86; WAYNE VETERINARY CLINIC, SE, 98.00; WESCO, SU, 3990.70; WAPA, SE, 30900.88; WIGMAN COMPANY, SU, 144.25; ZACH HEATING & COOLING, SE, 7845.00; ZACH OIL, SU, 5834.48; BAKER & TAYLOR BOOKS, SU, 241.75; CITY EMPLOYEE, RE, 253.35; BSN SPORTS, SU, 695.04; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 108.35; COVENTRY HEALTH, SE, 19577.59; DAVE'S UNIFORM CLEANING, SE, 57.00; DE LAGE LANDEN FINANCIAL, SE, 394.00; FIRST SOURCE TITLE&ESCROW, SE, 100.00; GERHOLD CONCRETE, SU, 252.00; GREAT PLAINS ONE-CALL, SE, 65.29; HAWKINS, INC, SU, 1429.85; CITY EMPLOYEE, RE, 38.85; CITY EMPLOYEE, RE, 671.40; CITY EMPLOYEE, RE, 621.85; CITY EMPLOYEE, RE, 543.70; PAC N SAVE, SU, 22.74; PITNEY BOWES, SU, 648.00; REHAB SYSTEMS, SE, 1480.00; SPARKLING KLEAN, SU, 600.00; STADIUM SPORTING GOODS, SU, 165.00; THE CORNHUSKER HOTEL, SE, 198.00; UNITED SALES, SU, 6080.00; VAN DIEST SUPPLY, SU, 112.00; CITY EMPLOYEE, RE, 1105.42; WAYNE AUTO PARTS, SU, 343.01; WINGATE INN, SE, 154.00

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

Mayor Chamberlain 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.

Administrator Johnson stated a requested has been made by NorthStar Services to annex the property they own located on 14th Street. NorthStar purchased this parcel of real estate from Virgil Kardell and built their main office on this site about nine years ago. The property is served by all city utility services, and annexation will avoid them having to pay double water and sewer rates.

Councilmember Berry arrived at 5:36 p.m.

Councilmember Frevert introduced Resolution No. 2012-38 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-38

A RESOLUTION ACCEPTING A PLAN TO EXTEND CITY SERVICES AND SETTING A PUBLIC HEARING ON THE PROPOSED ANNEXATION AREA TO THE CITY OF WAYNE.

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

Alex Koch, Recreation Services Director, was present requesting Council consideration to approving the request of the Wayne Softball Association to build a new shelter from donated funds on the north end of the Softball Complex. It will be similar to the one located on the south end of the complex, with the exception that it will be made out of wood, which is going to be donated by Sand Creek Post & Beam.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, approving the request of the Wayne Softball Association to build a new shelter from donated funds on the north end of the Softball Complex. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Alex Koch, Recreation Services Director, was presenting requesting Council consideration to approving the request of the Wayne Basketball Development Association to paint basketball lines at the City Auditorium from donated funds. He was also requesting Council consideration to purchasing permanent basketball hoops. More after school activities are taking place at the auditorium. These changes would allow more teams to participate in the tournaments. The revenue from those tournaments taken from this site would be given back to the city. The lines are estimated to cost about \$2,000. The Wayne High Alumni and the WBDA would donate \$1,700 to this project. A standard basketball hoop (set of two) would cost about \$1,500. Basketball hoops that either swing out to the side or swing up would cost 2 to 3 times that amount.

Councilmember Brodersen had concerns about installing permanent basketball hoops and thought that the portable hoops purchased recently for the basketball activities at the auditorium were adequate.

Councilmember Sturm wanted to budget hoops that could be cranked away, similar to what the high school has.

Mayor Chamberlain noted that if Council is agreeable to purchasing new basketball hoops, the funds for the purchase could be put into next year's budget. Mr. Koch will research basketball hoop options and e-mail that information to the Council.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase, approving the request of the Wayne Basketball Development Association to paint basketball lines at the City Auditorium with the funds donated by them. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion took place regarding the request for no parking on Windom Street between Third and Fourth Streets. Because of the tight traffic during baseball practices and games at Hank Overin Field, this has been requested to be brought forward to the Council for consideration.

Alex Koch, Recreation Services Director, advised the Council that the baseball players have been directed to park their cars on the grass south of the ballpark to eliminate the congestion on the street during the daytime. It was noted that there has not been any complaints since the players are parking in right field.

Administrator Johnson thought Windom Street was scheduled to be widened in 2013 (earliest).

Councilmember Frevert did not think there should be no parking on that street when it is not baseball season.

Garry Poutre, Supt. of Public Works & Utilities, noted that the congestion is more noticeable now since the high school baseball program was implemented a year ago. Their season starts in March/April, which is the start of the peak ag season. Legion baseball ends around August 1st.

Councilmember Sturm did not like the idea of prohibiting parking as proposed.

Councilmember Brodersen suggested using portable “no parking” signs during baseball games, similar to the ones used at the auditorium. Mayor Chamberlain stated there are already “no parking midnight to 5:00 a.m.” signs. His thought was to just bag those with “no parking” signs.

Councilmember Sturm introduced Ordinance 2012-13, and moved for approval as amended to prohibit parking only on baseball game days; Councilmember Frevert seconded.

ORDINANCE NO. 2012-13

AN ORDINANCE TO AMEND SECTION 78-130 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY; 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 made a motion and Councilmember Frevert seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Haase made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2012-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Bill Melena, representing The White Dog Pub, was present requesting Council consideration to approving an ordinance which would allow liquor licensed

establishments to be open until 2:00 a.m. on Friday, July 13, 2012, and Saturday, July 14, 2012, for the Wayne Chicken Days Celebration.

Councilmember Frevert introduced Ordinance 2012-12, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-12

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR CHICKEN SHOW ACTIVITIES.

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

Administrator Johnson presented an updated job description for the Community Activity Center Director's position. This puts the position back under the Recreation Services Director. This is a part-time position – 34 hours per week.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase, approving the job description for the Community Activity Center Director position. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson requested Council to table action on Agenda Item No. 8 until the June 5th meeting which is when the City should also have the amended agreement from Verizon.

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, to table action on Agenda Item No. 8 - Approving the payment of the invoice in the amount of \$71,000 to Verizon for the City's share of the Tower Reinforcement

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

Garry Poutre, Superintendent of Public Works & Utilities, advised the Council that the upcoming sludge removal project will be much the same as it was last year, with the exception that staff added \$50,000 more to the proposed project (from \$150,000 to \$200,000). The local landowners that were leery last year about taking the sludge and having it applied onto their land have since been educated. He thought the farmers who received the sludge last year were happy they received it and recognized the value in the product and the money that was saved by them. He thought they would be looking at 140 acres on which to apply the sludge. JEO was the engineer on the project last year, and he recommended approving their proposal for sludge removal services in the amount of \$27,500 for this project.

The amount of sludge that will be removed will get the lagoon down to the equivalent of having a 6" depth across the entire 26 acres. As long as we have the lagoon, we will have to remove sludge every two years from now on. We were putting the equivalent of 80,000 gallons of sludge per day into the lagoon with the old plant. Now, it is more like 10,000 gallons per day. There has to be an attempt every two years.

Councilmember Sturm introduced Resolution No. 2012-39 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2012-39

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING LETTER OF UNDERSTANDING WITH JEO CONSULTING GROUP, INC., FOR PROFESSIONAL SERVICES FOR THE LAGOON SLUDGE REMOVAL PROJECT.

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

Administrator Johnson stated the following Resolution would amend the computer technology purchase program by decreasing the loan amount from \$2,500 to \$1,500; reducing the payback period to 26 and 52 pay periods; eliminating digital cameras/camcorders; and adding a provision whereby any employee who has a garnishment filed against them or who files bankruptcy shall not be eligible for participating in the program for three years.

Councilmember Sturm introduced Resolution No. 2012-40 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-40

A RESOLUTION AMENDING EMPLOYEE COMPUTER TECHNOLOGY PURCHASE PROGRAM.

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

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, approving Contractor's Application for Payment No. 1 to Elkhorn Paving in the amount of \$142,480.53 for the Pheasant Run Road Paving Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution and Ordinance pertain to the sale of Outlot A, Western Ridge II Addition to Kelby R. Herman.

Councilmember Frevert introduced Resolution No. 2012-41 and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2012-41

A RESOLUTION AUTHORIZING THE SALE OF CERTAIN PROPERTY TO KELBY R. HERMAN.

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

Councilmember Frevert introduced Ordinance 2012-14, and moved for approval thereof; Councilmember Van Delden seconded.

ORDINANCE NO. 2012-14

AN ORDINANCE DIRECTING THE SALE OF OUTLOT A, WESTERN RIDGE II ADDITION, CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

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

Councilmember Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-14. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tom Sievers advised the Council that Phil Monahan was appointed as the new Fire Chief by the Wayne Volunteer Fire Department for the upcoming year. Phil

Monahan was present. Jeff Triggs and Julie Melena will be the First and Second Assistants respectively.

Councilmember Sturm made a motion, which was seconded by Councilmember Frevert, approving the appointment of Phil Monahan as Fire Chief. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion, which was seconded by Councilmember Frevert, to enter into executive session for the annual review of the City Administrator and to protect the reputation of the Administrator, and to allow Attorney Miller to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 6:25 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to the annual review of the City Administrator.

Councilmember Brodersen made a motion, which was seconded by Councilmember Van Delden, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 6:51 p.m.

Councilmember Berry made a motion, which was seconded by Councilmember Brodersen, to give the City Administrator a 2% cost of living adjustment and to extend his contract for an additional year. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm made a motion, which was seconded by Councilmember Frevert, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of

roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned
at 6:53 p.m.

CLAIMS LISTING JUNE 5, 2012

AMAZON.COM, LLC	BOOKS	193.15
AMERICAN BROADBAND	FIBER LINE LEASE/TELEPHONE CHARGES	5,075.10
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,973.23
APPEARA	LINEN & MAT SERVICE	79.18
ARNIE'S FORD-MERCURY INC	HEADLIGHT/AC REPAIR-POLICE	1,126.19
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	240.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	40.24
BLACK HILLS ENERGY	GAS BILLS	641.39
BOMGAARS	PROPANE/BRUSH-FD DEPT	125.95
CITY EMPLOYEE	COFFEE POT	31.94
CITY EMPLOYEE	SAFETY SHOES	136.41
BRIAN BOWERS	PHEASANT RUN RD EASEMENT	35,000.00
BSN SPORTS, INC	ANCHOR	90.80
CENTURYLINK	TELEPHONE CHARGES	308.89
CITY OF NORFOLK	INSPECTIONS	780.48
CITY OF WAYNE	AUDITORIUM MICROPHONE DEPOSIT	200.00
CITY OF WAYNE	BUILDING DEPOSIT REFUND	100.00
CITY OF WAYNE	FIRE HALL DEPOSIT REFUND	150.00
CITY OF WAYNE	PAYROLLS 5/17 & 5/31/12	124,165.22
CITY OF WAYNE	SOFTBALL REFUND	25.00
CITY OF WAYNE	TREE INCENTIVE	50.00
CITY OF WAYNE	UTILITY REFUNDS	2,164.05
CLAUSSEN, HEATHER	LIFEGUARD TRAINING	200.00
COMMUNITY HEALTH	HEALTH CHARITIES	6.00
CREDIT BUREAU SERVICES	PAYROLL DEDUCTION	762.68
CURTIS REESE	LIFEGUARD TRAINING	115.00
DAKOTA BUSINESS SYSTEMS	LIBRARY COPIER LEASE	103.50
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
DEMCO INC	TAPE/DISPENSER	93.11
DUTTON-LAINSON COMPANY	RISER GUARD/WIRE/ROD CLAMP/LIGHT BULBS	696.15
ECHO GROUP INC JESCO	STARTER BLOCK/T-BAR/COIL/RELAY ETC	608.48
EGAN SUPPLY CO	CLEANER	98.82
ELECTRIC FIXTURE & SUPPLY	1/2 FLEX PVC/BOLTS/TAPE	84.60
ELKHORN PAVING	PHEASANT RUN PAVING IMPROVEMENT	142,480.53
ELLIS PLUMBING & HEATING	COOLING TOWER-WATER LINE/CAC REPAIRS	2,713.79
FIRST CONCORD GROUP LLC	CAFETERIA PLAN FEES	3,261.03
FLOOR MAINTENANCE	TOWELS/DETERGENT	56.18
FORT DEARBORN LIFE	VFD INSURANCE	134.16
FOURTH GENERATION FAMILY	TIF	175,000.00
GERHOLD CONCRETE CO INC.	CONCRETE	1,808.77
GLEN'S AUTO BODY	WINDOW CRANK REPAIR	32.44
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	52.18
HAWKINS, INC	POOL SENSOR/TUBING/TEST KIT/VALVE	575.84
HD SUPPLY WATERWORKS, LTD	COOLING TOWER-BACKFLOW	1,502.52
CITY EMPLOYEE	HEALTH REIMBURSEMENT	284.06
HELENA CHEMICAL CO.	FERTILIZER	256.00
HOUCHEN BINDERY LTD	REALWRAPS	98.55
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	10,585.42
IRS	FEDERAL WITHHOLDING	40,555.61

JEO CONSULTING GROUP	AQUATIC CENTER STUDY/WWTP	10,763.22
KEN PROKOP	ENERGY INCENTIVE	466.57
KLEIN ELECTRIC	BORE/TRENCH W RIDGE-BOMGAARS/NATHAN DR	15,820.61
KRIZ-DAVIS COMPANY	ELECTRIC METERS/LOCKS/CONNECTORS ETC	2,248.70
L.G. EVERIST	RIPRAP ROCK	3,497.64
LIBRARY LANDSCAPING	LANDSCAPING 2010-2012	200.00
MCGUIRE & NORBY	ATTORNEY FEES	2,887.37
MERCY MEDICAL CLINICS	PRE EMPLOYMENT TESTING	29.00
MICROFILM IMAGING SYSTEMS	DIGITIZE WAYNE HERALD	497.04
MIDWEST OFFICE AUTOMATION	LIBRARY COPY COSTS	184.15
MSC INDUSTRIAL	SCREWDRIVER SET/PLIERS	97.49
N.E. NEB ECONOMIC DEV DIS	MEMBERSHIP FEES	7,018.40
CITY EMPLOYEE	HEALTH/VISION REIMBURSEMENT	620.72
NE DEPT OF ENVIRONMENTAL	CLEAN WATER/DRINKING WATER SRF	188,501.04
NE DEPT OF LABOR	CAC BOILER INSPECTIONS	92.00
NE DEPT OF REVENUE	STATE WITHHOLDING	6,172.47
NE SAFETY COUNCIL	SAFETY MEETING	183.55
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY/RELOCATE POWER LINE	6,391.56
NWEA	OPERATOR'S CONFERENCE-J BRADY	60.00
OLSSON ASSOCIATES	BENSCOTER ADDITION	11,144.85
OTTE CONSTRUCTION COMPANY	CAC DOOR SWEEPS	50.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	85.82
CITY EMPLOYEE	HEALTH REIMBURSEMENT	8.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	174.70
QUILL CORPORATION	OFFICE SUPPLIES	164.89
ROBERTSON IMPLEMENT CO	MOWER BLADE	90.02
SCHULZ, VERN H	CAT TRAP DEPOSIT REFUND	20.00
SGP SERVICES, INC.	MONITORING SERVICE	79.88
STADIUM SPORTING GOODS	EMBROIDERY/SHIRTS-BB/SB	574.50
STATE NATIONAL BANK	LIBRARY/POOL PETTY CASH	207.52
SUN RIDGE SYSTEMS	RIMS ANNUAL SUPPORT	2,600.00
THE PENWORTHY COMPANY	BOOKS	367.30
THE RADAR SHOP	RECERTIFY RADAR UNITS	348.00
TURFWERKS	WASHERS/SPRINGS/BOLTS	87.14
TYLER TECHNOLOGIES	SPECIAL ASSESSEMENT	1,959.14
UNITED WAY	PAYROLL DEDUCTIONS	10.00
US BANK	DATA CARTRIDGE/LODGING/MEALS/SENSOR ETC	1,588.10
VAKOC BUILDER'S RESOURCE	VICTOR PARK REPAIRS/MORTAR-BRESSLER	1,365.62
VAN DIEST SUPPLY	ABATE PELLETS/FERTILIZER	2,162.13
VERIZON WIRELESS SERVICES	CELL PHONES	222.75
VIAERO	CELL PHONES	169.65
WAYNE AREA ECONOMIC DEVEL	CHICKEN SHOW DONATION	1,000.00
WAYNE COMMUNITY SCHOOLS	PARKING TICKETS	5,845.75
WESCO DISTRIBUTION INC	TERMINATORS/BOX PAD/CABINETS	4,278.11
WIGMAN COMPANY	WATER HEATER-POOL/BACKFLOW PREVENTER	4,327.73
YOUNG, BILL	FERTILIZER/PRE-EMERGENCE	205.00
ZEE MEDICAL SERVICE CO	SAFETY GLASSES	71.78

ORDINANCE NO. 2012-15

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

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

Section 1. The City of Wayne does hereby find and declare that the following described real estate:

A tract of land located in the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Seven (7), Township Twenty-Six North (26N), Range Four (4), East of the 6th P.M., Wayne County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of Lot Three (3), Block Three (3), Vintage Hill 1st Addition to the City of Wayne, Wayne County, Nebraska, point being on the North line of 14th Street; thence North along the East line of said Lot Three (3), 280.00 feet; thence East and parallel to the North line of said 14th Street, 280.00 feet; thence South and parallel to the East line of said Lot Three (3), 280.00 feet to the point on the North line of said 14th Street; thence West on said North line, 280.00 feet to the point of beginning, containing 1.80 acres, more or less.

is immediately adjoining and contiguous to the corporate limits of the City of Wayne, Nebraska.

Section 2. The above described real estate is annexed to the City of Wayne, Nebraska, and is declared to be within the corporate limits of the City of Wayne, Nebraska, pursuant to Section 19-916 (R.R.S. 1943).

Section 3. The corporate limits of the City of Wayne, Nebraska, are hereby extended to include said real estate.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby 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 5th day of June, 2012.

THE CITY OF WAYNE, NEBRASKA

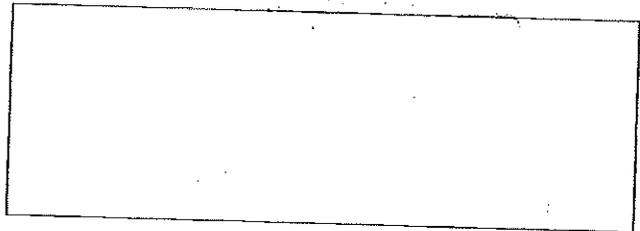
By _____
Mayor

ATTEST:

City Clerk

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/



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MAY 7 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S)

Application Fee \$400 (non refundable)

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

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APR 23 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

- Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31
All other licenses run from May 1 – April 30
Catering license (K) expires same as underlying retail license

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert form 1)
- Partnership License (requires insert form 2)
- Corporate License (requires insert form 3a & 3c)
- Limited Liability Company (LLC) (requires form 3b & 3c)

**NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)
Commission will call this person with any questions we may have on this application**

Name Kim Buoy or Josie Kilgore Phone number: 9202165677

Firm Name Wayne Hospitality Group, LLC

PREMISE INFORMATION

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Trade Name (doing business as) Cobblestone Hotel

MAY 7 2012

Street Address #1 505 Tomar Drive

NEBRASKA LIQUOR
CONTROL COMMISSION

Street Address #2 _____

City Wayne

County Wayne

Zip Code 68787

Premise Telephone number 4028331300

Is this location inside the city/village corporate limits: YES NO

Mailing address (where you want to receive mail from the Commission)

Name Cobblestone Hotel

Street Address #1 980 American Drive

Street Address #2 _____

City Neenah

State WI

Zip Code 54956

DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

READ CAREFULLY

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

**For on-premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Length 204' feet
Width 59' feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

Plans included. Bar area highlighted.
Two Story Bldg

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CONTROL COMMISSION

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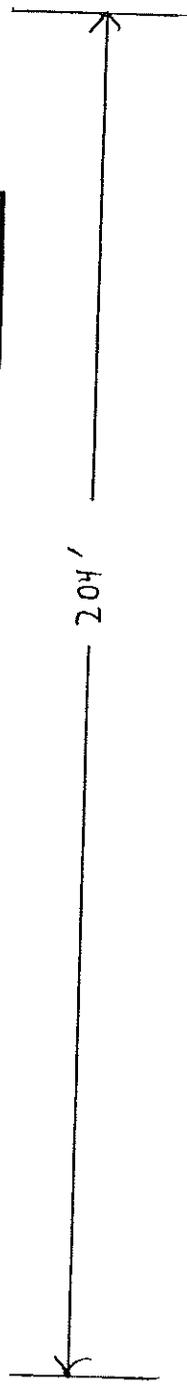
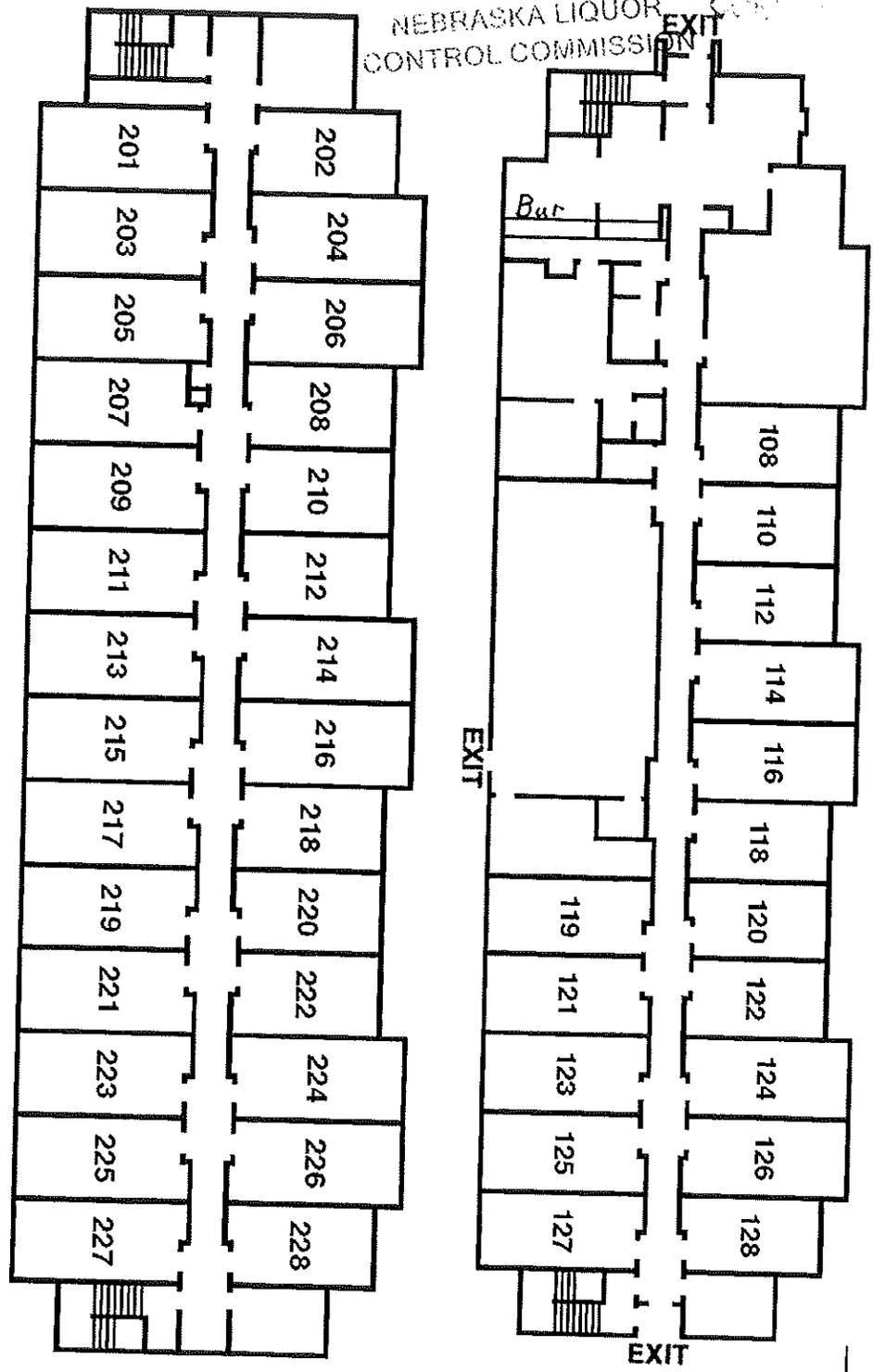
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APR 23 2012

MAY 7 2012

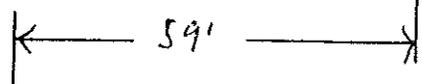
NEBRASKA LIQUOR CONTROL COMMISSION

NEBRASKA LIQUOR CONTROL COMMISSION



EXIT

EXIT



ARC DESIGN
 ARCHITECTURE • ENGINEERING
 904 RIVERVIEW CIRCLE • OMAHA, NE 68114
 PHONE 402.592.2411 FAX 402.592.1091 www.arcdesign.com

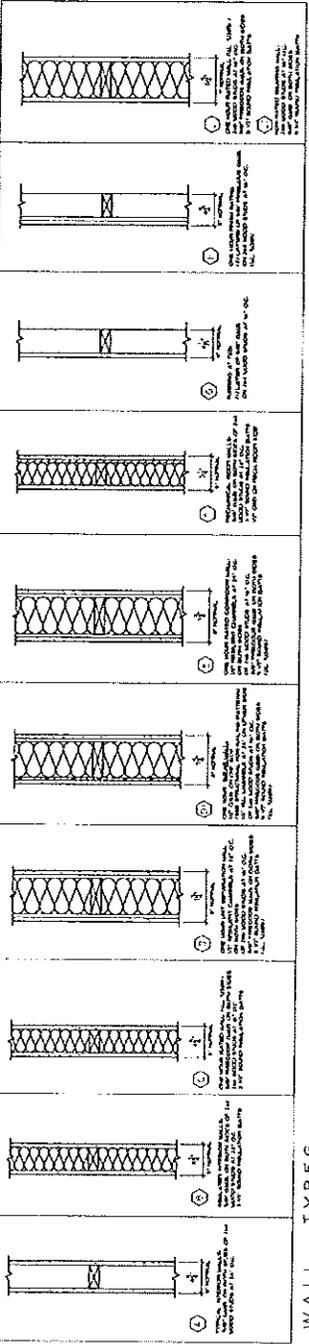
Brink Builders, LLC
 50 AMERICAN DRIVE
 MENAHE WISCONSIN 53181
 DEVELOPER

COBBLESTONE INN
 44 UNIT HOTEL & SUITES
 MAIN STREET AT TOMPA DRIVE
 WAUNE, NEBRASKA

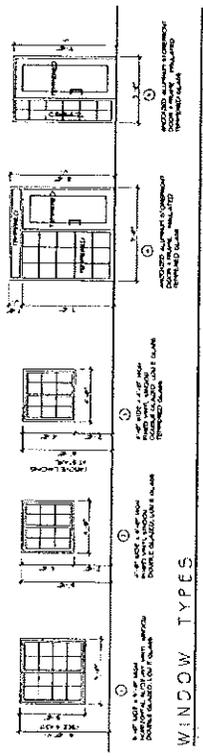
RECEIVED
 SHEET NAME: FLOOR PLANS
 DATE: 7-5-11

MAY 7 2012

NEBRASKA LIQUOR CONTROL COMMISSION



WALL TYPES
 1/2" = 1'-0"

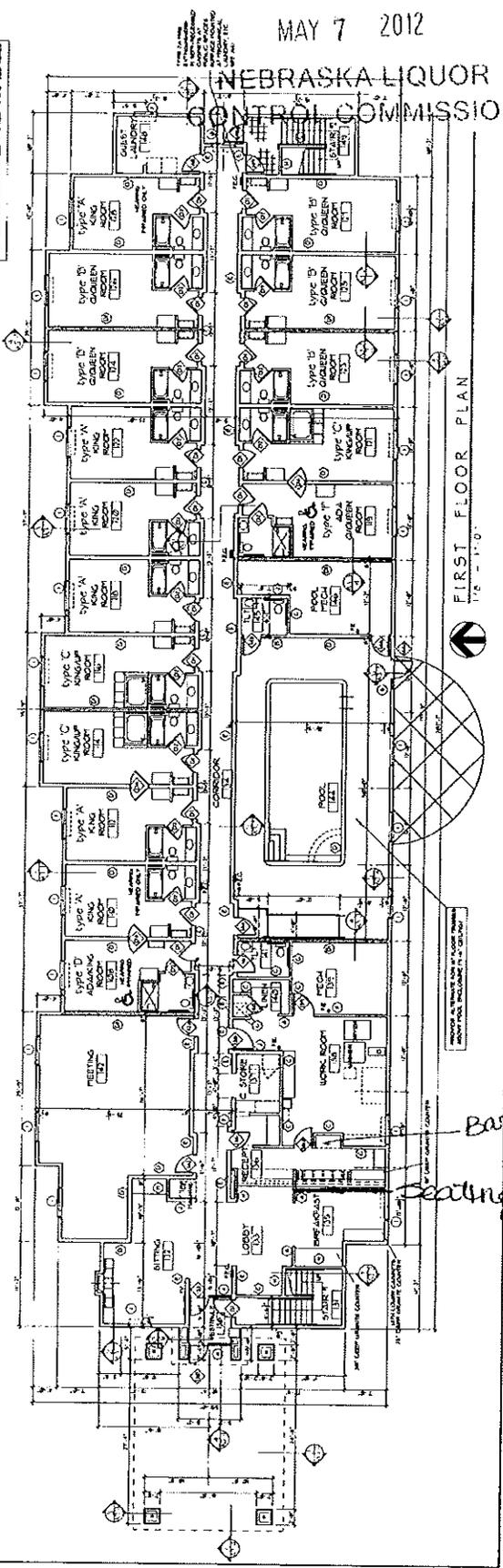


WINDOW TYPES
 1/2" = 1'-0"

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APR 28 2012

NEBRASKA LIQUOR CONTROL COMMISSION



FIRST FLOOR PLAN
 1/2" = 1'-0"

Bar area
Seating area

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

If yes, please explain below or attach a separate page.

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Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
				MAY 2012
				NEBRASKA LIQUOR CONTROL COMMISSION

RECEIVED

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number _____

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

APR 23 2012
NEBRASKA LIQUOR CONTROL COMMISSION

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, give name and license number _____

4. Are you filing a temporary operating permit to operate during the application process?

YES NO

If yes:

- a) Attach temporary operating permit (T.O.P.) (form 125)
- b) T.O.P. will only be accepted at a location that currently holds a valid liquor license.

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) FARM BANK - Wayne, NE

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (All involved persons must be disclosed on application)

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No silent partners

MAY 7 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner.

8. Is premise to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

9. Is anyone listed on this application a law enforcement officer?

YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

F&M Bank, Wayne, NE /

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

none

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APR 23 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. These persons required are listed as followed:

- a) Individual, applicant only (no spouse)
- b) Partnership, all partners (no spouses)
- c) Corporation, manager only (no spouse) as listed on form 3c
- d) Limited Liability Company, manager only (no spouse) as listed on form 3c

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APR 11 2012
NEBRASKA LIQUOR
CONTROL COMMISSION

Applicant Name	Date Trained (mm/yyyy)	Name of program where trained (name, city)
Kent M. Frazier	NA	NA

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

- Lease: expiration date _____
- Deed _____
- Purchase Agreement _____

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MAY 7 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

14. When do you intend to open for business? April 23rd, 2012
15. What will be the main nature of business? Hotel w/ beer & wine bar
16. What are the anticipated hours of operation? 430p-1030p M-Su

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Kent M. Frazier Wayne NE 68787	2010	2012			
Wakefield NE 68784	2005	2010			
Trenton NE 69044	2001	2005			

If necessary attach a separate sheet.

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APR 23 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock) and spouses. Full (birth) names only, no initials.

RECEIVED

MAY 7 2012

Kent M. Frezza
Signature of Applicant

Signature of Spouse

NEBRASKA LIQUOR CONTROL COMMISSION

Signature of Applicant

Signature of Spouse

RECEIVED

Signature of Applicant

APR 23 2012

Signature of Spouse

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Wayne

The foregoing instrument was acknowledged before me this

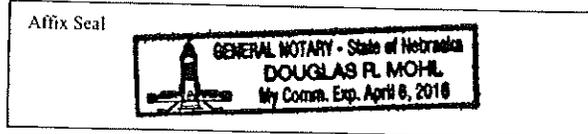
4-19-12

by

Kent M. Frezza

name of person acknowledged

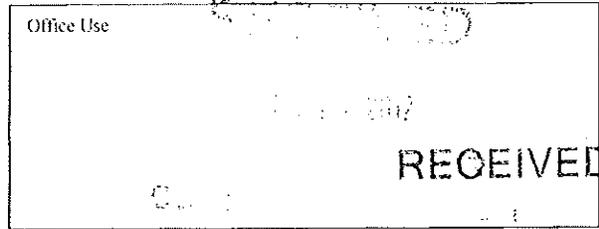
Douglas R. Mohr
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov



NEBRASKA LIQUOR
CONTROL COMMISSION

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints (2 cards per person)
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (Articles must show barcode receipt by Secretary of States office)

Name of Registered Agent: Kent M Frenzen

Name of Limited Liability Company that will hold license as listed on the Articles of Organization
Wayne Hospitality Group, LLC 010132870

LLC Address: 505 Turner Dr.

City: Wayne State: NE Zip Code: 68797

LLC Phone Number: 402-933-1300 LLC Fax Number: _____

Name of Managing/Contact Member
Name and information of contact member must be listed on following page

Last Name: Wogermese First Name: Brigitte MI: J

Home Address: North 195 Horizon Drive City: Neenah

State: WI Zip Code: 54956 Home Phone Number: 920 966 6028

B [Signature] Managing Member
Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of ~~Nebraska~~ Wisconsin
County of Winnebago

Date: 4.10.12

Stephanie Brooks
My commission expires 8.24.14

The foregoing instrument was acknowledged before me this
by Stephanie Brooks
name of person acknowledge



List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Wogelase First Name: Kim MI: _____
Social Security Number: 396 86 7427 Date of Birth: 8/14/70
Spouse Full Name (indicate N/A if single): Brian J Wogelase
Spouse Social Security Number: 399-90-4254 Date of Birth: 1-15-70
Percentage of member ownership 10%

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APR 11 2012

Last Name: Franzen First Name: Cynthia MI: A
Social Security Number: 505 62 5760 Date of Birth: 2-19-57
Spouse Full Name (indicate N/A if single): Kent M Franzen
Spouse Social Security Number: 506 82 0461 Date of Birth: 12-8-57
Percentage of member ownership 1%

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

MAY 7 2012
NEBRASKA LIQUOR
CONTROL COMMISSION

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

RECEIVED

APR 23 2012

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

RECEIVED

MAY 7 2012

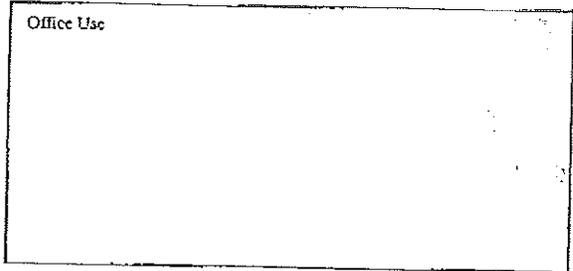
NEBRASKA LIQUOR
CONTROL COMMISSION

RECEIVED

APR 23 2012

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format

MANAGER APPLICATION
INSERT - FORM 3c



NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

- Corporate manager, including their spouse, are required to adhere to the following requirements
- 1) Must be a citizen of the United States
 - 2) Must be a Nebraska resident (Chapter 2 - 006) and must provide proof of voter registration in the State of Nebraska
 - 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
 - 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
 - 5) Must be 21 years of age or older
 - 6) May be required to take a training course

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MAY 7 2012

NEBRASKA LIQUOR
CONTROL COMMISSION

Corporation/LLC information

Name of Corporation/LLC: Wayne Hospitality Group, LLC 010132870

Premise information

Premise License Number: _____

Premise Trade Name/DBA: _____

(if new application leave blank)

Premise Street Address: _____

City: Wayne State: NE Zip Code: 68787

Premise Phone Number: 402-833-1300

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.
http://www.lcc.ne.gov/license_search/licsearch.cgi

[Signature]
CORPORATE OFFICER/MANAGING MEMBER SIGNATURE
(Faxed signatures are acceptable)

Form 103
Rev 11/2012
Page 2 of 5

APR 28 2012

Manager's information must be completed below PLEASE PRINT CLEARLY

MAY 7 2012

NEBRASKA LIQUOR CONTROL COMMISSION

Gender: MALE FEMALE

Last Name: Buoy First Name: Kimberly MI: L

Home Address (include PO Box if applicable): 205 Cedar ST/P.O. Box 103

City: Laurel County: Cedar Zip Code: 68745

Home Phone Number: 402-518-0636 Business Phone Number: Same

Social Security Number: 505-82-1606 Drivers License Number & State: H12334407, Ne

Date Of Birth: 9/8/56 Place Of Birth: Valentine, Ne

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

YES NO

Spouse's information

Spouses Last Name: Buoy First Name: Jerry MI: L

Social Security Number: 507-90-6767 Drivers License Number & State: H12346137

Date Of Birth: 2-19-60 Place Of Birth: Ainsworth, NE

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS

APPLICANT

SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
<u>80341 571 Ave Laurel, Ne</u>	<u>2000</u>	<u>2012</u>	<u>205 Cedar Laurel, Ne</u>	<u>2010</u>	<u>2012</u>

RECEIVED

APR 28 2012

Form 103
Rev 11/2012
Page 3 of 5

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	YEAR TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2005	2012	Self employed	Kim Buoy	402-518-0636
2000	2006	Nebr. Agriculture	Donna Robinson Galye Manneman	402-379-5698

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

YES NO

MAY 7 2012

If yes, please explain below or attach a separate page.

NEBRASKA LIQUOR CONTROL COMMISSION

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? YES NO
IF YES, list the name of the premise.

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business? YES NO

4. Have you enclosed the required fingerprint cards and **PROPER FEES** with this application? (Check or money order made payable to the Nebraska State Patrol for \$38.00 per person) YES NO

5. List any alcohol related training and/or experience (when and where).

Tended bar in Bassett, Ne for 3yrs

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Kim B.
Signature of Manager Applicant

Jerry B.
Signature of Spouse

RECEIVED

MAY 7 2012

NEBRASKA LIQUOR CONTROL COMMISSION

ACKNOWLEDGEMENT

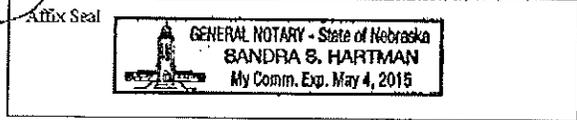
State of Nebraska
County of Cedar

The foregoing instrument was acknowledged before me this

March 19, 2012
date

by Kim Busy and Jerry Busy
name of person acknowledged

Bandra J. Hartman
Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

APR 23 2012

RESOLUTION NO. 2012-42

WHEREAS, the Wayne Hospitality Group, LLC, d/b/a “Cobblestone Hotel I-98321” made application to the Nebraska Liquor Control Commission for a Retail Class I Liquor License at 505 Tomar Drive, Wayne, Wayne County, Nebraska; and

WHEREAS, said application has been forwarded to the City of Wayne for public hearing and recommendation by the City Council; and

WHEREAS, notice of hearing on said application was published in one issue of the Wayne Herald on May 24, 2012; and

WHEREAS, a hearing was held on June 5, 2012, and all persons desiring to present evidence for or against said application were heard.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the application of the license aforementioned be recommended for approval to the Nebraska Liquor Control Commission.

PASSED AND APPROVED this 5th day of June, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**City of Wayne
Interoffice Memorandum**

Date: May 14, 2012
To: Mayor Chamberlain
Wayne City Council
From: Joel Hansen, Staff Liaison to Planning Commission
Re: Recommendation from May 7, 2012 Meeting

At their meeting held on May 7, 2012, the Wayne Planning Commission held a public hearing; the result of that public hearing is as follows:

Public Hearing: Amending Section 90-10 Definitions

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Brogie and seconded by Commissioner Kranz to approve and forward a recommendation of approval to the City Council to amend Section 90-10 Definitions, by adding the following:

Dwelling, boarding means a dwelling occupied by no more than six individuals who do not meet the definition of family.

Family means one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, and meeting one of the following criteria:

- (a) Persons related by blood, marriage, or adoption.
- (b) No more than 4 unrelated individuals.
- (c) Persons residing with a family for the purpose of adoption.
- (d) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
- (e) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
- (f) Person(s) living with a family at the direction of a court.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Sorenson – aye; Commissioner Carstens – aye; Commissioner Giese – aye; Commissioner Piper – aye; Commissioner Kranz – aye; and Commissioner Sweetland – aye. Chair Melena declared the motion carried unanimously.

Staff's recommendation is to replace the word "dwelling" in the definition of Boarding Dwelling with "building" in order to remain consistent with the current definitions of other types of dwellings already listed in the code.

Public Hearing: Amending Section 90-204 Permitted Conditional Uses in the R-1 Residential District by adding (3) Boarding Dwelling:

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Kranz to approve and forward a recommendation of approval to the City Council to amend Section 90-204 Permitted Conditional Uses in the R-1 Residential District, by adding the following use:

3. For a boarding dwelling:
 1. a. Parking as required in Section 90-710.
 2. b. The maximum number of occupants shall not exceed one person per 1,500 square feet of lot area.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Sorenson – aye; Commissioner Carstens – aye; Commissioner Giese – aye; Commissioner Piper – aye; Commissioner – Kranz – aye; and Commissioner Sweetland – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-234 Permitted Conditional Uses in the R-2 Residential District by adding (3) Boarding Dwelling:

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Carstens and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council to amend Section 90-234 Permitted Conditional Uses in the R-2 Residential District, by adding the following uses:

3. For a boarding dwelling:
 1. a. Parking as required in Section 90-710.
 2. b. The maximum number of occupants shall not exceed one person per 1,200 square feet of lot area.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Sorenson – aye; Commissioner Carstens – aye; Commissioner Giese – aye; Commissioner Piper – aye; Commissioner Kranz – aye; and Commissioner Sweetland – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-264 Permitted Conditional Uses in the R-3 Residential District by adding (3) Boarding Dwelling

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council to amend Section 90-264 Permitted Conditional Uses in the R-3 Residential District, by adding the following:

3. For a boarding dwelling:
 1. a. Parking as required in Section 90-710.
 2. b. The maximum number of occupants shall not exceed one person per 1,200 square feet of lot area.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Sorenson – aye; Commissioner Carstens – aye; Commissioner Giese – aye; Commissioner Piper – aye; Commissioner Kranz – aye; and Commissioner Sweetland – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-294 Permitted Conditional Uses in the R-4 Residential District by adding (3) Boarding Dwelling

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Giese and seconded by Commissioner Kranz to approve and forward a recommendation of approval to the City Council to amend Section 90-294 Permitted Conditional Uses in the R-4 Residential District, by adding the following:

3. For a boarding dwelling:
 1. a. Parking as required in Section 90-710.
 2. b. The maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Sorenson – aye; Commissioner Carstens – aye; Commissioner Giese – aye; Commissioner Piper – aye; Commissioner Kranz – aye; and Commissioner Sweetland – aye. Chair Melena declared the motion carried unanimously.

Public Hearing: Amending Section 90-710 Parking Regulations by adding language for Boarding Dwelling

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Carstens and seconded by Commissioner Kranz to approve and forward a recommendation of approval to the City Council to amend Section 90-710 Parking Regulations, by adding the following:

Residential Structures (Boarding Dwelling); 1.00 space per occupant; no minimum off-street loading requirements.

with the findings of fact being staff's recommendation, consistency with the Comprehensive Plan, and the current and future land use maps. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Sorenson – aye; Commissioner Carstens – aye; Commissioner Giese – aye; Commissioner Piper – aye; Commissioner Kranz – aye; and Commissioner Sweetland – aye. Chair Melena declared the motion carried unanimously.

Staff's recommendation is to change the number of spaces per occupant from 1.00 to 1.25.

Sec. 90-10. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling, boarding means a building occupied by no more than six individuals who do not meet the definition of family.

Family means:

~~(1)~~

- ~~1. — a. One, two, three, or four persons occupying a dwelling unit; or~~
- ~~2. — b. Five or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.~~

~~(2) It shall be presumptive evidence that five or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.~~

~~(3) In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:~~

- ~~1. — a. The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;~~
- ~~2. — b. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;~~
- ~~3. — c. The group shares expenses for food, rent or ownership costs, utilities and other household expenses;~~
- ~~4. — d. The group is permanent and stable. Evidence of such permanency and stability may include:
 - ~~1. — The presence of minor dependent children regularly residing in the household who are enrolled in local schools;~~
 - ~~2. — Members of the household have the same address for purposes of voter registration, drivers license, motor vehicle registration and filing of taxes;~~
 - ~~3. — Members of the household are employed in the area;~~
 - ~~4. — The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;~~
 - ~~5. — Common ownership of furniture and appliances among the members of the household;~~and~~
- ~~6. — The group is not transient or temporary in nature;~~
- ~~5. — e. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.~~

Family means one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, and meeting one of the following criteria:

- (a) Persons related by blood, marriage, or adoption.
- (b) No more than 4 unrelated individuals.
- (c) Persons residing with a family for the purpose of adoption.
- (d) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
- (e) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
- (f) Person(s) living with a family at the direction of a court.

Sec. 90-204. Permitted conditional uses

A building or premises in an R-1 district may be used for the following in conformance with the prescribed conditions:

- 1. For a bed and breakfast guest home:
 - 1. a. Parking as required in section 90-710.
 - 2. b. Signs in conformance with section 90-713.
 - 3. c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 - 4. d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
- 2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.
- 3. For a boarding dwelling:
 - 1. a. Parking as required in section 90-710.
 - 2. b. The maximum number of occupants shall not exceed one person per 1,500 square feet of lot area.

Sec. 90-234. Permitted conditional uses.

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

- 1. For a bed and breakfast guest home:
 - 1. a. Parking as required in section 90-710.
 - 2. b. Signs in conformance with section 90-713.

3. c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
4. d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.
3. For a boarding dwelling:
 1. a. Parking as required in section 90-710.
 2. b. The maximum number of occupants shall not exceed one person per 1,200 square feet of lot area.

Sec. 90-264. Permitted conditional uses

A building or premises in an R-3 district may be used for the following in conformance with the prescribed conditions:

1. For a bed and breakfast guest home:
 1. a. Parking as required in section 90-710.
 2. b. Signs in conformance with section 90-713.
 3. c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 4. d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.
3. For a boarding dwelling:
 1. a. Parking as required in section 90-710.
 2. b. The maximum number of occupants shall not exceed one person per 1,200 square feet of lot area.

Sec. 90-294. Permitted conditional uses

(a) A building or premises in an R-4 district may be used for the following in conformance with the conditions prescribed in this division:

1. For a bed and breakfast guest home:
 1. a. Parking as required in section 90-710.
 2. b. Signs as required in section 90-713.
 3. c. A maximum of four rooms or suites of rooms are made available for use as transient lodging.
 4. d. The remainder of the dwelling shall be used and occupied full time, year-round as a residence by the host family.
2. For a domestic shelter, the maximum number of occupants shall not exceed one person per 750 square feet of lot area.
3. For a boarding dwelling:
 1. a. Parking as required in section 90-710.

2. b. The maximum number of occupants shall not exceed one person per 1,000 square feet of lot area.

(b) Exceptions, in accordance with Article XI of this chapter, are:

1. Child care centers
2. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.

Sec. 90-710. Parking regulations.

Schedule of Minimum Off-Street Parking & Loading Requirements

Structures & Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Bed and Breakfast Guest Home	1 space per 2 rental guest rooms	None
Bowling Alleys	4 spaces per alley	1 space per establishment
Child Care Centers	1 space per employee	1 space per 10 children
Churches, Synagogues, and Temples	1 space per 4 seats in main unit of worship	None required
Domestic Shelters	1 space for every 4 residents plus 1 space per 2 employees	None required
Eating and Drinking Places	Parking spaces equal to 30% of capacity in persons	2 spaces per establishment
Education Uses	Parking spaces equal to 40% of capacity in students	2 spaces per structure
Education Uses, Nursery, and Primary	Parking spaces equal to 20% of capacity in students	2 spaces per structure
Funeral Homes and Chapels	8 spaces per reposing room	2 spaces per establishment
Hospitals	1 space per 2 beds	3 spaces per establishment
Hotels	1 space per 2 rental units	1 space per establishment
Industrial Uses	1 space per 2 employees on largest shift	2 spaces per establishment
Libraries	1 space per 500 square feet floor area	1 space per structure
Medical Clinics	5 spaces per staff, doctor, or dentist	None required
Mobile Home Park	2 spaces per dwelling unit	None required
Motels	1 space per rental unit	None required
Private Clubs and Lodges	1 space per 500 square feet floor area	1 space per establishment
Residential Structures (multifamily)	1 1/2 space per dwelling unit	None required
Residential Structures	1.25 space per occupant	None required

Structures & Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
(Boarding Dwelling)		
Residential Structures (single-family)	1 space per dwelling unit	None required
Retail Sales Establishment	1 space per 200 square feet gross floor area	1 space per establishment
Roadside Stands	4 spaces per establishment	None required
Sanitariums, Rest Home Service, Convalescent	1 space per 3 beds, plus 1 space per employee	1 space per establishment
Service Establishment	1 space per 200 square feet gross floor area	1 space per establishment
Theaters, Auditoriums, Places of Assembly	1 space per 5 people in design capacity	1 space per establishment
Veterinary Establishment	3 spaces per staff doctor	None required
Wholesale and Distribution Operations	1 space per 2 employees on largest shift	2 spaces per establishment



Pearl Street

Lincoln Street

Douglas Street

W. 11th Street

W. 10th Street

R-1

Handwritten values in the top row of lots (between Pearl and Lincoln streets):

- 17,500
- 7,500
- 9,500
- 11,250
- 11,250
- 14,530
- 9,200
- 9,200

Handwritten values in the middle row of lots (between Lincoln and Douglas streets):

- 11,250
- 11,650
- 9,500
- 9,500
- 10,000
- 9,150
- 15,750
- 10,800
- 6,275

Handwritten values in the bottom row of lots (between Douglas and Pearl streets):

- 11,700
- 10,800
- 11,250
- 11,250
- 9,350
- 11,900
- 4,850
- 4,800

Handwritten values in the bottom row of lots (between Douglas and Pearl streets):

- 11,250
- 11,250
- 11,250
- 11,250
- 9,350
- 10,000
- 10,000



Lincoln Street

S. Lincoln Street

W. 1st Street

S. Douglas Street

Douglas Street

W. 2nd Street

Sherman Street

S. Sherman Street

5,500 6,750 10,170 7,500 7,500 7,500

6,750 11,250 4,300 3,750 11,250 7,500

7,500 4,250 7,500 7,500 7,500 7,500

12,750 9,750 1,800 7,500 7,500 7,500



Nebraska Street

E. 9th Street

Logan Street

E. 10th Street

W. 10th Street

W. 9th Street

10,200

11,200

11,250

11,850

11,250

7,500

8,200

11,250

10,400

3750

3750

11,250

9,500

9,750

7,500

12,000

7,500

2,500

12,000

R-2

Windom Street

E. 9th Street

12-3

4,250

1,250

15,000

11,250

5,625

5,625

E. 8th Street

Nebraska Street

11,250

11,250

9,000

9,150

5,850

11,250

11,250

11,250

8,750

9,500

ORDINANCE NO. 2012-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 7, 2012, and recommended amending Section 90-10 Definitions of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article I, Section 90-10 of the Wayne Municipal Code is amended as follows:

Sec. 90-10. Definitions.

Dwelling, boarding means a building occupied by no more than six (6) individuals who do not meet the definition of family.

Family means one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, and meeting one of the following criteria:

- a) Persons related by blood, marriage, or adoption.
- b) No more than four (4) unrelated individuals
- c) Persons residing with a family for the purpose of adoption.
- d) Not more than eight (8) persons under 19 years of age residing in a foster house licensed or approved by the State of Nebraska.
- e) Not more than eight (8) persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
- f) Person(s) living with a family at the direction of a court.

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

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-204 PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 7, 2012, and recommended amending Section 90-204 Permitted Conditional Uses (R-1 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article IV, Section 90-204 of the Wayne Municipal Code is amended as follows:

Sec. 90-204. Permitted Conditional Uses.

3. For a boarding dwelling:
 - a. Parking as required in Section 90-710.
 - b. The maximum number of occupants shall not exceed one (1) person per 1,500 square feet of area

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

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-18

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-234 PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 7, 2012, and recommended amending Section 90-234 Permitted Conditional Uses (R-2 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article IV, Section 90-234 of the Wayne Municipal Code is amended as follows:

Sec. 90-234. Permitted Conditional Uses.

3. For a boarding dwelling:
 - a. Parking as required in Section 90-710.
 - b. The maximum number of occupants shall not exceed one (1) person per 1,200 square feet of area

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

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-19

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-264 PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 7, 2012, and recommended amending Section 90-264 Permitted Conditional Uses (R-3 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article IV, Section 90-264 of the Wayne Municipal Code is amended as follows:

Sec. 90-264. Permitted Conditional Uses.

3. For a boarding dwelling:
 - a. Parking as required in Section 90-710.
 - b. The maximum number of occupants shall not exceed one (1) person per 1,200 square feet of area

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

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-20

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-294 PERMITTED CONDITIONAL USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 7, 2012, and recommended amending Section 90-294 Permitted Conditional Uses (R-4 Residential District) of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article IV, Section 90-294 of the Wayne Municipal Code is amended as follows:

Sec. 90-294. Permitted Conditional Uses.

3. For a boarding dwelling:
 - a. Parking as required in Section 90-710.
 - b. The maximum number of occupants shall not exceed one (1) person per 1,000 square feet of area

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

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-21

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE V. BUSINESS AND COMMERCIAL DISTRICTS BY AMENDING SECTION 90-710 PARKING REGULATIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 7, 2012, and recommended amending Section 90-710 Parking Regulations (Business and Commercial Districts) of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article V, Section 90-710 of the Wayne Municipal Code is amended as follows:

Sec. 90-710. Parking Regulations.

<u>Structures and Uses</u>	<u>Minimum Off-Street Parking Regulations</u>	<u>Minimum off-Street Loading Requirements</u>
Residential Structures (Boarding Dwelling)	1.25 space per occupant	None required

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

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



Wellhead Protection 101

Five Steps

The goal of Nebraska's Wellhead Protection Program is to protect the land and groundwater surrounding public drinking water supply wells from contamination. Since approximately 85% of Nebraskans receive their drinking water from groundwater, preventing groundwater contamination is vital.



Delineation



Contaminant Source Inventory



Contaminant Source Management



Emergency, Contingency, & Long Term Planning



Public Education



Developing a Local Wellhead Protection Plan

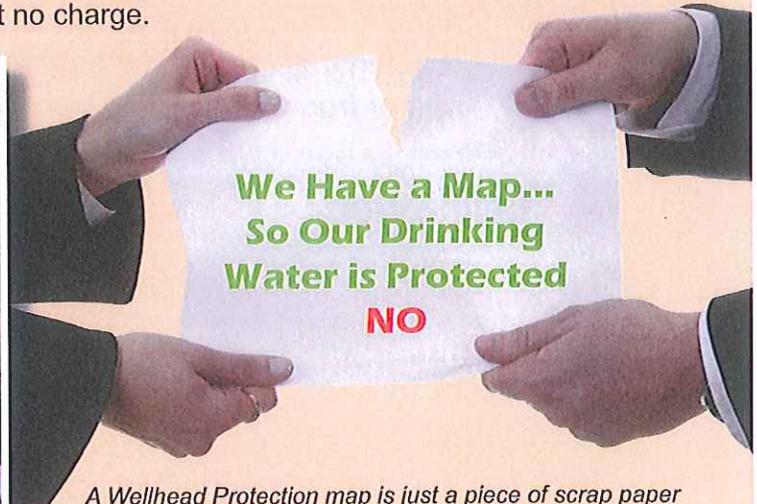
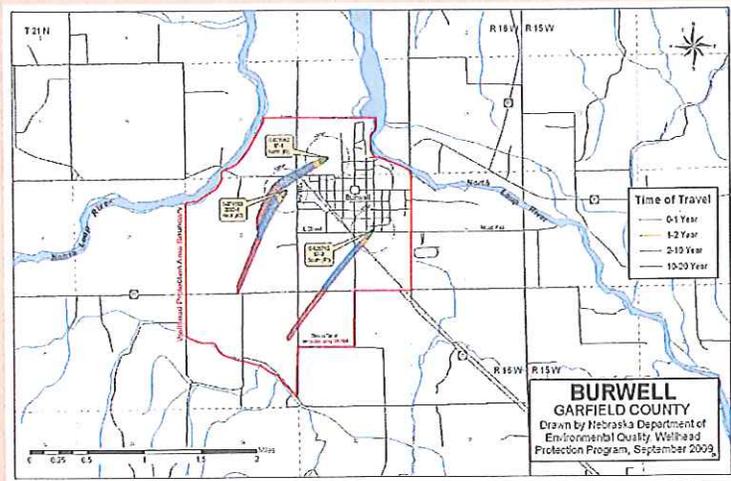
The Wellhead Protection planning process includes identifying the land surrounding the public water supply wells to be protected, identifying potential sources of groundwater contamination within this area, and managing the potential contaminant sources. Emergency, contingency, and long term plans are also developed for the community water supply, all the while educating and involving the public.





Delineating the Wellhead Protection Area

A Wellhead Protection area is calculated from information such as the geologic material the well is drilled into and the annual pumpage of the well. Computer-generated flow lines depict the approximate path groundwater, or a contaminant in groundwater, will take to reach a well. Flow lines are then associated with estimated times-of-travel and a boundary is drawn on property lines enclosing all 20-year-flow lines. The Nebraska Department of Environmental Quality (NDEQ) provides these maps at no charge.



A Wellhead Protection map is just a piece of scrap paper unless you enact local ordinances, county zoning, or voluntary activities within your Wellhead Protection Area.



Potential Contaminant Source Inventory

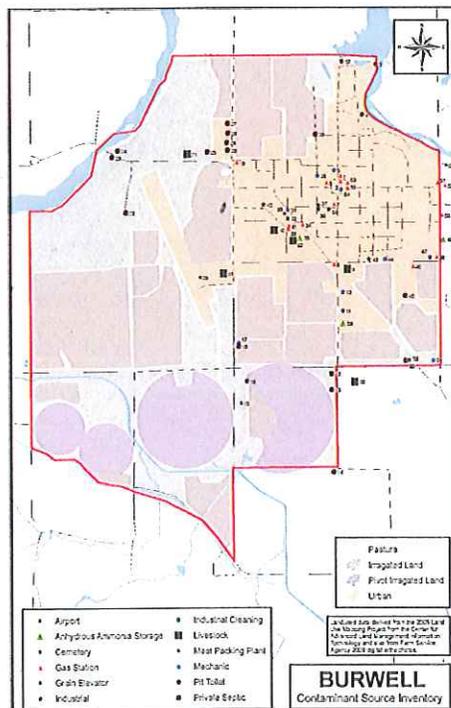
The purpose of a potential contaminant source inventory is to identify potential contaminants that may pollute groundwater. Inventories should be compiled from existing databases and on-the-ground observations. Contact the NDEQ Wellhead Protection Program for spreadsheets and shapefiles from existing databases.

Main Requirements:

- Inventory completed/updated within the past 3 years
- Contaminants marked on a map (point sources)
- Spreadsheet associated with point source contaminants
- Land use map (non-point sources)

Databases Available:

- NDEQ - regulated facilities
- NDNR - water wells
- State Fire Marshal's Office - flammable & haz waste storage
- NRDs - abandoned wells
- NE Oil & Gas Conservation Commission - oil & gas wells
- NE Dept of Ag - Ag chemical storage/manufacturer



Common Potential Contaminants:

- Agricultural
 - Fuel Storage
 - Grain Storage
 - Water Well
 - Chemigation
 - Livestock
- Commercial / Light Industry
 - Auto Repair
 - Dry Cleaners
 - Fuel Stations
 - Machine Shop
 - Rail Yard
- Industry
 - Manufacturing
 - Gas/Oil Well
 - Junk Yard
 - Landfill
 - Sewage Treatment
- Other
 - Cemetery
 - Golf Course
 - HWY Maintenance Yard
 - Transportation Corridors
 - Etc



3



Contaminant Source Management

Management of a groundwater supply by local communities can involve a number of possible steps. These may include the enactment of sanitary and water ordinances, public nuisance laws, and zoning restrictions on specific land uses; the purchase of land or conservation easements; cooperative efforts with local NRDs; or voluntary actions. Best Management Practices should be encouraged throughout the Wellhead Protection area. Some water systems subsidize or even completely fund these practices.



Main Requirements:

- Develop a list of existing controls
- Develop or suggest new controls
- Include copies or descriptions of inter agency agreements (if any)

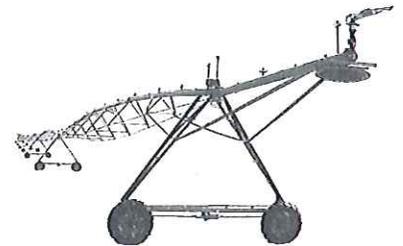


Example Best Management Practices in Urban Settings:

- Alternative Lawn Options
- Improving Soil Structure
- Installing Water Meters
- Low Flow Nozzles
- Mulching Lawn Clippings
- Permeable Pavement
- Rain Barrels / Rain Gardens
- Rain Sensors for Lawn Irrigation

Example Best Management Practices in Ag Settings:

- Alternative Cropping Methods
- Conservation Reserve Program
- No-Till Cultivation
- Nutrient Management Program
- Strip Cropping
- Terracing
- Water Management Program



4



Emergency, Contingency, and Long-Term Planning

A plan is developed to provide a replacement source of drinking water in the event of:

- Shut down of well due to contamination
- A natural disaster that impacts wells: flood, tornado, drought, ice storm
- Major mechanical or physical breakdown of pump, water tower, or distribution system
- Vandalism to well, water tower/storage, or supply source

Main Requirements:

- Include or reference a copy of your emergency plan
- Identify a safe short-term, temporary source of drinking water
- Identify options for obtaining a new long-term source of water
 - Possible locations of a new well
 - Other Public Water Systems to purchase water from



5



Public Education & Participation

Through state agencies, local groups, and environmental organizations, the public needs to be informed throughout the process and educated about what can be done to protect groundwater and their drinking water.

Main Requirements:

- Make the Wellhead Protection Plan available for public review at least 30 days prior to the meeting where public comment on the Plan will be recorded
- Take public comments at a regularly scheduled meeting of the controlling entity (village board, city council, RWD board, etc.)
- Public notice both of the above
- Provide proof of public meetings and public notices

Funding Options

Numerous funding options are available for everything from paying someone to develop a plan to implementing on-the-ground management practices. Sources of these funds may include:

- 319 grant - Various projects as they relate to the effects of non-point source pollution on surface and groundwater - NDEQ
- Source Water grant - Projects that provide long-term benefits to drinking water quality, quantity, education, and/or security - NDEQ
- Nebraska Environmental Trust grant - Actions to preserve, restore, research, design, manage, or conserve water
- Natural Resources Districts - Varies by district
- Various other grants/loans available - Contact the WHP program

Approved WHP Plans

The Nebraska Department of Environmental Quality (NDEQ) is the lead agency for Wellhead Protection (WHP) Plan approval under the Nebraska Wellhead Protection Area Act (§46-1501 through 46-1509). Numerous guidance documents are available from NDEQ to assist in the development of a local WHP Plan.

Contacts for Assistance

Nebraska Department of Environmental Quality (NDEQ)
Wellhead Protection Program (WHP)

1200 'N' Street, Suite 400
PO Box 98922
Lincoln, NE 68509-8922
402-471-0096
1-877-253-2603 (toll free)
ndeq.moreinfo@nebraska.gov
www.deq.state.ne.us



More information is available in other NDEQ WHP publications. Find these newsletters and other WHP information at:
-- www.deq.state.ne.us --
Use the search button and type in WHP

Nebraska Rural Water Association

402-443-5216
www.nerwa.org



The Groundwater Foundation

1-800-858-4844
www.groundwater.org



Natural Resources Districts (NRD)

402-471-7670
www.nrdnet.org



RESOLUTION NO. 2012-43

A RESOLUTION APPROVING WELLHEAD PROTECTION PLAN.

WHEREAS, in January of 2011, the City of Wayne moved forward with the establishment of the Wayne Source Water Protection Project with grant funding from the Nebraska Department of Environmental Quality Source Water Protection Program; and

WHEREAS, the overall intent of the Wayne Source Water Protection Project was to update the Wellhead Protection Plan, which will lay out a roadmap for pollution prevention action over the next 5-10 years, including encouragement of source water friendly land uses; and

WHEREAS, the Wellhead Protection Plan is complete and ready for public inspection; and

WHEREAS, NDEQ regulations require documentation that the plan has been formally adopted by the governing body of the City of Wayne in the form of a Resolution and further requires approval of the Plan at the Federal Level.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the governing body of the City of Wayne does herewith adopt the Wellhead Protection Plan in its entirety and does herewith request approval of the plan at the Federal Level.

PASSED AND APPROVED this 5th day of June, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-12

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE CHICKEN SHOW 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 the business days of Friday, July 13, 2012, and Saturday, July 14, 2012, in conjunction with the Wayne Chicken Show Activities.

PASSED AND APPROVED this _____ day of June, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-44

A RESOLUTION APPROVING THIRD AMENDMENT TO COMMUNICATION TOWER AND REAL ESTATE LEASE AGREEMENT WITH ALLTEL COMMUNICATIONS OF NEBRASKA, INC., d/b/a VERIZON WIRELESS.

WHEREAS, the City owns a communication tower next to City Hall at 306 Pearl Street; and

WHEREAS, said parties entered into a Lease Agreement dated March 1, 1999, as amended by First Amendment to Lease Agreement, dated October 2, 2003, and as further amended by Second Amendment to Lease Agreement dated December 14, 2004, and as further amended by Amendment No. 3 to the Lease Agreement dated November 8, 2010; and

WHEREAS, the City Administrator has renegotiated and the City Attorney has reviewed said Third Amendment to Communication Tower and Real Estate Lease Agreement with Alltel Communications of Nebraska, Inc., d/b/a Verizon Wireless, and recommend approval thereof.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that Third Amendment to Communication Tower and Real Estate Lease Agreement with Alltel Communications of Nebraska, Inc., d/b/a Verizon Wireless, is hereby approved, and the Mayor is hereby authorized to execute the agreement on behalf of the City.

PASSED AND APPROVED this 5th day of June, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**THIRD AMENDMENT TO COMMUNICATION
TOWER AND REAL ESTATE LEASE AGREEMENT**

This Third Amendment to Communication Tower and Real Estate Lease Agreement (“**Amendment**”) is made and entered into this _____ day of _____ 20____, by and between the **City of Wayne, Nebraska (“Lessor”)** and **Alltel Communications of Nebraska, Inc. d/b/a Verizon Wireless (“Lessee”)**. The Lessor and Lessee are at times collectively referred to hereinafter as the “**Parties**” or individually as the “**Party**”.

WHEREAS, Lessor and Aliant Cellular Inc., Lessee’s predecessor in interest, entered into a Communication Tower and Real Estate Lease Agreement dated March 1, 1999, as amended by the First Amendment to Lease Agreement, as further amended by the December 14, 2004 Second Amendment to Lease Agreement (collectively, the “**Lease**”), pursuant to which Lessor leases to Lessee space on Lessor’s communications tower and a portion of the property located at 306 Pearl Street, Wayne, Wayne County, Nebraska 68787; and

WHEREAS, the Parties desire to amend the Lease to, among other things, extend the Lease term and allow modification of Lessee’s antennas on Lessor’s tower.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Any capitalized terms used in this Amendment that are not defined herein have the meanings given those terms in the Lease.
2. Section 1(a) of the Lease is hereby deleted in its entirety and replaced with the following language:
 - (a) Space on Lessor’s tower at the height of 150 feet above ground level for the installation of twelve (12) antennas;
3. Lessor specifically approves of Lessee’s proposed equipment modification.
4. Section 6 of the Lease is hereby amended to provide Lessee two (2) additional five (5) year automatic renewal terms (from March 1, 2019 to February 28, 2024 and from March 1, 2024 to February 28, 2029) on the same terms and conditions set forth in the Lease.

5. Section 18 of the Lease is hereby deleted in its entirety and replaced with the following:

18. Assignment. This Lease may be sold, assigned or transferred by Lessee without any approval or consent of the Lessor to Lessee's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of Lessee's assets in the market defined by the Federal Communications Commission in which the Premises is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Lease may not be sold, assigned or transferred without the written consent of the Lessor, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of Lessee or transfer upon partnership or corporate dissolution of Lessee shall constitute an assignment hereunder.

6. Lessee's notice address in Section 20 of the Lease is hereby deleted in its entirety and replaced with the following:

If to Lessee, to:

Alltel Communications of Nebraska, Inc.
d/b/a Verizon Wireless
ATTN: Network Real Estate
180 Washington Valley Road
Bedminster, NJ 07921

7. The following is hereby added to the Lease as Section 25:

If Lessor elects, during the term to grant to a third party by easement, or other legal instrument, an interest in that portion of the property occupied by Lessee, or a larger portion thereof, for the purpose of operating and maintaining communications facilities or the management thereof, with or without an assignment of this Lease to the third party, Lessee shall have the right of first refusal to meet the bona fide offer of transfer on the same terms and conditions as the offer. If Lessee fails to meet the bona fide offer within thirty (30) days after written notice thereof from Lessor, Lessor may grant the easement or interest in the property, or portion thereof, to the third party in accordance with the terms and conditions of the third party offer.

8. Lessor and Lessee each hereby warrant to the other that the person executing this Amendment on behalf of the warranting Party has the full right, power and authority to enter into, and execute, this Amendment on that Party's behalf, and that no

consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

9. Except as specifically provided in this Amendment, the Lease shall remain in full force and effect and shall continue to be binding upon, and enforceable against, Lessor and Lessee in accordance with its terms. All covenants, terms and obligations of the Lease not modified by this Amendment are hereby ratified and affirmed. The terms and provisions of this Amendment shall control in the event of any inconsistency or discrepancy between the Lease and this Amendment.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amendment effective as of the day and year first above written.

LESSOR:

City of Wayne, Nebraska

By: _____

Name: _____

Title: _____

Date: _____

LESSEE:

**Alltel Communications of Nebraska, Inc.
d/b/a Verizon Wireless**

By: _____

Beth Ann Drohan
Area Vice President Network

Date: _____



Lowe-North Construction, Inc.

GENERAL CONTRACTORS

800 A-Line Drive, Spring Hill, Kansas 66083

KC Line (913) 592-4025

Fax (913) 686-2849

February 2, 2012

Rusty Utomo
Terra Consulting Group

Re: Site #195223 Wayne, NE

Rusty,

Here is the quote you requested to provide labor, materials and equipment for the installation of tower reinforcements at site #195223 in Wayne, NE as outlined on the Hutter Trankina drawing as follows:

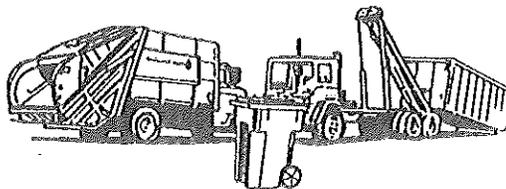
Labor	\$91,520
Materials	\$29,655
Equipment, Inspections & MOB	<u>\$18,170</u>
Total Quote	\$139,345

Regards,

Greg Jones
Project Manager
Cell 918-940-0859
Off 913-686-3080

COMMERCIAL - RESIDENTIAL - ROLLOFFS - GARBAGE CARTS
For All Your Refuse Service Needs

GILL HAULING, INC.
Box 128
Jackson, NE 68743



Toll Free: 866-633-9336
Tel: (402) 632-9273
Cel: (712) 259-4407
Fax: (402) 632-4233

Bernie Gill - President

May 9, 2012

City Administrator
306 Pearl Street
Wayne, NE 68787

Attn: Mayor, City Council, and City Administrator

Gill Hauling, Inc. would like to thank the City Council for giving Gill Hauling, Inc. the opportunity to operate the transfer station for the last two (2) years and look forward to continuing our relationship with the City of Wayne in the future.

The following is the proposal for Gill Hauling, Inc. to operate the transfer station at Wayne, NE for a period of 3 years.

Gill Hauling, Inc. will operate the transfer station in accordance to the attached specifications in your request for proposal, including allowing space for access to the Boy Scouts to operate their current program.

Gill Hauling, Inc. intends to maintain the same price structure and collection of fees that is currently being charging at the transfer station for the three years of this agreement. We will offer a separate 20 yard container for glass drop-off at no extra cost.

Gill Hauling, inc. will pay the City of Wayne \$1,000 a month for the use of the building.

The entire above proposal is based on the premise that Gill Hauling, Inc. will continue to haul the garbage from the Wayne transfer station to the L.P. Gill, Inc. landfill as per the on-going Contract between the City of Wayne, and L.P. Gill, Inc.

Signed

A handwritten signature in cursive script that reads "Bernie A. Gill Pres".

Bernard A. Gill, President
Gill Hauling, Inc.

RESOLUTION NO. 2012-45

A RESOLUTION APPROVING AGREEMENT WITH GILL HAULING FOR OPERATION OF THE WAYNE TRANSFER STATION.

WHEREAS, the City sought Requests for Proposals for the operation of the Wayne Transfer Station; and

WHEREAS, the City received one proposal, that being from Gill Hauling of Jackson, NE; and

WHEREAS, staff has reviewed said proposal and is recommending the same be accepted, and has directed staff to prepare an agreement with the terms and conditions stipulated therein.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Agreement between the City of Wayne and Gill Hauling for the operation of the Wayne Transfer Station, a copy of which is attached hereto and incorporated herein by reference, be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement on behalf of the City.

PASSED AND APPROVED this 5th day of June, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

OPERATION AGREEMENT

This Agreement is entered into by and between the **Gill Hauling, Inc.**, a Nebraska Corporation, hereinafter referred to as “Operator,” and **the City of Wayne, Nebraska**, a Municipal Corporation, hereinafter referred to as “City”;

WHEREAS, the City has sought proposals for operation of the City’s Transfer Station, located 110 S. Windom Street in Wayne; and

WHEREAS, Operator has timely submitted its proposal for operation of the transfer station; and;

WHEREAS, the City desires to enter into an agreement with Operator to allow it to operate the transfer station under certain conditions;

NOW, THEREFORE, in consideration of mutual covenants contained herein, City and Operator enter in this Agreement under the following terms and conditions:

1. This Agreement will be effective as of the date of its execution by the parties hereto and remain in effect for a period of three (3) years, with an option to extend said term an additional two years by agreement of both parties, unless terminated by either party as hereinafter set forth.
2. Operator agrees to pay a fee of \$1,000.00 per month to the City for the use of the building.
3. Operator shall be responsible for paying the Nebraska Department of Environmental Quality Permit Fee.
4. There shall be no separate legal or administrative entity created by this Agreement.
5. Operator shall operate the transfer station under the City of Wayne’s Nebraska Department of Environmental Quality (NDEQ) Solid Waste Permit, and agrees to follow all requirements and conditions of said permit.
6. Operator will provide proof of liability insurance in the amount of one million dollars (\$1,000,000), with the City named as an insured.
7. City will maintain and repair the grounds, equipment, and buildings of the transfer station, and Operator agrees that it will use all reasonable efforts to keep the grounds and surrounding area free of litter.
8. Operator will pay all the utility costs associated with the operation of the transfer station under this Agreement.

9. Operator agrees to provide staffing and management to operate the transfer station in compliance with NDEQ regulations as a facility for the collection of garbage and recyclable materials.

10. The facility shall be open to the public for a minimum of fifteen (15) hours per week and by appointment as determined by Operator.

11. Operator agrees to accept garbage from City buildings, parks, facilities, and special events, including, but not limited to, the annual Wayne Chicken Show and related activities. Operator also agrees to accept garbage from Wayne County road litter and the Wayne County Fair at no cost to the County.

12. Operator agrees to provide continued access and space for the local Boy Scout troop to operate their current newspaper collection program.

13. Operator agrees to provide containers at the transfer station to collect co-mingled recycling and metal scrap from the City and/or the public to be transported and/or sold by Operator, and agrees to provide access to and space within the transfer station.

14. Operator agrees to accept the following materials under the following conditions at the transfer station:

- a. Tires will be accepted for a fee as determined by Operator to cover the disposal costs of said tires.
- b. Waste oil will be accepted at no charge and then collected by Wayne County at no additional charge to Operator.
- c. Refrigeration appliances will be accepted, drained and certified, for a fee to be paid by the customer to the Operator. Operator will be required to drain the appliance, reclaim the Freon, and certify them as free of Freon for scrap for the scrap metal container.

15. City will retain control and use of Lots 4 and 5, Original Town of Wayne, Nebraska.

16. City will allow private garbage route collectors to continue to operate in Wayne with the permit requirements that they: a) offer voluntary pay-to-throw pickup service--that is, a fee-per-bag service as opposed to a flat rate per month; and b) provide a co-mingled recycling service (curbside or drop-off location).

17. Operator will pay a monthly fee of \$1,000.00 per month to City under the agreement.
18. In the event that either party breaches any portion of this agreement, each party may pursue any remedies allowed by applicable law.
19. This Agreement shall be binding upon and inure to the benefit of any and all successors, assigns, heirs, or their beneficiaries, of Operator.
20. This Agreement shall be construed pursuant to the laws of the State of Nebraska.
21. Any and all amendments, modifications or other changes to this Agreement shall be in writing, executed by the parties and attached to this Agreement.
22. This Agreement may be terminated at any time as follows:
 - a. by either the City or Operator upon not less than thirty (30) days' prior written notice to the other party in the event that such other party has materially breached its obligations under this Agreement and has failed or refused to remedy such breach within thirty (30) days after written demand therefor is given by the aggrieved party to the other;
 - b. by either City or Operator upon written notice to the other party, effective immediately, in the event the other party shall become the subject (voluntarily or involuntarily) of any proceeding relating to bankruptcy or insolvency, or makes an assignment or other arrangement for the benefit of its creditors, or is dissolved or liquidated (except as a consequence of a merger, consolidation or other corporate reorganization not involving the insolvency of such dissolved or liquidated party);
 - c. by either party, for any reason, upon ninety (90) days written notice; or
 - d. at any time and for any reason by mutual agreement of the parties
23. Operator, its successors and assigns, hereby agrees to save and hold harmless City and any of its employees or agents from all cost, injury and damage incurred by any of the above, and from any other injury or damage to any person or property whatsoever, any of which is caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any provision of this agreement by City. The above cost, injury, damage or other injury or damage incurred by or to any of the above shall include, in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. This save harmless clause is not intended

to indemnify against any cost or damage, or portion thereof, caused by City.

24. All notices required or permitted hereunder shall be in writing and shall be deemed given when personally delivered or upon enclosure thereof in the adequately post-paid envelope, sent by first-class certified mail, to that party at the following address (or to such other address of which either party may advise the other in writing):

City of Wayne
306 Pearl Street
Wayne, NE 68787

Gill Hauling, Inc.
Box 128
Jackson, NE 68743

In witness whereof, the parties have hereunto executed this Agreement on this _____ day of June, 2012

THE CITY OF WAYNE, NEBRASKA,

By _____
Ken Chamberlain, Mayor

ATTEST:

By _____
Betty A. McGuire, City Clerk

GILL HAULING, INC., A Nebraska Corporation

By _____

RESOLUTION NO. 2012-46

A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

WHEREAS, the City of Wayne, Nebraska, and Lowell D. Johnson, City Administrator, have entered into an employment agreement.

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

1. The attached Employment Agreement is approved and adopted.
2. The parties are directed to execute said Employment Agreement.

PASSED AND APPROVED this 5th day of June, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**WAYNE CITY ADMINISTRATOR
EMPLOYMENT AGREEMENT**

This agreement entered into this 5th day of June, 2012, between the City of Wayne, Nebraska, a municipal corporation, hereinafter referred to as "City", and Lowell Johnson, hereinafter referred to as "Employee".

WHEREAS, the City desires to employ the services of Lowell Johnson as City Administrator of the City of Wayne, Nebraska, as provided by the Wayne Municipal Code, and

WHEREAS, Employee desires to obtain employment as the City Administrator of the City under the terms and conditions as hereinafter set forth, and

WHEREAS, it is the desire of the City to provide certain benefits to establish certain conditions of employment, and to set working conditions of the Employee.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**SECTION I.
DUTIES**

1.1. The Employee agrees to perform and have the following duties and responsibilities as an integral part of the position of City Administrator as follows:

A. Enforce and observe all laws of the State of Nebraska applicable to city administrators and municipalities, and ordinances of the City, as are required to maintain the public health, safety, and welfare of inhabitants of the City.

B. Attend all meetings of the governing body and recommend necessary and immediate measures.

C. Perform all duties required by the administrator's office as directed by the City.

D. Prepare and submit to the governing body all reports required by it and that the Employee may consider advisable and appropriate.

E. Keep the governing body fully advised of the City's financial condition.

F. Keep the governing body of the City advised of the City's future needs, based upon the goals of the City.

G. Prepare and submit to the City an annual budget.

H. Serve as City's purchasing agent.

I. Serve as City's general manager of utilities.

J. Recommend rules and regulations for the governing body and departments of the City that may be necessary for efficient, economic conduct of the business of the City.

K. Keep the City advised and informed of the needs and conditions of all agencies and employees under the Employee's direction and maintain continuous liaison with appropriate community groups, organizations, and individuals.

L. Perform all duties and obligations specified in the City Municipal Code and applicable Nebraska statutes and perform such other legally permissible and proper duties and functions as the governing body may from time to time assign.

1.2. Employee shall be fully informed on local government and management and utility management, and all new conditions related thereto, and except as otherwise set forth herein devote the Employee's full time to the services, employment, and requirements of the City.

1.3. The job description may be adjusted from time to time by the mutual agreement of the parties hereto, although at all times such job description shall be consistent with and not contrary to the lawful authority given to city administrators by statute and by local ordinances.

**SECTION II.
BASE SALARY**

2.1. The City agrees to pay Employee for his services rendered hereto based upon an annual base salary of \$74,869.79. Said annual base salary shall be payable in installments at the same time as other employees of the City are paid. After the first six months of employment, the governing body shall conduct a performance and salary review, and shall consider adjustments to the base salary of the Employee. Subsequent performance and salary reviews shall be conducted on an annual basis, in approximately April of each year, or at such other times as the governing body shall deem necessary or advisable. Adjustments in salary are subject to a satisfactory performance evaluation and will be equal to or greater than those given to other management employees.

**SECTION III.
BENEFITS**

3.1. The City agrees to provide Employee with professional liability insurance for the actions of the Employee conducted within the scope of his employment with the City in an amount of not less than \$1,000,000.00 if said insurance can be reasonably obtained.

3.2. The City agrees to provide Employee, his spouse, and dependents, hospitalization, surgical, and comprehensive medical insurance, and to pay or contribute to the premiums thereon in a manner equal to and upon the same terms and conditions as provided from time to time for other City employees.

3.3. The City agrees to provide Employee with a term life insurance policy in an amount not less than Employee's annual salary. Employee shall have the right to name the beneficiaries, the right of conversion and continuation, and any face value shall belong to the Employee.

3.4. The City agrees to provide Employee with disability leave on the same basis as is provided to other City employees pursuant to the City personnel manual.

3.5. The City agrees to provide Employee with long term disability insurance coverage equal to that provided to other City employees.

3.6. The Employee shall be entitled to four weeks paid vacation leave. The Employee may carry over vacation leave up to a maximum of four weeks. At least once per year, the Employee shall take not less than five consecutive days vacation. After being employed by the City for a total of ten years, vacation shall be adjusted proportionately thereafter in compliance with the City's vacation schedule.

3.7. The City shall provide Employee with time off for all federal, state and local holidays as from time to time established for all City employees by the governing body.

3.8. The City, being a member of the ICMA Retirement Corporation Deferred Compensation Program, will match the Employee's contribution up to 6% of the employee's monthly salary or in an amount not less than that provided to other city employees.

3.9. Within budget considerations, the City will pay for professional dues and subscriptions of the employee necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City. These include such organizations as the International City Managers Association, Nebraska City Managers Association, American Public Works Association, and related subdivisions of these organizations. Conference attendance will be paid by the City, subject to budget consideration and council approval, to the Nebraska conference every year and ICMA conference every other year.

3.10. The City agrees to pay Employee a monthly vehicle allowance of the amount of \$200.00 for the use of personal vehicle for City business, and in addition, to reimburse the Employee at the latest maximum **IRS approved** rate per mile for all use of his personal vehicle for travel on City business outside of the City. The Employee shall record and supply in support of all reimburses mileage, suitable records sufficient to establish the dates, details, and purposes of such travel. The Employee shall also maintain such other record keeping as to the use of his personal vehicle for City business as shall be necessary in order for the City to prepare such reports or maintain such records as may from time to time be necessary or required for federal or state income tax reporting purposes.

3.11. The City hereby agrees to budget and to pay travel and subsistence expenses of the Employee for professional and official travel, meetings, and occasions adequate to continue the professional development of the Employee, and adequately to pursue necessary official and other functions for the City, and for short courses, institutes, and seminars that are necessary for professional development and for the good of the City when deemed appropriate by the Employee and approved by the City.

3.12. The City recognizes the desirability of representation in and before local, civic, and other organizations, and the Employee is authorized to become a member of such civic clubs or

organizations as he may deem appropriate, provided that City will pay membership dues for one such club selected by the Employee.

3.13. All provisions of City ordinances, regulations, and personnel rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, and other employment benefits, as they now exist or hereafter may be amended, shall also apply to the Employee as they would other employees of the City in addition to other benefits enumerated specifically herein for the benefit of the Employee, except if they are in conflict with the express provisions of this agreement, in which case this agreement shall supersede any conflicting provision.

SECTION IV. HOURS OF WORK

4.1 It is contemplated that the Employee's duties compensated by the salary and benefits herein established may and will require the commitment of time above and beyond normal business hours, including evening and weekend hours, and that the Employee will be expected to devote more than a basic forty hour work week to perform those duties. However, in relation to unusual demands upon the Employee's time, the Employee will be allowed to take a reasonable amount of compensatory time off as he shall deem appropriate, although not to the prejudice of his responsibilities as City Administrator.

SECTION V. TERM OF AGREEMENT

5.1. The term of this agreement shall commence on the 1st day of June, 2012, and shall remain in effect for a period of one year from the date of execution hereof and may be terminated immediately by either party upon written notice to the other party. This agreement and any termination hereunder shall comply with all applicable federal, state and local laws, codes and regulations, and rules.

5.2. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City to terminate the services of the Employee at any time, with or without cause, and the parties acknowledge Employee will serve at the will of the City.

5.3. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from his position with the City, subject only to the provisions set forth in Section 6.2 of this agreement.

SECTION VI. TERMINATION AND SEVERANCE PAY

6.1. In the event the Employee is terminated without cause at any time during employment, and in that event, the City agrees to provide three months of notice or severance pay. The City will have unreviewable discretion as to whether to provide advance notice or to provide severance pay. The obligation to pay any severance will terminate when employee is successful in obtaining a position of comparable responsibility and compensation. The City shall

not have obligation to provide three months of notice or severance pay in the event the employee is terminated with cause. Any of the following will constitute termination with cause:

- 1. Willful neglect of duty.
- 2. Immoral conduct effecting the performance of employee duties or conviction of a felony.
- 3. Gross inefficiency or incompetence in office which employee has failed to correct after a reasonable written notice.
- 4. Malfeasance in office.

6.2. In the event the Employee voluntarily resigns his position with the City, the Employee shall give the City thirty days written notice in advance. The City shall not be obligated to provide any termination or severance pay upon the Employee's resignation.

**SECTION VII.
EMPLOYEE EVALUATION**

7.1. The governing body and Employee shall establish a mutually acceptable procedure for evaluating the Employee's performance.

**SECTION VIII.
INDEMNIFICATION**

8.1. The City shall defend, hold harmless, and indemnify the Employee against any tort or professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties as City Administrator. The City, or its insurance carriers, may compromise or settle any such claim or suite, and the City shall pay the amount of any settlement or judgment rendered thereon.

Executed in duplicate.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

Attest:

City Clerk

Employee



June 5, 2012

Lowell Johnson
City of Wayne
306 Pearl Street
Wayne, NE 68787

RE: Benscoter Addition – Phase 1 Paving Improvements
Wayne, NE
OA Project No. 010-0065

Dear Mr. Johnson,

Please find enclosed Change Order #1, Certificate of Payment #1, and cost breakdown for the Benscoter Paving Improvements. Change Order #1 includes a cost adjustment to the contract unit prices. The cost adjustment is due to increased material, fuel, and labor costs since the contract date of October 5, 2010. Sioux City Engineering Company has provided a breakdown of the increased costs. The price adjustment was verbally approved by Mr. Johnson at City Hall on March 21, 2012.

Change Order #1 also includes a 1-inch pavement thickness increase for Tomar Drive and 4th Street. The project was originally bid with 6-inch thick paving. Since the bid date, City staff have increased the City standard paving thickness to 7-inch. The price adjustment for the thickness increase was verbal approved on a phone call, by Mr. Joel Hansen, on April 9, 2012.

If you have any questions, please feel free to contact me at rhanson@oaconsulting.com or 402.494.3059.

Sincerely,



Rodney L. Hanson, P.E.
Olsson Associates

encl



1707 Dakota Ave., South Sioux City, NE 68776

CHANGE ORDER NO. 1

PROJECT:	Benscoter Addition - Phase 1 Paving and Utility Improvements	DATE OF ISSUANCE:	June 5, 2012
CONTRACTOR:	Sioux City Engineering Company	OA PROJECT NO.:	009-0821
CONTRACT DATE:	October 5, 2010	AMOUNT OF ORIGINAL CONTRACT:	\$281,734.00

You are directed to make the changes noted below in the subject contract:

See Attached Sheet

The changes result in the following adjustments of Contract Price and Contract Time:

Contract Price Prior to This Change Order	\$281,734.00
Net Increase / Decrease Resulting from this Change Order.....	\$27,428.15
Current Contract Price Including this Change Order	\$309,162.15

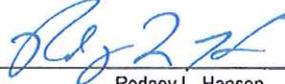
The Above Change Order Accepted:

Sioux City Engineering Company
Contractor

By: _____

Date: _____

OLSSON ASSOCIATES
Consulting Engineer

By: 
Rodney L. Hanson

Date: 5-25-12

The Above Change Order Approved:

City of Wayne
Owner

By: _____

Date: _____

Benscoter Addition - Phase 1 Paving Improvements
Wayne, NE
Sioux City Engineering Company

Change Order #1
OA Project No. 009-0821
3/27/2012

NO.	ITEM	UNITS	PLAN QUANTITY	ADJUSTED QUANTITY	ORIGINAL UNIT PRICE		ADJUSTED UNIT PRICE		PRICE		QUANTITY		TOTAL CHANGE
					PRICE	PRICE	ADD / (DEDUCT)	ADD / (DEDUCT)	ADD / (DEDUCT)	ADD / (DEDUCT)			
1	MOBILIZATION	LS	1	1	\$12,000.00	\$12,850.00	\$850.00	\$0.00	\$850.00	\$0.00	\$0.00	\$850.00	
2	CLEARING AND GRUBBING	LS	1	1	\$750.00	\$787.50	\$37.50	\$0.00	\$37.50	\$0.00	\$0.00	\$37.50	
3	EARTHWORK FOR PAVING	LS	1	1	\$8,000.00	\$8,648.50	\$648.50	\$0.00	\$648.50	\$0.00	\$0.00	\$648.50	
4	EARTHWORK FOR STORM WATER DETENTION	LS	1	1	\$10,600.00	\$11,441.75	\$841.75	\$0.00	\$841.75	\$0.00	\$0.00	\$841.75	
5	FLYASH	TN	470	470	\$70.00	\$75.05	\$5.05	\$0.00	\$5.05	\$0.00	\$0.00	\$2,373.50	
6	TRAFFIC CONTROL	LS	1	1	\$750.00	\$787.50	\$37.50	\$0.00	\$37.50	\$0.00	\$0.00	\$37.50	
7	REMOVE PAVEMENT	SY	1131	1131	\$6.00	\$6.30	\$339.30	\$0.00	\$339.30	\$0.00	\$0.00	\$339.30	
8	6" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	6874	3313	\$26.50	\$27.80	\$8,936.20	(\$8,995.80)	\$8,936.20	(\$8,995.80)	\$0.00	(\$90,059.60)	
8x	7" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	0	3561	\$0.00	\$31.20	\$0.00	\$111,103.20	\$0.00	\$111,103.20	\$0.00	\$111,103.20	
9	6" CONCRETE TRAIL	SY	107	107	\$28.50	\$29.90	\$149.80	\$0.00	\$149.80	\$0.00	\$0.00	\$149.80	
10	4" CONCRETE SIDEWALK	SY	531	531	\$32.50	\$34.20	\$902.70	\$0.00	\$902.70	\$0.00	\$0.00	\$902.70	
11	DETECTABLE WARNING	SF	136	136	\$55.00	\$56.50	\$204.00	\$0.00	\$204.00	\$0.00	\$0.00	\$204.00	
											\$27,428.15		



1707 Dakota Avenue South Sioux City, NE 68776

CERTIFICATE OF PAYMENT NO. 1

Date of Issuance: June 5, 2012

Project No. 009-0821

Project: Benscoter Addition - Phase 1 Paving

Contractor: Sioux City Engineering Company

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		

PLEASE REMIT PAYMENT TO: Sioux City Engineering Company

Value of Work Completed: \$150,684.90

Original Contract Cost:	\$281,734.00
Approved Change Orders:	
No. 1	\$27,428.15
No.	\$0.00
Total Contract Cost:	\$309,162.15

Value of completed work	\$150,684.90
Less retained percentage (10 %)	\$15,068.49
Net amount due including this estimate	\$135,616.41

Less: Estimates previously approved:

No. 1	\$0.00	No. 6	\$0.00
No. 2	\$0.00	No. 7	\$0.00
No. 3	\$0.00	No. 8	\$0.00
No. 4	\$0.00	No. 9	\$0.00
No. 5	\$0.00	No.10	\$0.00

Total Previous Estimates: \$0.00

NET AMOUNT DUE THIS ESTIMATE: \$135,616.41

The undersigned hereby certifies that the work done and materials delivered have been checked as to quantity and conformance with the plans and specifications and the Contractor, in accordance with the contract, is entitled to payment as indicated above.

cc: Sioux City Engineering Company
Project File

OLSSON ASSOCIATES

By 

No.	Description	Unit	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Total Amount Completed	90% Due Contractor	10% Retainage	Amt. Paid Prev. Est.	Total Due This Est.
Bid Section "A" - Paving Improvements											
1	MOBILIZATION	LS	1	\$12,850.00	\$12,850.00	1	\$12,850.00	\$11,565.00	\$1,285.00	\$0.00	\$11,565.00
2	CLEARING AND GRUBBING	LS	1	\$787.50	\$787.50	1	\$787.50	\$708.75	\$78.75	\$0.00	\$708.75
3	EARTHWORK FOR PAVING	LS	1	\$8,648.50	\$8,648.50	1	\$8,648.50	\$7,783.65	\$864.85	\$0.00	\$7,783.65
4	EARTHWORK FOR STORM WATER DETENTION	LS	1	\$11,441.75	\$11,441.75	0.5	\$5,720.88	\$5,148.79	\$572.09	\$0.00	\$5,148.79
5	FLYASH	TN	470	\$75.05	\$35,273.50	300	\$22,515.00	\$20,263.50	\$2,251.50	\$0.00	\$20,263.50
6	TRAFFIC CONTROL	LS	1	\$787.50	\$787.50	0.75	\$590.63	\$531.56	\$59.06	\$0.00	\$531.56
7	REMOVE PAVEMENT	SY	1131	\$6.30	\$7,125.30	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8	6" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	3313	\$27.80	\$92,101.40	1914	\$53,209.20	\$47,888.28	\$5,320.92	\$0.00	\$47,888.28
8x	7" CONCRETE PAVEMENT W/ INTEGRAL CURB	SY	3561	\$31.20	\$111,103.20	1486	\$46,363.20	\$41,726.88	\$4,636.32	\$0.00	\$41,726.88
9	6" CONCRETE TRAIL	SY	107	\$29.90	\$3,199.30	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10	4" CONCRETE SIDEWALK	SY	531	\$34.20	\$18,160.20	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
11	DETECTABLE WARNING	SF	136	\$56.50	\$7,684.00	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL Bid Section "A"							\$309,162.15	\$150,684.90	\$15,068.49	\$0.00	\$135,616.41

SIoux CITY ENGINEERING CO.

Project Title: Benscoter Addition Phase I Paving & Utility Improvements
 Letting Date: September 2, 2010

#	Description	Units	Unit Price	Total Cost	NEW Unit Price	New Total Cost
Bid Section A						
1	Mobilization	1 ls	12,000.00	12,000.00	12,850.00	12,850.00
2	Clearing and Grubbing	1 ls	750.00	750.00	787.50	787.50
3	Earthwork for Paving	1 ls	8,000.00	8,000.00	8,648.50	8,648.50
	Earthwork for Storm Water					
4	Detention	1 ls	10,600.00	10,600.00	11,441.75	11,441.75
5	Flyash	470 tn	70.00	32,900.00	75.05	35,273.50
6	Traffic Control	1 ls	750.00	750.00	787.50	787.50
7	Remove Pavement	1131 sy	6.00	6,786.00	6.30	7,125.30
	6" Concrete Pavement w/integral					
8	curb	6874 sy	26.50	182,161.00	27.80	191,097.20
9	6" Concrete Trail	107 sy	28.50	3,049.50	29.90	3,199.30
10	4" Concrete Sidewalk	531 sy	32.50	17,257.50	34.20	18,160.20
11	Detectable Warning	136 sf	55.00	7,480.00	56.50	7,684.00
				281,734.00		297,054.75
Labor including benefits Cost of management, equipment, etc. Fuel- increase \$1.20 / gallon PCC- Increase \$2.75/cy Misc. Paving Materials- \$.35/sy						

**COMMUNITY DEVELOPMENT AGENCY
MINUTES OF MAY 1, 2012**

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

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

Chair Haase advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection.

The next item on the CDA agenda was to approve the minutes of the April 3, 2012, meeting.

Member Chamberlain made a motion and Member Brodersen seconded approving the minutes of the April 3, 2012, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

The next item on the CDA agenda was to approve the following claims:

Wayne Country Treasurer	5,394.90
City of Wayne – Attorney fees	301.00
City of Wayne – engineering lot split fees(Advanced Consulting)	895.00

Member Chamberlain made a motion and Member Brodersen seconded approving the claims. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for the Benscoter Addition Planned Unit Development Project by adding Lots 12, 14, 15, 16, and 18, Benscoter Addition Planned Unit Development Replat 1 to said plan.

Lou Benscoter was present and stated his intent is to build five homes using the energy star rated program (geothermal wells). In addition, Mr. Benscoter's loan officer was present. With the TIF funding, he can either help subsidize some of the down payments or keep the lots cheaper. He has a couple of people interested at this time. The house payments will be about \$530 to \$540 per month, which does not include real estate taxes or insurance. This would be very affordable for young families.

Mr. Benscoter noted he already has 4 lots with tax increment financing in this subdivision and is now adding another 5. His goal is to build ten houses this year. He will be the one selling the TIF bonds.

Councilmember Sturm told Mr. Benscoter that this is a big undertaking to build 8 to 10 houses in a year, and he would have a hard time approving an extension for him.

Councilmember Brodersen asked how much the TIF money reduces the price of the house. Mr. Benscoter stated that at this time, he is estimating that it is reducing \$12,000 to \$15,000 per house. It will keep the prices affordable.

Kari Wren, Director of the Wayne Community Housing Development Corporation, distributed a handout of the “Housing Study Focus Group Discussions.”

Some of the key issues that came out of the focus groups were:

- The lack of available housing available for sale in the \$100,000 to \$150,000 range;
- The lack of quality rental units available for young professionals and students; and
- The lack of speculative housing construction.

Member Sturm introduced CDA Resolution 2012-3 and moved for its approval; Member Berry seconded.

CDA RESOLUTION NO. 2012-3

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN AMENDMENT FOR THE BENCOTER SINGLE FAMILY RESIDENTIAL DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

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

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for the Western Ridge Single-Family Residential Planned Unit Development Project by adding Lots 2 and 8, Western Ridge II Addition, being a part of Section 12, Township 26 North, Range 3, East of the 6th P.M..

Member Chamberlain explained that this action is just adding Lots 2 and 8 into the “rolling” TIF. This will now start the TIF clock on these two particular lots.

Member Alexander introduced CDA Resolution 2012-4 and moved for its approval; Member Sturm seconded.

CDA RESOLUTION NO. 2012-3

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT PLAN AMENDMENT FOR THE WESTERN RIDGE SINGLE FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

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

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



Robert Woehler & Sons Construction, Inc.

123 Fairgrounds Ave.
Wayne NE 68787

Phone: 402-375-3744
Fax: 402-833-5363

May 23, 2012

The Community Development Agency of the City of Wayne, Nebraska
Attn: Chairman Jon Hasse
PO Box 8
Wayne NE 68787

Jon

Sense your purchase agreement with Wayne NG Cars LLC has expired and before you consider extending it again we ask that you consider entering into a purchase agreement with us. We are interesting in buying or trading for both Lots 2a and 2b (8.44 Acres), Replat of Kardell Industrial Park, a Subdivision in Wayne County, Nebraska. We understand the importance of bringing a business to the community but we also feel it is just as important if not more to keep a business in town and give us the ability to expand while improving existing neighborhoods. The Wayne NG Cars business can fit into many different zonings with numerous current locations available while ours could become extremely limited based on proposed zoning changes. Please consider meeting with us to discuss this option and coming to a solution for all.

Thank you

B. J. Woehler
Robert Woehler & Sons Construction, Inc. Secretary

CITY OF WAYNE
Application for Residential Construction Incentive Loan

Date: May 15th 2012
Name of applicant: Kelby Herman
Address: 1102 W 7th Wayne MI
Phone Number 402 350 1231

1. Legal description of the Lots to be built on within the city limits:

Western Ridge II Lots # 1
Western Ridge II Lot # 2

2. Attach front elevation design of each house receiving a construction loan

3. Total amount of incentive requested:

- a. Builder as applicant (\$20,000/lot) 2 at \$20,000 = \$40,000
- b. Owner as applicant (\$30,000/lot) _____

Terms of agreement:

1. Funds will only be advanced upon Builder/buyer's proof of participation in the Energy Star Program and copies of invoice from builder are received.
2. Eligible home buyers must have an annual household incomes of no more than 150% median income for Wayne County
3. Builder will be eligible for two incentive loans at a time.
4. Builder will be eligible for \$20,000 construction loan per speculative housing unit and \$30,000 per housing unit being built by an owner of a lot, at 0% interest until date of sale or (4) four years, which ever comes first, from LB840 funds or other funds provided by the city with payback from the home buyer at time of permanent financing.
5. Construction loan will be secured by a Deed of Trust on the property and subordinate to commercial or private construction financing.
6. Houses must be ready for occupancy permit (within 24 months of date of execution) of incentive agreement.
7. Penalties for not completing house within the required 24 months are:

- a. If primary construction loan is not secured within 6 months of approval of the incentive the City incentive loan become void.
- b. If the house is not ready for occupancy within 24 months the builder is not eligible for future city incentives.
- c. If the house does not have an occupancy permit within the 24 months, the loan is in default and due immediately at 5% interest from the date of loan approval.

Approved by:



Owner or Builder

May 15, 2012

Date

Approved by:

COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF WAYNE

Chairman

Date