

**AGENDA
CITY COUNCIL MEETING
October 20, 2015**

1. [Approval of Minutes – October 6, 2015](#)

2. [Approval of Claims](#)

The City Council will be hearing public comments on the following agenda items: 5, 7, and 9

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.

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. [Wayne Green Team – Green Team of the Year Award Presentation and Update — Sandy Brown and Lois Shelton](#)

4. [Action on Wayne Volunteer Fire Department Application for Membership of Dylan Ellis — Phil Monahan, Fire Chief](#)

5. *Public Hearing: [Application for a Class C Liquor License – Miss Molly’s Coffee Company LLC, d/b/a “Miss Molly’s” at 203 Main Street \(Advertised Time: 5:30 p.m.\)](#)

6. [Resolution 2015-91: Approving Application for Class C Liquor License — Miss Molly’s Coffee Company, LLC, d/b/a “Miss Molly’s” at 203 Main Street](#)

7. *[Ordinance 2015-44: Amending Wayne Municipal Code Section 78-134 Relating to Parking Time Limits of 15 Minutes, 30 Minutes, and 1 Hour \(one-hour parking from alley on E. 2nd Street east to Logan Street\)](#)

Background: This was requested by the owners of the restaurant at 2nd and Logan Street. The intent for this section on the north side of 2nd Street is to reserve some parking for customers that are currently being used for day parking by business owners and employees on 2nd Street and Main Street. This will make all of the parking stalls “1-hour parking” on the north side of 2nd Street from the alley east to Logan Street.

Recommendation: We have no staff recommendation at this time.

8. [Resolution 2015-92: Approving Service/Consultant Agreement with Northeast Nebraska Economic Development District for General Administration of the CIS Grant \(year 2 of 3-year grant\) for a sum of not to exceed \\$13,000](#)

Background: This year, we have completed the East Park tornado shelter with our first CIS grant of \$200,000 and met the required local match by using \$200,000 in Water Department funds to replace the old original 4” water mains in the same area. After a public hearing this summer, Wayne applied for a second CIS grant and just received notice that we will be awarded \$130,000 for the following work to be done in the southeast quadrant of Wayne by about this time in 2016:

- \$75,000 for three “owner occupied housing rehab” projects;
- \$31,500 for demolition of substandard structures;
- \$13,000 for general administration of the grant;
- \$6,000 for admin costs on the housing rehab projects; and
- \$4,500 for hazardous materials testing

Our local match for this second CIS \$130,000 grant will be sewer and water funds to rebuild a portion of old fractured city sewer line that passes through East Park and older 4” water mains along Nebraska Street.

Recommendation: The recommendation of Nancy Braden, Finance Director, and Lowell Johnson, City Administrator, is to approve the “Not to Exceed” \$13,000 agreement with Northeast Economic Development District for general administration of the grant.

9. [*Resolution 2015-93: Reaffirming the Project Engineer and Approving the Plans, Specifications and Estimate of Cost for the “Logan Valley Drive Water & Sewer Extension Project,” and authorizing the City Clerk to advertise for bids](#)

Background: This project is the final extension of gravity sewer line that can serve the Industrial Park lots south of Sand Creek Post and Beam. This project will also include a water main. The engineer’s estimate for construction of this project is \$110,000. The Council authorized hiring ACES to move forward with this project last spring, but it has taken a while with all of the other projects to get this ready to bid. We will finance this project as a pioneering cost, using city sewer and water funds and recover the costs through future hook-up fees. This is the process we used to extend the sanitary sewer south from Pacific Coast to John Deere and the west under Chief’s Way to South Centennial Road.

Recommendation: The recommendation of Lowell Johnson, City Administrator, is to approve the plans and solicit bids.

10. [Review of the Wayne Urban Area Boundary Map and Action approving the same](#)

Background: This map is revised for each City and County by the Nebraska Department of Roads about every 10 years. NDOR measures average daily traffic counts on different segments of busy streets to help determine which streets are arterial streets and collector streets, and therefore, eligible for future Federal funding for 80% cost-share on paving projects.

The only change in the new map is a technical reclassification of Highway 15 and Highway 35 through the city limits that doesn’t affect us.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, and Lowell Johnson, City Administrator, is to approve the map.

11. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

**MINUTES
CITY COUNCIL MEETING
October 6, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, October 6, 2015, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Nick Muir, Jason Karsky, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese and Jennifer Sievers.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 24, 2015, 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 Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 15, 2015, 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, with the exception of Councilmembers Giese and Sievers who voted Nay, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALEXANDER, RANDY, SE, 1005.50; ALL-AMERICAN PUBLISHING, SE, 149.00; AMAZON.COM, SU, 365.01; AMERICAN RED CROSS, RE, 39.24; AMERITAS, SE, 4937.29; APPEARA, SE, 219.54; APWA, FE, 360.00; AS CENTRAL SERVICES, SE, 448.00; ATCO INTERNATIONAL, SU, 57.75; BAUER UNDERGROUND, SE, 19621.80; BEIERMANN ELECTRIC, SE, 880.00; CITY EMPLOYEE, RE, 783.19; BLACK HILLS, SE, 283.58; BLUE DEVIL BOOSTER CLUB, SE, 85.00; BOMGAARS, SU, 1835.02; CITY EMPLOYEE, RE, 273.64; BROWN PLUMBING, SE, 1855.95; BROWN SUPPLY, SU, 3557.03; BSN SPORTS, SU, 1172.02; CARHART LUMBER, SU, 194.10; CARROLL DISTRIBUTING, SU, 956.00; CITY EMPLOYEE, RE, 150.00; CENTURYLINK, SE, 414.01; CITY EMPLOYEE, RE, 182.00; CITIZENS STATE BANK, RE, 1867.50; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 344.95; CITY OF WAYNE, PY, 129981.84; CITY OF WAYNE, RE, 402.72; CITY OF WAYNE, RE, 1081.52; COMMUNITY HEALTH, RE, 8.00; CUMMINS CENTRAL POWER, SE, 1514.09; DANKO EMERGENCY EQUIPMENT, SU, 955.19; DE LAGE LANDEN FINANCIAL, SE, 77.00; DECO ENGINEERING PRODUCTS, SU, 421.74; DGR &

ASSOCIATES, SE, 6219.00; DUTTON-LAINSON, SU, 321.05; EAKES OFFICE PLUS, SU, 1517.00; ECHO GROUP, SU, 84.20; ED. M FELD EQUIPMENT, SU, 1618.55; ENVIRONMENTAL SYSTEM, SE, 250.00; EXLINE, SE, 24450.27; FASTENAL CO, SU, 312.43; FIRST CONCORD GROUP, SE, 2985.30; FLOOR MAINTENANCE, SU, 283.32; GALE GROUP, SU, 129.56; GERHOLD CONCRETE, SU, 3694.38; HACH COMPANY, SU, 176.09; HAUFF MID-AMERICAN SPORTS, SU, 86.00; HAWKINS, INC, SU, 501.81; CITY EMPLOYEE, RE, 89.94; HELENA CHEMICAL, SU, 59.50; HTM SALES, SE, 1845.00; HYDRO TECH, SU, 221.00; ICMA, SE, 12503.99; IRS, TX, 47827.15; JANWAY COMPANY, SU, 217.62; JEO CONSULTING GROUP, SE, 33087.00; JWC ENVIRONMENTAL, SE, 4500.00; CITY EMPLOYEE, RE, 52.26; KATHOL TURF, SU, 1647.50; KAUP FORAGE, SU, 400.00; KAY PARK REC CORP, SU, 4753.60; KELBY HERMAN, RE, 1200.00; KELLY SUPPLY COMPANY, SU, 64.86; KEPKO ENGRAVING, SU, 13.91; KRIZ-DAVIS, SU, 756.51; LAUREL SUMMER RECREATION, FE, 200.00; LOGAN VALLEY FOOTBALL, FE, 100.00; CITY EMPLOYEE, RE, 55.62; LOUIS BENSCOTER, RE, 5384.29; MAIN STREET AUTO CARE, SE, 300.00; MUNICIPAL SUPPLY, SU, 1206.51; MZRB LLC, RE, 2884.00; NNEDD, SE, 1654.25; NE DEPT OF LABOR, SE, 140.00; NE DEPT OF REVENUE, TX, 6886.24; NE LIBRARY ASSOC., SU, 9.60; NE PUBLIC HEALTH, SE, 413.00; NEBRASKA COMMUNITY FOUND., RE, 100.00; NEBRASKA RECYCLES, SE, 1830.80; NEBRASKA SPORTS, SU, 300.00; NNPPD, SE, 19526.53; NOVA HEALTH EQUIPMENT, SU, 7909.08; OLSSON ASSOCIATES, SE, 688.75; OTTE CONSTRUCTION CO, SE, 41790.00; PITNEY BOWES, SE, 1501.71; ROBERT WOehler & SONS, SE, 149938.49; ROSE EQUIPMENT, SU, 2857.03; SKARSHAUG TESTING LAB, SU, 141.30; STADIUM SPORTING GOODS, SU, 323.00; STATE NEBRASKA BANK, RE, 357.37; THE MAX AGAIN, SU, 13.21; TOM'S BODY & PAINT SHOP, SE, 30.00; TROY YOUNG, SE, 200.00; UNITED RENTALS, SE, 105.30; UNITED WAY, RE, 12.00; US BANK, SU, 5290.59; VAKOC BUILDER'S RESOURCE, SU, 92.16; VAN DIEST SUPPLY, SU, 312.00; VERIZON, SE, 99.33; WATER ENVIRONMENT FED., FE, 124.00; WAYNE COMMUNITY SCHOOLS, RE, 2695.50; WAYNE COUNTY COURT, RE, 150.00; WAYNE HOSPITALITY, RE, 20014.65; WESCO, SU, 674.10; WEST POINT REC, FE, 160.00; WINDOM RIDGE, RE, 4682.95; WISNER REC, FE, 150.00; CITY EMPLOYEE, RE, 60.88; ZACH HEATING & COOLING, SE, 3469.50; APPEARA, SE, 193.87; BSN SPORTS, SU, 193.57; CHARTWELLS, SE, 6662.40; CITY OF WAKEFIELD, SU, 1700.00; CLEAN TO A T, SE, 420.00; COPY WRITE, SE, 737.26; DANKO EMERGENCY EQUIPMENT, SU, 1411.49; DAVE'S DRY CLEANING, SE, 87.00; DEMCO, SU, 455.04; CITY EMPLOYEE, RE, 332.92; EAKES OFFICE PLUS, SE, 167.62; EASYPERMIT POSTAGE, SU, 1806.97; ELECTRONIC ENGINEERING, SU, 1158.50; FREDRICKSON OIL, SE, 14.00; GALE GROUP, SU, 16.00; GROSSENBURG IMPLEMENT, SU, 2090.64; GUARANTEE ROOFING, SE, 563.50; INGRAM BOOK CO, SU, 1134.85; JASON CAROLLO, SE, 145.00; MARCO INC, SE, 126.36; MIDWEST TAPE, SU, 305.92; MIRACLE LAWN CARE SERVICE, SE, 150.00; NE SAFETY COUNCIL, SE, 134.73; NORFOLK DAILY NEWS, SE, 179.46; NORTHEAST TIRE SERVICE, SE, 80.95; ONE CALL CONCEPTS, SE, 128.65; OVERDRIVE, INC., SU, 364.43; PAC N SAVE, SU, 283.28; PENGUIN RANDOM HOUSE, SU, 267.75; PLUNKETT'S PEST CONTROL, SE, 85.18; SKARSHAUG TESTING LAB INC, SE, 452.48; SHOPKO, SU, 344.21; STADIUM SPORTING GOODS, SU, 122.94; WAYNE COUNTY CLERK, SE, 176.00; WAYNE GROCERY, SU, 6.24; WAYNE HERALD, SE, 3816.82; WAYNE VETERINARY CLINIC, SE, 294.00; WESCO, SU, 311.50; WISNER WEST, SU, 61.01

FISCAL YEAR 15-16

AMERICAN BROADBAND, SE, 2499.26; AMY K. MILLER, SE, 5416.67; CITY EMPLOYEE, RE, 98.01; BLUE CROSS BLUE SHIELD, SE, 31074.72; CITY OF WAYNE, RE, 550.00; DEARBORN NATIONAL LIFE, SE, 120.40; EDM PUBLISHERS, SE, 99.49; ENGINEERED CONTROLS, SE, 1950.00; GILL HAULING, SE, 170.50; HOMETOWN

LEASING, SE, 412.86; JACK'S UNIFORMS, SU, 13.95; CITY EMPLOYEE, RE, 758.63; NE NEB INS AGENCY, SE, 77073.00; NE SALT & GRAIN, SU, 1828.20; REZURRECTED ROD & KUSTOM, RE, 50000.00; ROBERTSON IMPLEMENT, SU, 49.98; THE FARNER CO., SU, 7.54; TYLER TECHNOLOGIES, SU, 862.78; VAKOC BUILDER'S RESOURCE, SE, 2034.84; VIAERO, SE, 323.18; WASTE CONNECTIONS, SE, 140.80; WAED, RE, 7216.66; WAYNE KIWANIS, FE, 141.00; WESCO, SU, 218.28

Councilmember Eischeid made a motion, which was seconded by Councilmember Haase, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, 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. In addition, he advised the public that the Council would take public comments on agenda items 10, 11, 15 and 16.

Mayor Chamberlain proclaimed the week of October 8, 2015, as "Support Citizens with Intellectual Disabilities Week."

Zach Schank was present requesting Council consideration to allowing him to build a new fire ring on city owned property where the Girl Scout cabin is located for an Eagle Scout Project. In addition, he was asking that the City donate 1,000 city bricks for this project. The area or patio around the fire ring would be approximately 15' x 15." He plans to have the project completed by the middle of November.

Councilmember Muir asked Zach to take before and after pictures of the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the request of Zach Schank to build a new fire ring on city owned property where the Girl Scout Cabin is currently located for an Eagle Scout Project. Mayor Chamberlain

stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving Marilyn Quance and Chris Costa to the Library Board.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving the appointment of Marilyn Quance and Chris Costa to the Library Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the following people to the Comprehensive Plan Steering Committee:

Wayne Planning Commission
Wes Blecke – Executive Director Wayne Area Economic Development
Kari Wren – Wayne Community Housing Development Corporation
Matt Ley – Main Street Business/Main Street Committee Member
Lukas Rix – Main Street Business/Wayne Area Economic Development Board Member
Corby Schweers – Hwy 35 Business/Community Redevelopment Authority Member
Jon Meyer – Hwy 35 Business/Community Redevelopment Authority Member
Adam Severson – Hwy 35 Business
Marlen Chinn – Chief of Police
James Frank – Providence Medical Center CEO
Randy Larson – Wayne County Commissioner
Dr. Marysz Rames – Wayne State College President
Scott Hammer – School Board Member
Courtney Maas – Wayne Elementary School Teacher
Sydney McCorkindale – Wayne High School Grad/Wayne State College Student
Colby Keiser – Wayne High School Student
Hazel Hernandez – Hispanic Community Representative
Nancy Rodriguez – Hispanic Community Representative
Alex Wieland – Volunteer – Wayne High School Teacher
BJ Woehler – Volunteer – Local Business Owner
Lois Shelton – Volunteer – Former Wayne Mayor
Chad Sebade – Volunteer – Local Business Owner
Rick Gathje – Volunteer – Local Business Owner
Amy Schweers - Realtor

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving the appointment of the following persons to the Comprehensive Plan Steering Committee:

Wayne Planning Commission
Wes Blecke – Executive Director Wayne Area Economic Development
Kari Wren – Wayne Community Housing Development Corporation
Matt Ley – Main Street Business/Main Street Committee Member
Lukas Rix – Main Street Business/Wayne Area Economic Development Board Member
Corby Schweers – Hwy 35 Business/Community Redevelopment Authority Member
Jon Meyer – Hwy 35 Business/Community Redevelopment Authority Member
Adam Severson – Hwy 35 Business
Marlen Chinn – Chief of Police
James Frank – Providence Medical Center CEO
Randy Larson – Wayne County Commissioner
Dr. Marysz Rames – Wayne State College President
Scott Hammer – School Board Member
Courtney Maas – Wayne Elementary School Teacher
Sydney McCorkindale – Wayne High School Grad/Wayne State College Student
Colby Keiser – Wayne High School Student
Hazel Hernandez – Hispanic Community Representative
Nancy Rodriguez – Hispanic Community Representative
Alex Wieland – Volunteer – Wayne High School Teacher
BJ Woehler – Volunteer – Local Business Owner
Lois Shelton – Volunteer – Former Wayne Mayor
Chad Sebade – Volunteer – Local Business Owner
Rick Gathje – Volunteer – Local Business Owner
Amy Schweers - Realtor

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested two Councilmembers volunteer to serve on the Comprehensive Plan Steering Committee. He will also serve on this Committee. Councilmembers Muir, Karsky and Brodersen stated they would serve on the Committee.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving the appointment of Mayor Chamberlain and Councilmembers Muir, Karsky and Brodersen to the Comprehensive Plan Steering Committee. Mayor Chamberlain stated the

motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas on Main Celebration/Annual Parade of Lights to be held on Thursday, November 19, 2015.

Councilmember Brodersen introduced Resolution No. 2015-88 and moved for its approval; Councilmember Eischeid seconded.

RESOLUTION NO. 2015-88

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

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Irene Fletcher, representing Wayne Area Economic Development, Inc., was requesting Council consideration to prohibit parking on Main Street in the 200 block from 5:30 p.m. until 7:30 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 19th.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, approving the request of Wayne Area Economic Development to prohibit parking on Main Street in the 200 block from 5:30 p.m. until 7:30 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 19th. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Holly Torres, owner of the Torres Family Restaurant, made a request to have one-hour parking in front of her restaurant at 118 E. 2nd Street. Since one-hour parking was established in

front of the Mineshaft Mall, people who work in the Mineshaft Mall are now parking in front of her restaurant.

After discussion, Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, directing staff to prepare an ordinance for the next meeting which would establish one-hour parking from the east side of the alley on E. 2nd Street going east to Logan Street (in front of the Mineshaft Mall and the Torres Family Restaurant). Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Discussion took place on Ordinance 2015-42 which would establish 3-hour time limits on Main Street from First Street to Third Street. This was tabled from the September 1st meeting. This was brought forward at the request of the Revitalize Wayne Committee.

Councilmember Eischeid suggested letting the downtown Main Street Committee send out a letter to all of the downtown businesses asking for cooperation rather than passing an ordinance. This can be revisited at a later time if it's determined that a problem still exists.

Said Ordinance died for lack of a motion.

Tim Sutton, Electric Distribution Line Supervisor, presented the specifications he prepared for a 51' articulated telescopic aerial lift truck. This will replace a 30-year old unit on a 40-year old chassis. The old truck would be used by the Street Department or Electric Department in the case of an emergency. \$155,000 has been placed in the budget for this vehicle.

Councilmember Eischeid introduced Resolution No. 2015-89 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-89

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A NEW 51' ARTICULATED TELESCOPIC AERIAL LIFT TRUCK.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

The following Resolution would approve a lease agreement with the Nebraska Department of Roads for the use of the City's communication tower at 306 N. Pearl Street. The lease payment will be \$50 per month for the first year, and increasing at the rate of 3% per year thereafter.

Brian Kesting, Information Technology Specialist, was present to answer questions. NDOR wants to install wireless infrastructure on this tower to help control and monitor the traffic signals on the highway. It will use very little power.

Councilmember Muir introduced Resolution No. 2015-90 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2015-90

A RESOLUTION APPROVING LEASE AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS FOR USE OF THE CITY OF WAYNE'S COMMUNICATION TOWER AT 306 NORTH PEARL STREET.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Between 2000 and 2004, Senator Nelson and Congressman Bereuter secured Federal earmarked funds to establish a corridor and begin some initial work on an expressway between South Sioux City and Norfolk. About \$26 million was used by the Nebraska Department of Roads to build the west end of the expressway on the east side of Norfolk. About \$4 million remains. A Resolution was approved by the Highway 35 Association to use the remainder of the funds to begin a segment of the expressway connection on the east end. NDOR is asking the cities along Highway 35 for their approval of this use. The remaining funds have been dormant

and may be rescinded if not utilized. As a member of the Highway 35 Expressway Association, they are asking that we support the following:

- The buy out of \$4,606,108 of Federal earmarked funds in exchange for State cash at 90% rate.
- The City of South Sioux City shall be the recipient of the exchanged amount of \$4,145,497.
- The City of South Sioux City shall apply the \$4,145,497 to the connector road in Dakota County.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, approving the Highway 35 Resolution regarding the use of remaining Federal funds for the expressway and ask that those funds be given to South Sioux City for their use. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

A request has been received to purchase city bricks or pavers for \$.75 per brick rather than \$1.00 per brick, which was the selling price Council agreed upon at their meeting on June 18, 2013. We have only sold bricks one other time since this was approved back in 2013, and that person also requested and Council approved a sale price of \$.75 per brick.

Councilmember Muir made a motion, which was seconded by Councilmember Haase, approving the offer to purchase city pavers or bricks for \$.75 each. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Mayor Chamberlain stated that 1,000 bricks is the limit a person can purchase. 1,000 bricks does approximately a 15'x15' patio. We did have a person purchase some city bricks over that amount. When this limit was set, it was to prevent landscapers from coming in and purchasing all of the brick and then selling the same for a profit.

The original motion back in 2013 was to sell 20,000 city bricks to the residents in the zoning jurisdiction of Wayne, at \$1.00 a brick, with no more than 1,000 per customer, non-commercial.

Amy Miller stated she did not realize there was a 1,000 brick limit. She redid a patio/porch at her home and used 1,800 bricks.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, approving to increase the amount of City street bricks a person can purchase from 1,000 to 2,500. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Joel Hansen, Street Superintendent, stated a request came from Steve Harris Construction, the contractor on the Windom Street — East 3rd to East 7th Street project, for a temporary work stoppage order at the completion of Phase I. Mr. Hansen noted he was in favor of the work stoppage order.

The engineers on the project, Rich Robinson and Dan Sitorius of Kirkham Michael, were present to update and explain the progress of the project and the reason for this request. This federal aid project (80/20) originally started in 2010. Mr. Robinson advised the Council that Joel Hansen is the Responsible Charge person on the project. He has had extensive training in the past few years to become the “RC” who administers and makes decisions on the project.

The project was actually bid through the Department of Roads. The low bid on this contract was Steve Harris Construction Co. The start date on the project was August 3rd, with the completion date being June 1, 2016. Liquidated damages are \$1,655 per day. The contractor is requesting that the project be suspended for winter at the conclusion of the Phase 1 work. All projections are assuming that Phase 1 will be completed by October 30, 2015, and Phase 2 will begin March 15, 2016, or when weather allows. Kirkham Michael supports the temporary winter suspension. Phase 1 starts at the south end of E. 3rd Street and goes through the intersection of 4th Street. Phase 2 will go from 4th Street to 7th Street.

Councilmember Eischeid made a motion, which was seconded by Councilmember Haase, approving the request of Steve Harris Construction for a temporary work stoppage order on the

Windom Street – East 3rd to East 7th Street Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Mr. Robinson continued with the updated cost changes on the project. The original contract amount was \$965,643.30. Some items have been necessitated on some underground utilities. There are a few minor items that the City wanted to change or requested to add. There is \$37,399.16 in agreed upon cost changes. There is also pending cost changes of \$18,698.00, which are items that are still under review. Given those amounts, there are some minor deductions that have taken place on the contract of \$6,900. The grand total of potential cost changes to date is \$49,197.16, which is about 5.1% of the contract price.

No one was present from JEO Consulting Group to update the Council on the aquatic center project agenda item.

JEO Consulting Group, Inc., presented Application for Payment No. 1 for the “2015 Water Storage Tank Rehabilitation Project” for \$173,850 to Champion Coatings, Inc. They have found the work to date completed in accordance with the plans and specifications, and therefore, recommended approval of the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving Application for Payment No. 1 for \$173,850 to Champion Coatings, Inc. for the “2015 Water Storage Tank Rehabilitation Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Application for Payment No. 1 for the “2015 Wastewater Treatment Facility Improvement Project” for \$21,870 to Eriksen Construction. They have found the work to date completed in accordance with the plans and specifications, and therefore, recommended approval of the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving Application for Payment No. 1 for \$21,870 to Eriksen Construction for the “2015 Wastewater Treatment Facility Improvement Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Application for Payment No. 2 for the “2015 Wastewater Treatment Facility Improvement Project” for \$149,175 to Eriksen Construction. They have found the work to date completed in accordance with the plans and specifications, and therefore, recommended approval of the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving Application for Payment No. 2 for \$149,175 to Eriksen Construction for the “2015 Wastewater Treatment Facility Improvement Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc., presented Application for Payment No. 3 for the “2016 Wayne Aquatic Center Project” for \$110,819.84 to Christiansen Construction Co., LLC. They have found the work to date completed in accordance with the plans and specifications, and therefore, recommended approval of the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Brodersen, approving Application for Payment No. 3 for \$110,819.84 Christiansen Construction Co., LLC, for the “2016 Wayne Aquatic Center Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

Mayor Chamberlain stated that the Wayne Community Redevelopment Authority is requesting Council consideration to transferring the unallocated portion of the 1.85% of electric revenues dedicated to economic development to the Wayne Community Redevelopment

Authority for their use. As electric rates increased, as well as usage over the years, and because WAED has not increased their asking from this fund, there is approximately \$54,930.88 left in this account. That has all created a reserve that the CRA Board is suggesting be used for business incentives and site development and acquisition. This money is earmarked for economic development.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving the request of the Community Redevelopment Authority for Council consideration in transferring the unallocated portion of that amount (\$54,930.88). Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers, the Mayor declared the motion carried.

Bryce Meyer, Recreation Director, and Brian Kesting, Information Technology Specialist, were present to answer questions regarding the Council's goal to move forward with 24-hour fitness at the Community Activity Center. This will be funded through the CAC Construction Fund. There is approximately \$205,633 in this fund.

Mr. Meyer thought usage would be from 10:00 p.m. to midnight. Staff was directed to begin taking photos of the members which is part of or a feature of the current scanning system. There would be an additional card and charge for those that want to have access to 24-hour fitness.

Mayor Chamberlain stated there are three other rec or fitness facilities in Wayne and this would set the City's apart from the others.

Councilmember Eischeid made a motion, which was seconded by Councilmember Greve, to move forward with 24-hour fitness at the Community Activity Center. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried.

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

call being all Yeas, with the exception of Councilmembers Giese and Sievers who were absent, the Mayor declared the motion carried and the meeting adjourned at 7:17 p.m.

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CLAIMS LISTING OCTOBER 20, 2015

FISCAL YEAR 2014-2015

A-1 TEXTILES	TOWELS	346.99
ARC-HEALTH & SAFETY	CPR CLASS	171.00
BAKER & TAYLOR BOOKS	BOOKS	751.77
BOMGAARS	BOOTS/OVERALLS/FASTENERS/BATTERY ETC	1,170.95
BROWN SUPPLY CO	VALVES FOR WINDOM STREET	2,407.02
CARHART LUMBER COMPANY	BRASS HINGE/MASONRY WHEEL	77.31
CERTIFIED TESTING SERVICE	AQUATIC CENTER/WATER SYSTEM IMPROVEMENT	529.50
ENGINEERED CONTROLS, INC	REPAIR FIRE RELAY	384.00
FLOOR MAINTENANCE	NAPKINS/GLOVES/CUPS/SCRUB PADS	150.85
GERHOLD CONCRETE CO INC.	CONCRETE	644.00
HAWKINS, INC	AZONE/BALL VALVE	805.51
HD SUPPLY WATERWORKS, LTD	WATER METERS	2,292.98
KRIZ-DAVIS COMPANY	TRANSFORMERS	19,952.29
KTCH AM/FM RADIO	RADIO ADS	1,091.12
LUTT OIL	GASOLINE	4,549.66
MIDWEST LABORATORIES, INC	BOD TESTING	1,176.50
NEBR PUBLIC POWER DIST	ELECTRICITY	362,635.06
NE SAFETY COUNCIL	SAFETY VIDEO SHIPPING CHARGES	18.54
PROVIDENCE MEDICAL CENTER	POLICE SERVICES	61.00
S & S WILLERS, INC.	GRAVEL	1,725.00
SPARKLING KLEAN	SEPTEMBER AUDITORIUM CLEANING	700.00
STADIUM SPORTING GOODS	WSC PROMOTIONS	1,659.40
STAPLES ADVANTAGE	OFFICE SUPPLIES	288.44
TYLER TECHNOLOGIES	INSITE TRANSACTION FEE	667.50
US BANK	LODGING/MEAL/MEMORY MODULE/BULBS	2,191.71
VAKOC BUILDER'S RESOURCE	EAST PARK SHELTER SOFFIT	405.98
WAYNE AUTO PARTS	WIPER BLADES/FILTERS/BULBS/CLEANER	275.68
WESCO DISTRIBUTION INC	GLOVES	293.18
WESTERN AREA POWER ADMIN	ELECTRICITY	20,388.01

FISCAL YEAR 2015-2016

2015 FAITH REGIONAL	PRE EMPLOYMENT TESTING	60.00
AMERICAN LIBRARY ASSOC	MEMBERSHIP DUES	209.00
AMERICAN RED CROSS	PAYROLL DEDUCTIONS	19.62
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,440.71
APPEARA	LINEN & MAT SERVICE	176.94
CITY EMPLOYEE	HEALTH REIMBURSEMENT	440.14
CITY EMPLOYEE	HEALTH REIMBURSEMENT	168.08
CENTURION TECHNOLOGIES	SMART SHIELD ANNUAL MAINTENANCE	76.00
CHAMPION COATINGS INC	WATER STORAGE TANK REHAB	173,850.00
CHEMQUEST, INC.	QUARTERLY TESTING	595.00
CHRISTIANSEN CONSTRUCTION	AQUATIC CENTER	110,819.84
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	100.00

CITY OF WAYNE	FOOTBALL REFS	625.00
CITY OF WAYNE	PAYROLL	63,340.87
CITY OF WAYNE	UTILITY REFUNDS	603.15
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	4.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,637.38
CREATIVE DISPLAYS, INC	CHRISTMAS DECORATION LIGHTS	248.35
DGR & ASSOCIATES CO	ELECTRIC SYSTEM STUDY	6,175.11
ECHO GROUP INC JESCO	THERMAL EQUALIZER	692.05
CITY EMPLOYEE	HEALTH REIMBURSEMENT	198.41
ELECTRIC PUMP	PROXIMITY SENSOR	748.63
ELECTRONIC ENGINEERING CO	LABOR ON REPEATER	515.00
EMPLOYERS MUTUAL CASUALTY	WORK COMP	294.69
ERIKSEN CONSTRUCTION CO	WWTP	171,045.00
ERNEST E PING	GRIND STUMPS	392.00
FLOOR MAINTENANCE	HUCK TOWELS	74.74
CITY EMPLOYEE	HEALTH REIMBURSEMENT	722.08
CITY EMPLOYEE	HEALTH REIMBURSEMENT	285.14
GARY BOEHLE	SIDEWALK COST SHARE	69.75
GERHOLD CONCRETE CO INC.	FILL SAND/CONCRETE	455.59
GREG MOSELY	BACKFLOW PREVENTOR	300.00
HAWKINS, INC	AZONE	96.55
IAEI	MEMBERSHIP RENEWAL-BREITKREUTZ	120.00
IAEI	MEMBERSHIP-C SCHROEDER	102.00
ICMA RETIREMENT	ICMA RETIREMENT	6,124.29
INTERSTATE ALL BATTERY	BATTERY	188.94
IRS	FEDERAL WITHHOLDING	23,155.28
KELLY SUPPLY COMPANY	PLASTIC PIPE	153.22
KRIZ-DAVIS COMPANY	LED BULBS	5,017.32
LEAGUE OF NEBRASKA	ANNUAL CONFERENCE	1,407.00
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	119.96
CITY EMPLOYEE	CLOTHING/HEALTH REIMBURSEMENT	239.00
NE CODE OFFICIAL	REG-J HANSEN	130.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,294.92
NORTHWEST ELECTRIC LLC	AC MOTOR	162.97
PUSH-PEDAL-PULL	REPLACE STOP BUTTON	154.70
ROGER SCHWANKE	ENERGY INCENTIVE	317.40
CITY EMPLOYEE	VISION REIMBURSEMENT	124.70
SALT CREEK SOFTWARE, INC.	LOAD CONTROL	735.32
SPARKLING KLEAN	JANITORIAL SERVICES	2,474.83
STATE NEBRASKA BANK	ACH FEE	66.72
SUTTON, TIM	SIDEWALK COST SHARE	40.50
UNITED WAY	PAYROLL DEDUCTIONS	6.00
VAN DIEST SUPPLY	HERBICIDE	20.83
VIAERO	CELL PHONES	132.17
W.T. COX SUBSCRIPTIONS	MAGAZINE SUBSCRIPTIONS	1,768.14
WAYNE COUNTY COURT	BOND	300.00
WATCHGUARD VIDEO	WARRENTY/SOFTWARE PROTECT 15-19	4,000.00
WESCO DISTRIBUTION INC	BOX PAD/HARD HATS	824.97

OK Cary

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

APPLICATION FOR MEMBERSHIP

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

Name Dylan Ellis Address 57413 849 Rd
Phone Number 402 369 3560 Social Security # _____
Driver's License Number and Issuing State H1348592 NE
Employer E Kberg Auto Salvage Occupation Yard worker
How long have you been employed by your present employer? 1 week
Previous Employer and Address Great Dane Trailers 1700 Centennial Rd

Have you previously been a member of a Fire Department? Yes
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. Kearney Volunteer Fire Department Explorer / cadet

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

NO

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? Yes
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? Yes
- Have you read the Bylaws of the Department, and do you understand them? Yes Do you agree to abide by them? Yes
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Dylan Ellis Date 8-28-15

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

Applicant's Signature Dylan Ellis Date 8-28-15

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

Cary Koeller Michael

Secretary's Signature Thomas R. Schmitz Date 10-6-15

Chief's Signature Philipp M. Maul Date 10-6-2015

.....
Council approved on _____ certified by City Clerk _____

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RESOLUTION NO. 2015-91

WHEREAS, Miss Molly's Coffee Company, LLC, d/b/a "Miss Molly's," made application to the Nebraska Liquor Control Commission for a Retail Class C Liquor License at 203 Main Street, 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 October 8, 2015; and

WHEREAS, a hearing was held on October 20, 2015, 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 20th day of October, 2015.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST - 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

RECEIVED		RECEIVED	
AUG 26 2015		AUG 26 2015	
NEBRASKA LIQUOR CONTROL COMMISSION		NEBRASKA LIQUOR CONTROL COMMISSION	
Hot List: YES <input type="radio"/> NO <input checked="" type="radio"/>		New/Replacing #	
Class Type	C	114757	Initial <u>JM</u> <u>BH</u>

Applicant name Miss Molly's Coffee Company, LLC
 Trade name Miss Molly's
 Previous trade name —
 Contact email address melodee@missmollyscoffee.com

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the state.

Office use only PAYMENT TYPE <u>CK 3547</u> AMOUNT: <u>\$400.00</u> Received: <u>JM</u>	 1500020660	FORM 100 REV FEB 2015 RECEIVED <u>10/0</u>
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AUG 8 6

REQUIRED ATTACHMENTS

NEBRASKA LIQUOR CONTROL COMMISSION

Each item must be checked and included with application or marked N/A (not applicable)

- 1. Fingerprints are required for each person as defined in new application guide, found on our website under "Licensing Tab" in "Guidelines/Brochures". See Form 147 for further information, this form MUST be included with your application.
- 2. Enclose application fee of \$400, check made payable to the Nebraska Liquor Control Commission.
- 3. Enclose the appropriate application forms;
 - 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)
- 4. ~~N/A~~ If building is being leased send a copy of signed lease. Be sure the lease reads in the name of the individual(s), corporation or Limited Liability Company making application. Lease term must run through the license year being applied for.
- 5. ~~N/A~~ If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.
- 6. ~~N/A~~ If buying the business of a current liquor license holder:
 - a. Provide a copy of the purchase agreement from the seller (must read applicants name).
 - b. Provide a copy of alcohol inventory being purchased (must include brand names and container size)
 - c. Enclose a list of the assets being purchased (furniture, fixtures and equipment).
- 7. ~~N/A~~ If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP)(form 125).
- 8. ~~N/A~~ Enclose a list of any inventory or property owned by other parties that are on the premise.
- 9. For citizenship enclose U.S. birth certificate; U.S. passport or naturalization paper
 - a. For residency enclose proof of registered voter in Nebraska
 - b. See guideline for further assistance <http://www.lcc.nebraska.gov/brochures.html>
- 10. Corporation or Limited Liability Company must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office. This document must show barcode.
- 11. Submit a copy of your business plan.

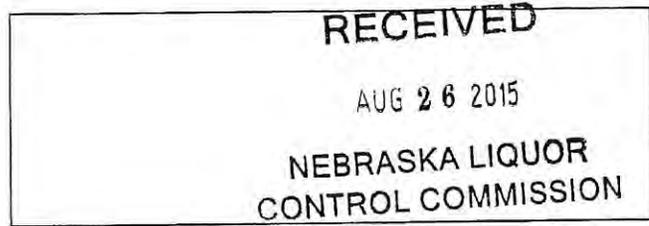
I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.

Melodie A. Green to
Signature

5-22-15
Date

**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/



**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

- 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 Kyle C. Dahl Phone number: 402-833-1529
Firm Name Dahl Law Offices, L.L.C.

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PREMISE INFORMATION

NEBRASKA LIQUOR
CONTROL COMMISSION

Trade Name (doing business as) Miss Molly's

Street Address #1 203 Main Street

Street Address #2 _____

City Wayne County Wayne Zip Code 68787

Premise Telephone number 402-833-1287

Business e-mail address mclodee@missmollyscoffee.com

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

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

Name Miss Molly's

Street Address #1 203 Main Street

Street Address #2 _____

City Wayne State NE Zip Code 68787

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.

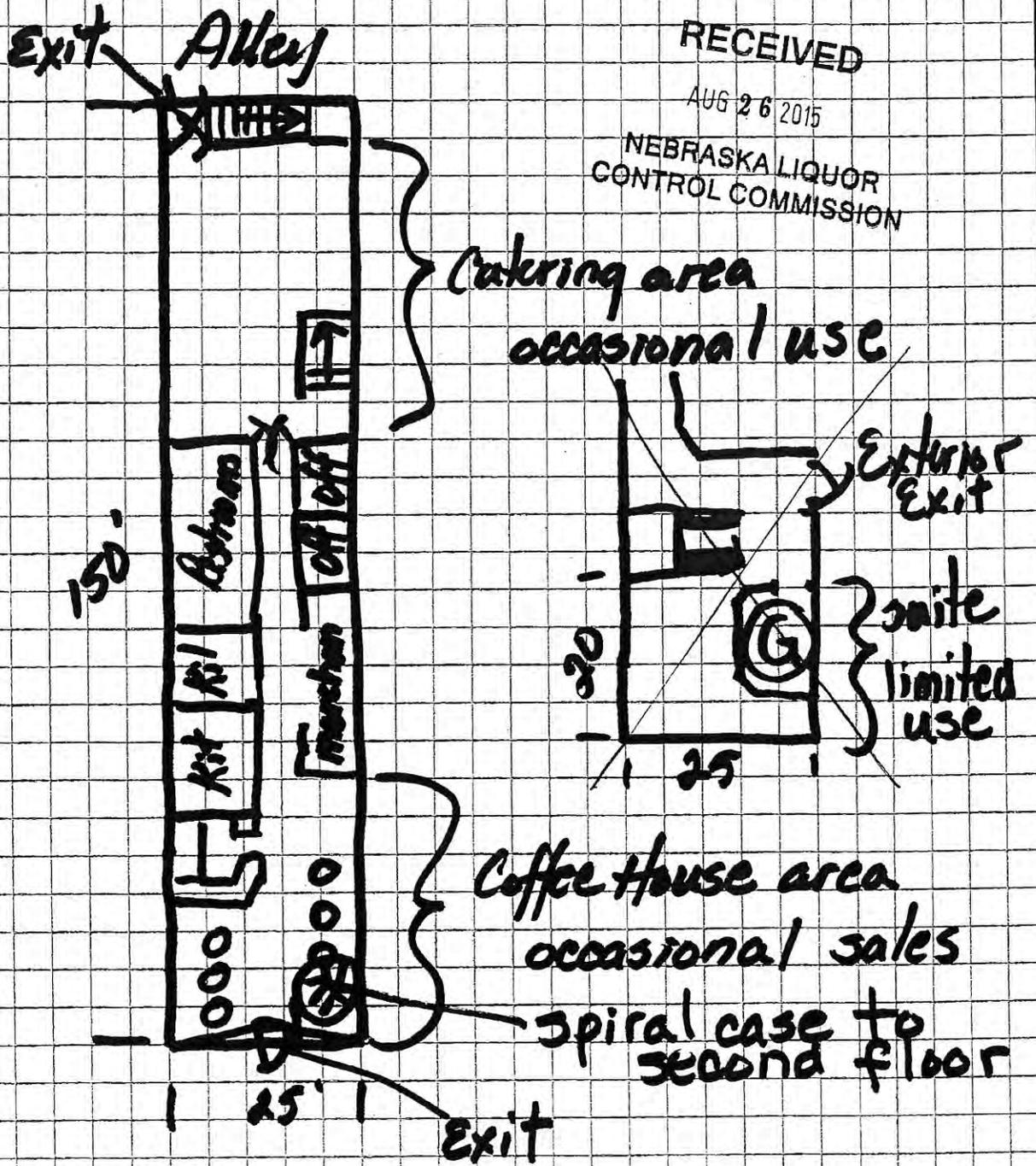
**For on premise consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 150 x width 25 in feet
Is there a basement? Yes No If yes, length 148 x width 24 in feet
Is there an outdoor area? Yes No If yes, length x width in feet

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

Miss Molly's
203 Main Wayne, NE

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AUG 26 2015
NEBRASKA LIQUOR
CONTROL COMMISSION



Main Street

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

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. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

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YES NO
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. 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

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 (TOP) to operate during the application process?

YES NO

If yes:
 a) Attach temporary operating permit (TOP) (form 125)
 b) TOP 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) _____

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

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.

State National Nebraska Bank Molly Temme Melodee Yoants

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

Training

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

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
		RECEIVED

For list of NLCC certified training programs see: www.lcc.ne.gov/traininginfo.html

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Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
		NEBRASKA LIQUOR CONTROL COMMISSION

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 12.31.2018
 Deed
 Purchase Agreement

14. When do you intend to open for business? June 2015 - for wine sale

15. What will be the main nature of business? Coffee House - adding winebar

16. What are the anticipated hours of operation? Wed thru Sat. evening 7-10pm

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
Melodee A Counts Wayne, NE	2010	current	Richard A Counts Wayne, NE	2013	current
Auburn, WA	2008	2010	Ebensburg, PA	2010	2013
Marengo, OH	2001	2008	Auburn, WA	2008	2010
			Marengo, OH	2001	2008

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). See guideline for required signatures <http://www.lcc.ne.gov/pdfs/New%20Application%20Guideline.pdf>

[Signature]
Signature of Applicant

John Temme
Print Name

[Signature]
Signature of Applicant

Molly Ann Temme
Print Name

Signature of Spouse **RECEIVED**

AUG 26 2015

Print Name **NEBRASKA LIQUOR CONTROL COMMISSION**

Signature of Spouse

Print Name

ACKNOWLEDGEMENT

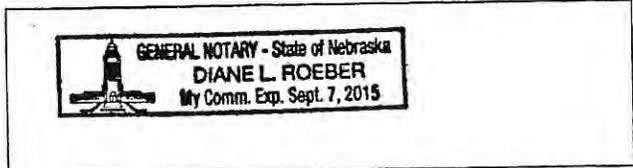
State of Nebraska
County of Wayne

The foregoing instrument was acknowledged before me this

July 6, 2015
date

by John Temme and Molly Ann Temme
name of person(S) acknowledged (individual(s) signing)

[Signature]
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.

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). See guideline for required signatures <http://www.lcc.ne.gov/pdfs/New%20Application%20Guideline.pdf>

Melodee A. Younts
Signature of Applicant

Melodee A. Younts
Print Name

[Signature]
Signature of Applicant

Richard C. Younts
Print Name

[Signature]
Signature of Spouse

Richard C. Younts
Print Name

Melodee A. Younts
Signature of Spouse

Melodee A. Younts
Print Name

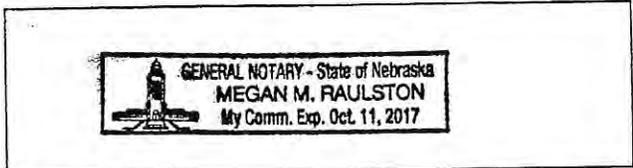
ACKNOWLEDGEMENT

State of Nebraska
County of Wayne

July 6, 2015
date

Megan M. Raulston
Notary Public signature

The foregoing instrument was acknowledged before me this
by Melodee A. Younts and Richard C. Younts
name of person(S) acknowledged (individual(s) signing)



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.

RECEIVED
AUG 26 2015
NEBRASKA LIQUOR CONTROL COMMISSION
FORM 100
REV MAR 2015
PAGE 8

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

Office Use

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.nebraska.gov

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. See Form 147 for further information, this form MUST be included with your application.
- 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 (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Kyle C Dahl, Esq.

Name of Limited Liability Company that will hold license as listed on the Articles of Organization
Miss Molly's Coffee Company, LLC

LLC Address: 203 Main Street

City: Wayne State: NE Zip Code: 68787

LLC Phone Number: 402-833-1287 LLC Fax Number 402-833-1530

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Younts First Name: Melodee MI: A

Home Address: 57592 849 Road City: Wayne

State: NE Zip Code: 68787 Home Phone Number: 402-518-0101

Melodee A Younts
Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska Wayne
County of

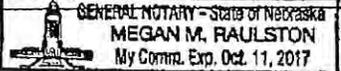
The foregoing instrument was acknowledged before me this

Date 9/23/2015

by Melodee A. Younts
name of person acknowledge

Megan M. Raulston

Affix Seal

 <p>GENERAL NOTARY - State of Nebraska MEGAN M. RAULSTON My Comm. Exp. Oct. 11, 2017</p>
--

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

Last Name: Younts First Name: Melodee MI: A
 Social Security Number: _____ Date of Birth: 9-21-50
 Spouse Full Name (indicate N/A if single): Richard C Younts
 Spouse Social Security Number: _____ Date of Birth: 5-3-50
 Percentage of member ownership 52%

Last Name: Younts First Name: Richard MI: C
 Social Security Number: _____ Date of Birth: 5-3-50
 Spouse Full Name (indicate N/A if single): Melodee A Younts
 Spouse Social Security Number: _____ Date of Birth: 9-21-50
 Percentage of member ownership 24%

Last Name: Temme First Name: Molly MI: A
 Social Security Number: _____ Date of Birth: 11-28-85
 Spouse Full Name (indicate N/A if single): John F. Temme
 Spouse Social Security Number: _____ Date of Birth: 8-20-86
 Percentage of member ownership 12%

Last Name: Temme First Name: John MI: F
 Social Security Number: _____ Date of Birth: 8-20-86
 Spouse Full Name (indicate N/A if single): Molly A. Temme
 Spouse Social Security Number: _____ Date of Birth: 11-28-85
 Percentage of member ownership 12%

RECEIVED

AUG 26 2015

NEBRASKA LIQUOR CONTROL COMMISSION

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
 AUG 26 2015
 NEBRASKA LIQUOR
 CONTROL COMMISSION

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.

Nebraska Secretary of State

MISS MOLLY'S COFFEE COMPANY, LLC

Thu Sep 24 15:29:14 2015

SOS Account Number

10153048

Status

Active

Principal Office Address

203 MAIN STREET

WAYNE, NE 68787

Registered Agent and Office Address

KYLE C. DAHL

203 MAIN STREET, SUITE A

P.O. BOX 327

WAYNE, NE 68787

Designated Office Address

203 MAIN STREET

WAYNE, NE 68787

Nature of Business

Not Available

Entity Type

Domestic LLC

Qualifying State: NE

Date Filed

Oct 03 2011

Filed Documents

Filed documents for MISS MOLLY'S COFFEE COMPANY, LLC may be available for purchase and downloading by selecting the Purchase Now button. Your Nebraska.gov account will be charged the indicated amount for each item you view. If no Purchase Now button appears, please contact Secretary of State's office to request document(s).

Code	Document	Date Filed	Price	
CRT0	Certificate of Organization	Oct 03 2011	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now (corpsearch.cgi?document-number=1001078805)
PP	Proof of Publication	Sep 20 2012	\$0.45 = 1 page(s) @ \$0.45 per page	Purchase Now (corpsearch.cgi?document-number=1001158828)

CERTIFICATE OF ORGANIZATION
OF

MISS MOLLY'S COFFEE COMPANY, LLC

NE Sec of State John R Gale - CORP CRTD
1001078805 Pgs: 1
MISS MOLLY'S COFFEE COMPANY, L
Filed: 10/03/2011 04:22 PM

The undersigned, desiring to form a limited liability company for the purposes hereinafter set forth, under and in conformity with the laws of the State of Nebraska, do hereby make this written certificate in duplicate and hereby verify:

1. **Name.** The name of the company shall be Miss Molly's Coffee Company, LLC.
2. **Designated Office.** The initial designated office of the address of the company is 203 Main Street, Wayne, NE 68787.
3. **Registered Agent.** The name and address of the registered agent in the State of Nebraska is: Kyle C. Dahl, 218 Main Street, P.O. Box 427, Wayne, NE 68787.

In Witness Whereof, the undersigned has executed this Certificate of Organization this 27th day of September, 2011.

By Kyle Dahl
Authorized Person

Name: Kyle C. Dahl, Organizer

RECEIVED
AUG 26 2015
NEBRASKA LIQUOR
CONTROL COMMISSION

**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.nebraska.gov

Office Use

MUST BE:

- ✓ **Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport**
- ✓ **Nebraska resident. Include copy of voter registration in the State of Nebraska**
- ✓ **Fingerprinted. See Form 147 for further information, this form **MUST** be included with your application.**
- ✓ **21 years of age or older**

Corporation/LLC information

Name of Corporation/LLC: Miss Molly's Coffee Company

Premise information

Liquor License Number: _____ Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: Miss Molly's

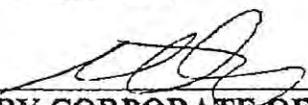
Premise Street Address: 203 Main St.

City: Wayne County: Wayne Zip Code: 68787

Premise Phone Number: 402-833-1287

Email address: missmollyscoffee@gmail.com

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 REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Temme First Name: Molly Ann MI: _____

Home Address (include PO Box if applicable): 203 1/2 Main St.

City: Wayne County: Wayne Zip Code: 68787

Home Phone Number: 402-518-1985 Business Phone Number: 402-833-1287 NE

Social Security Number: _____ Drivers License Number & State: H13516805

Date Of Birth: 11-28-85 Place Of Birth: Lancaster, PA

Email address: missmollyscoffee@gmail.com

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: Temme First Name: John MI: F

Social Security Number: _____ Drivers License Number & State: H12849239

Date Of Birth: 10-20-86 Place Of Birth: Wayne, NE

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

APPLICANT SPOUSE

Previously submitted

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	YEAR TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER

N/A Self-employed

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 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.

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(s):

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. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: _____ Name on Certificate: _____

Training

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

*For list of NLCC Certified Training Programs see www.lcc.ne.gov/traininginfo.html

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

5. Have you enclosed Form 147 regarding fingerprints?

YES NO

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.



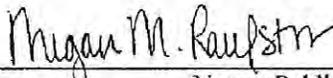
Signature of Manager Applicant



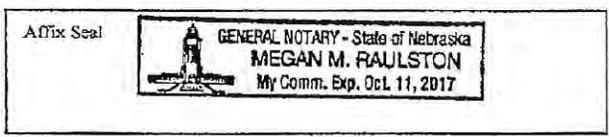
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Wayne The foregoing instrument was acknowledged before me this
9/23/2015 date by Molly Temme and John Temme
name of person acknowledged



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.

ORDINANCE NO. 2015-44

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78, ARTICLE III, SECTION 78-134 RELATING TO PARKING TIME LIMITS OF 15 MINUTES, 30 MINUTES, AND 1 HOUR; LOCATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 78, Article III, Section 78-134 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

78-134 Parking time limits of 15 minutes, 30 minutes, and 1 hour; location

- (a) No person shall, at any time, park a vehicle between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for more than 1 hour upon the following locations:
1. The west side of Pearl Street from 140 feet 8 inches south of the centerline of West 3rd Street to 200 feet 8 inches south of the centerline of West 3rd Street.
 2. The north side of East 2nd Street from ~~130 feet west of the centerline of the west side of the centerline~~ of Logan Street to 173 feet west of the centerline of Logan Street.
 3. The east side of Pearl Street from 74 feet north of the centerline of West 3rd Street to
 4. 134 feet north of the centerline of West 3rd Street.
- (b) No person shall, at any time, park a vehicle between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for more than 15 minutes upon the following locations:
1. The west side of Pearl Street from 40 feet north of the centerline of West 3rd Street to 129 feet north of the centerline of West 3rd Street.
- (c) Appropriate signs shall be placed to advise the public of these restricted parking regulations.

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

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

PASSED AND APPROVED this _____ day of _____, 2015.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2015-92

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF A SERVICE/CONSULTANT AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) FOR THE GENERAL ADMINISTRATION OF THE COMPREHENSIVE INVESTMENT AND STABILIZATION GRANT (13-CIS-106)

WHEREAS, the City of Wayne wishes to enter into a Service/Consultant Agreement with NNEDD for the general administration of the Comprehensive Investment and Stabilization Grant (this would be for year 2 of a 3-year grant); and

WHEREAS, the City of Wayne agrees to compensate NNEDD a sum of not to exceed \$13,000 to complete the General Administration Scope of Work for said grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that the City enter into a Service/Consultant Agreement with NNEDD for the general administration of the Comprehensive Investment and Stabilization Grant, that the terms and conditions, as contained in the Agreement with NNEDD, are hereby approved, and that the Mayor is hereby authorized to execute said Agreement.

PASSED AND APPROVED this 20th day of October, 2015

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT
SERVICE/CONSULTANT AGREEMENT
FOR GENERAL ADMINISTRATION**

THIS AGREEMENT made and entered into by and between the City of Wayne, Nebraska, hereinafter referred to as the City and the Northeast Nebraska Economic Development District, hereinafter referred to as the Consultant.

WITNESSES THAT:

WHEREAS, the City and the Consultant are desirous of entering into a contract to formalize their relationship, and

WHEREAS, pursuant to Title I of the Housing and Community Development Act of 1974, as amended through 1981, the State of Nebraska Department of Economic Development (DED) is authorized by the federal Department of Housing and Urban Development (HUD) to provide Community Development Block Grant Program funds (hereinafter referred to as CDBG funds) to units of local government selected to undertake and carry out certain programs and projects under the Nebraska State Community Development Block Grant Program in compliance with all applicable local, state and federal laws, regulations and policies, and

WHEREAS, the City has been notified of CDBG funds reservation as a result of CDBG application 14-CIS-006 for the purposes set forth herein, and

WHEREAS, the Scope of Work included in this contract is authorized as part of the City's approved CDBG program, and

WHEREAS, it would be beneficial to the City to utilize the Consultant as an independent entity to accomplish the Scope of Work set forth herein and such endeavor would tend to best accomplish the objectives of the local CDBG program.

NOW, THEREFORE, in consideration of the mutual promises, covenants and provisions contained herein and the mutual benefits to be derived there from, the parties hereto agree as follows:

1. Services to be Provided by the Parties

- a. The Consultant shall complete in a satisfactory and proper manner as determined by the City the work activities described in the Scope of Work (Attachment #1 to the contract).
- b. The City will provide such assistance and guidance as may be required to support the objectives set forth in the Scope of Work and will provide compensation for services as set forth in Section 3 below.

2. Time of Performance

The effective date of this contract shall be the date on the written notice of approval from DED. The termination date of the contract shall be the date of the Certificate of Completion letter from DED.

3. Consideration

The City shall reimburse the Consultant for all allowable expenses agreed upon by the parties to complete the Scope of Work. In no event shall the total amount reimbursed by the City exceed the sum of \$13,000. Reimbursement under this contract shall be based on monthly billings, supported by appropriate documentation. It is expressly understood that claims for reimbursement shall not be submitted in excess of actual, immediate cash requirements necessary to carry out the purposes of this agreement.

performed to the satisfaction of the City, in accordance with the percentage of the work completed.

- b. **Termination for Cause:** If the Consultant fails to comply with the terms and conditions of this contract and any of the following conditions exist:
- 1) The lack of compliance with the provisions of this contract are of such scope and nature that the City deems continuation of the contract to be substantially detrimental to the interests of the City.
 - 2) The consultant has failed to take satisfactory action as directed by the City or its authorized representative within the time specified by same.
 - 3) The consultant has failed within the time specified by the City or its authorized representative to satisfactorily substantiate its compliance with the terms and conditions of this contract; then, the City may terminate this contract in whole or in part, and thereupon shall notify the Consultant of the termination, the reasons therefore, and the effective date provided such effective date shall not be prior to notification of the Consultant. After this effective date, no charges incurred under any terminated portions are allowable.
- c. **Termination for Other Grounds:** This contract may also be terminated in whole or in part:
- 1) By the City, with the consent of the Consultant, or by the Consultant with the consent of the City, in which case the two parties shall devise by mutual agreement, the conditions of termination in part, that portion to be terminated.
 - 2) If the funds allocated by the City via this contract are from anticipated sources of revenue, and if the anticipated sources of revenue do not become available for use in purchasing said services.
 - 3) In the event the City fails to pay the Consultant promptly or within 60 days after invoices are rendered, the City agrees that the Consultant shall have the right to consider said default a breach of this agreement and the duties of the Consultant under this agreement terminated. In such an event, the City shall then promptly pay the Consultant for all services performed and all allowable expenses incurred.
 - 4) The City may terminate this contract at any time giving at least 10 days notice in writing to the Consultant. If the contract is terminated for convenience of the City as provided herein, the Consultant will be paid for time provided and expenses incurred up to the termination date.

7. Changes, Amendments, Modifications

The City may, from time to time, require changes or modifications in the scope of services to be performed hereunder. Such changes, including any increase or decrease in the amount of compensation therefore, which are mutually agreed upon by the City and the Consultant shall be incorporated in written amendments to this contract.

8. Personnel

The Consultant represents that he/she has, or will secure at his/her own expense, all personnel required in performing the services under this contract. Such personnel shall not be employees or have any contractual relationship to the City.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this contract will comply with the provision of said Section 3. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these provisions.
- c. The Consultant will send to each labor organization or representative or workers with which he/she has collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative or his/her commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The Consultant will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for, or receipt of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The Consultant will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its consultants and subcontractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

17. Age Discrimination Act of 1975, As Amended (42 U.S.C. 6101, et.seq.)

The law provides that no person will be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance.

18. Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794)

The law provides that no otherwise qualified individual will, solely by reason of his other handicap, be excluded from participation (including employment), denied program benefits or subjected to discrimination under any program or activity receiving federal assistance funds.

19. Executive Order 11246, As Amended

This Order applies to all federally assisted construction contracts and subcontracts. The Consultant and subcontractors, if any, will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Consultant and subcontractors, if any, will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin.

Public benefits are statutorily defined broadly (see Neb. Rev Stat. §4-109), with some exemptions from the verification of lawful presence requirement set forth in Neb. Rev Stat. §4-110. For the purposes of this contract, the Department has determined the Consultant is, in the performance of Consultant's contractual duties, providing public benefits to individuals or households under the statutory definition of public benefits.

Consequently, pursuant to this contract and Neb. Rev. Stat. §§4-108 through 4-114, the Consultant shall have each applicant for public benefits under this contract complete the United States Citizenship Attestation Form, available on the State of Nebraska Department of Administrative Services website at www.das.state.ne.us. The attestation form is also reproduced on a following page of this contract.

Such form serves as the applicant's attestation that he or she is a U.S. citizen or a qualified alien under the federal Immigration and Nationality Act, 8 U.S.C. 1101 et seq. (as such federal statute existed on January 1, 2009, or as it may be subsequently amended). If the applicant attests they are a qualified alien, Consultant shall verify the applicant's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program.

Consultant shall:

- a. Retain the attestation form, and retain any additional verification documentation required because the applicant attested they were a qualified alien.
- b. Provide such attestation form and other documentation (or copies thereof) to the Department of Economic Development upon the request of such Department.
- c. Maintain aggregate records for the duration of the contract showing: (a) the number of applicants for public benefits under this contract; and, (b) the number of applicants rejected pursuant to the lawful presence requirement (which is the subject matter of the procedural, attestation, and verification requirements set forth in the Nebraska statutes and contractual provisions above).
- d. Provide a summary report to the Department of Economic Development, no later than December 31st each calendar year, reflecting data for such calendar year (or portion of such year when there is not a full, calendar year of activity under this contract), so as to allow the Department to fulfill its annual reporting obligation to the Nebraska Legislature concerning these "lawful presence" requirements. The Department's annual report to the Nebraska Legislature is due January 31st each year.

25. Governing Law

This agreement will be governed by the laws of the State of Nebraska, without regard to that body of law controlling conflicts of law. Any legal proceeding arising out of, or relating to this agreement shall be instituted in any court of general jurisdiction in the State of Nebraska.

This agreement contains all terms and conditions agreed to by the City and the Consultant. The attachments to this agreement are identified as follows:

Attachment #1

Scope of Work for Wayne, Nebraska for general administration consisting of one page.

Attachment #2

ATTACHMENT 1
GENERAL ADMINISTRATION SCOPE OF WORK

The duties and responsibilities of the Certified Administrator under this scope of work include following:

- a) Ensure that the Grantee meets the requirements of all statutes, state rules, and federal regulations relevant to the project.
- b) Prepare special condition documents as outlined in the grant contract within the time frame stated in the grant contract in order to receive Release of Funds letter.
- c) Conduct an environmental review in accordance with the National Environmental Policy Act of 1969 over the course of the project.
- d) Ensure that the Grantee meets all federal and state requirements when procuring for professional services and construction services. This includes making sure that all required CDBG clauses are included within the contracts.
- e) Ensure that the Grantee has a solid understanding of the financial management requirements associated with the CDBG grant and that the Grantee has an appropriate financial management system in place.
- f) Provide for the accounting of funds and preparation of drawdowns.
- g) Prepare a master filing systems in accordance with state and federal regulations.
- h) Monitor all Davis Bacon labor standards over the course of the project (*if applicable*).
- i) Monitor all job creation requirements over the course of the project (*if applicable*).
- j) Ensure that all acquisition laws are followed over the course of the project (*if applicable*).
- k) Ensure that all relocation laws are followed over the course of the project (*if applicable*).
- l) Prepare and submit all reporting requirement to DED by deadlines.
- m) Prepare and submit all close out reporting requirement to DED by deadlines.
- n) Ensure that any and all monitoring issues are addressed and completed for grant closeout.
- o) NENEDD ensures that the NDO (through the NENEDD/NED, Inc. Management Contract) is responsible for pursuing loan collection if necessary as out lined in section 4.03 of the MOU. (*if applicable*).
- p) NENEDD ensures that the NDO (through the NENEDD/NED, Inc. Management Contract) is responsible for adhering to all CDBG statutory and regulatory requirements (*if applicable*).

RESOLUTION NO. 2015-93

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE “LOGAN VALLEY DRIVE WATER & SEWER EXTENSION PROJECT,” AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the hiring of Advanced Consulting Engineering Services, as engineers for the “Logan Valley Drive Water & Sewer Extension Project” is hereby reaffirmed, and that the plans, specifications and estimate of cost of \$110,000, as prepared by the City’s engineer and filed in the office of the City Clerk for the said project, are hereby approved, and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City’s Engineer.

PASSED AND APPROVED this 20th day of October, 2015.

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

LOGAN VALLEY DRIVE WATER & SEWER EXTENSION WAYNE, NEBRASKA 2015

CONSTRUCTION NOTES

1. UTILITY LOCATIONS THAT ARE SHOWN ON THE PLANS ARE APPROXIMATE AND REFLECT THE INFORMATION THAT WAS PROVIDED BY UTILITY OWNERS DURING THE PRELIMINARY DESIGN PHASE OF THE PROJECT.
2. CONTRACTOR SHALL USE EXTREME CARE WHEN WORKING AROUND PUBLIC AND PRIVATE UTILITIES.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT DIGGERS HOTLINE OF NEBRASKA PRIOR TO COMMENCING CONSTRUCTION.
4. PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED TO THE LINES AND GRABES SHOWN ON THESE PLANS.
5. ACCESS TO ADJACENT PROPERTIES SHALL BE MAINTAINED DURING THE ENTIRE PROJECT.
6. WATER MAIN PIPING SHALL BE DR18 PVC PIPE. JOINTS SHALL BE IN ACCORDANCE WITH ASTM F477.
7. FITTINGS SHALL BE DUCTILE IRON WITH MECHANICAL JOINTS AND SHALL BE IN ACCORDANCE WITH ASTM 558. FITTINGS SHALL BE PRESSURE CLASS 300.
8. EXCAVATION SHALL BE IN ACCORDANCE WITH OSHA STANDARDS. ALL BENDS, ELBOWS, AND FIRE HYDRANTS SHALL BE THROST BLOCDED AS SHOWN IN THE DETAILS.
9. WATER MAIN TESTINGS SHALL BE IN ACCORDANCE WITH NAWWA STANDARDS.
10. PIPE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS STANDARDS.
11. SEWER PIPING SHALL BE SDR35 PVC PIPE. JOINTS SHALL BE IN ACCORDANCE WITH OSHA STANDARDS.
12. ALL JOINTS SHALL BE COMPLETED TO NOT LESS THAN 65% OF MAXIMUM DRY DENSITY. TIGHT COMPACTON TESTS SHALL BE TAKEN PER 300 FOOT OR LESS OF MAIN INSTALLED. TESTING SHALL BE COMPLETED BY A GEOTECHNICAL ENGINEER LICENSED IN THE STATE OF NEBRASKA. TEST RESULTS SHALL BE FORWARDED TO THE ENGINEER.
13. AS BUILT DRAWINGS OF WORK PERFORMED SHALL BE SUBMITTED TO THE ENGINEER.
14. CONTRACTOR SHALL MAINTAIN A MINIMUM 10-FOOT HORIZONTAL AND 18-INCH VERTICAL SEPARATION BETWEEN ALL WATER MAINS AND SERVICES AND ALL SANITARY OR STORM SEWER MAINS AND LINES.
15. CONTRACTOR SHALL COMPLETE WORK IN ACCORDANCE WITH ANY LOCAL, STATE AND/OR FEDERAL REQUIREMENTS OR PERMITS THAT MAY BE APPLICABLE.
16. UPON COMPLETION OF THE PROJECT THE CONTRACTOR SHALL LEAVE ALL EXPOSED AREAS IN A MANNER THAT IS ACCEPTABLE TO THE OWNER AND ENGINEER.
17. LAMP TESTING SHALL BE CONDUCTED ON ALL STRAIGHT SECTIONS OF SEWER LINES.
18. ALL WORK SHALL CONFORM TO NEBRASKA TITLE 123 - RULES AND REGULATIONS FOR THE DESIGN, OPERATION AND MAINTENANCE OF WASTEWATER WORKS.



**ADVANCED CONSULTING
ENGINEERING SERVICES**
133 W. Washington St. • P.O. Box 218
West Point, NE 68788
Phone: (402) 372-1923

ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT THE DESIGN AND CONSTRUCTION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A CIVIL REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA.
JOHN A. ZINGALES, NEBRASKA P.E. NO. E5668
DATE: 10-15-2015



ISSUED FOR REVIEW

NO.	DATE	REVISIONS

CONTRACTOR SHALL PROVIDE ALL NECESSARY ENGINEERING SERVICES. ALL RIGHTS RESERVED.
 This drawing is the exclusive property of Advanced Consulting Engineering Services and the reproduction of any part without prior written consent from this office is a violation of applicable laws.
 In no event shall Advanced Consulting Engineering Services be made liable in connection with the use of the electronic data once out of this said office.

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