

**AGENDA
CITY COUNCIL MEETING
August 21, 2018**

1. [Call the Meeting to Order](#)

2. [Pledge of Allegiance](#)

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 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. [Recognition of Betty McGuire, City Clerk, being awarded the International Institute of Municipal Clerks' designation of "Master Municipal Clerk"](#)

4. [Proclamation – August 24, 2018 as "Be Kind Day"](#)

5. [Presentation of \\$25,000 check from the Lower Elkhorn Natural Resource District for the Bank Stabilization Project — Joel Hansen](#)

6. [Approval of Minutes – August 7, 2018](#)

7. [Approval of Claims](#)

8. [Action on a request to close westbound traffic on 3rd Street in between Pearl and Lincoln Streets and change it to two lanes of eastbound traffic only for the Electronic Recycling Event to be held Saturday, September 15, 2018, from 8:00 a.m. to 10:30 a.m. — Sandy Brown, Wayne Green Team](#)

9. [Resolution 2018-46: Amending Tuffern Blue Estates Subdivision Agreement](#)

Background: Todd and Cheryl Luedeke, Subdividers of the Tuffern Blue Estates Subdivision, are requesting to amend their Subdivision Agreement to strike or delete subparagraph B of Section 1 therein which reads as follows: Private wells for potable water are prohibited everywhere within the boundaries of the Tuffern Blue Estates Subdivision.

The Luedekes, back in 2016, had planned to connect to the City water system and use septic systems on those five residential lots. That connection to the City's water system has not taken place. With the next agenda item, the McCorkindales are wanting to obtain a well permit to put in a 15 gpm well on their property or lot in that subdivision. They cannot do that until this Subdivision Agreement has been amended to take that language out.

Attached is a copy of the original Subdivision Agreement with the section highlighted on page 2 that they would like deleted. The County will also have to approve this amendment. Todd Luedeke will be present to answer any questions you may have.

10. [Action on the Well Permit Application of Paradox, LLC \(Mark and Gail McCorkindale\)](#)

Background: Mark and Gail McCorkindale have purchased a lot in the Tuffern Blue Estates Subdivision. They are requesting approval of a “Water Well Permit” to put in a 15 gpm well to accommodate the building they have built out there. They have paid the \$200 permit fee, and included in the packet is their application form as well as sections of the code that pertain to well permits.

11. **Public Hearing:** Application for Community Development Block Grant – Phase II Year 2 Funds — Jan Merrill, Northeast Nebraska Economic Development District (Advertised Time: 5:30 p.m.)

Background: The City of Wayne is requesting \$475,000 of CDBG Comprehensive Development (CD) Phase II Year 2 funds, of which \$430,000 will be used for street and storm sewer improvements to Nebraska Street between 2nd and 7th Street; \$35,000 will be used for general administration; and \$10,000 will be used for construction management. The required matching funds of \$215,000 will be provided by the City of Wayne and will come from the street and storm sewer project on Nebraska Street, as well as \$199,940 in additional leverage needed to compete the improvements. The estimated cost of the street project is \$844,940, for a total project cost of \$889,940.

12. [Resolution 2018-43: Authorizing Chief Elected Official to request Community Development Block Grant Funds](#)

Recommendation: City Administrator Blecke recommends applying for this grant with proceeds to be used for partial costs for improvements to Nebraska Street between 7th and 2nd Streets.

13. Discussion on Land and Conservation Fund Grant Application for improvements to the old swimming pool park

14. [Resolution 2018-44: Land and Water Conservation Fund Application FY2018 – A Resolution on Development for Outdoor Recreation](#)

Background: At its 2018 retreat, Council asked City staff to look into funding resources for making improvements to the old swimming pool park. A couple of specific improvements that were to be considered was funding for a splash pad and renovations to the existing pool bathhouse. The Land and Conservation Fund was found to be a viable grant option. It has provided this grant opportunity since 1964. Jan Merrill with the Northeast Nebraska Economic Development District will be present to answer questions about the grant and its process and requirements. The maximum to apply for is \$300,000, but the City would have to find the cash to match whatever is applied for.

15. [Public Hearing: To consider the Planning Commission’s recommendation in regard to amending the Wayne Municipal Code, specifically Section 152.131 Fences and Screens. The applicants, Micky and Katie Rutenbeck, are seeking the request to amend the language to allow the Board of Adjustment the ability to grant a variance to residential fence height.](#)

16. [Ordinance 2018-23: Amending Wayne Municipal Code Title XV Land Usage, Chapter 152 Zoning, Sec. 152.131 Fences and Screens](#)
17. [Ordinance 2018-21: Annexing Real Estate to the City of Wayne and extending the Corporate Limits in the Southwest Quadrant of the City of Wayne to include said Real Estate \(Southview III Addition\) \(Third and Final Reading\)](#)
18. [Ordinance 2018-22: Approving Transmission Substation Service Agreement between Nebraska Public Power District and the City of Wayne \(Third and Final Reading\)](#)
19. [Ordinance 2018-24: Amending Wayne Municipal Code Title IX General Regulations, Chapter 91 Streets, Sidewalks and other Public Places, by adding Sec. 91.085 Parks – Open Hours](#)

Background: In 2013, the Council passed an ordinance which established hours on three of the public parks (Summer Sports Complex, Rugby Fields, and the old swimming pool park). During that process, the ordinance, while approved, was not made a part of the Municipal Code Book – it was just an ordinance. We are bringing the same back for your consideration as to whether or not all or some of the parks should be added in before making it a section in the Municipal Code Book. The parks not listed are the ones with camping spots in them.

This ordinance was originally brought forth to assist the Police Department with vandalism and other activities that were happening in the parks at night. Without having hours on the parks, police officers did not have probable cause to stop a vehicle that takes off when they enter the complexes checking them at night. Checking the parks has become a nightly duty for the police officers due to vandalism to the park property, bathrooms, and shelters, along with people choosing to go to them for recreational drug and alcohol use, which seems to be the growing trend.

Again, without regulated hours posted, the Police Department cannot legally contact, stop and detain someone in the park at 3 a.m. (without other circumstances) to see if they are there for illegal activity or just staring at the stars. Numerous times, police officers have noticed someone and they walk off or drive off when they notice the police officer, and damage or other issues are found immediately afterwards to city property, but they then do not know who the people were in the park and couldn't stop them to see.

20. [Resolution 2018-45: Authorizing the Allocation of Property Taxes to the Wayne Airport Authority - \\$73,065 \(last year - \\$71,400\)](#)

Background: This is an annual request from the Wayne Airport Authority.

21. [Action on Pay Estimate No. 1 for the “2nd Street Storm Sewer Improvement Project” in the amount of \\$55,593.00 to Robert Woehler & Sons Construction Company, Inc.](#)

Recommendation: This is for work done according to the contract and approved for payment by the project engineer.

22. Discussion on the request from the Villages of Concord and Carroll regarding building inspections/zoning services

Background: Joel Hansen has been approached by the villages of Carroll and Concord to assist them with building inspections. This is for discussion purposes only at this point. Formal action would require an interlocal agreement drawn up to delineate each political subdivision's responsibilities.

23. Discussion regarding negotiations for the purchase of real estate located at 113 S. Main Street in Wayne, NE
24. Adjourn

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, Wayne values and recognizes that while it costs nothing to **#BeKind** to others, the dividends of that effort will last a lifetime; and

WHEREAS, research shows that strong relationships are at least as important for our personal health as avoiding smoking or obesity and a simple focus to **#BeKind** immediately strengthens bonds among students, faculty, administration and the entire community; and

WHEREAS, Superintendents and Mayors, along with students, community leaders, and school officials, have set the goal to encourage and expect daily acts to **#BeKind** in all of our school and city functions; and

WHEREAS, students, school professionals, mayors, police officers, firefighters, city employees, community members and families understand a stronger, healthier community free of bullying and harassment is achievable if we all commit to **#BeKind** all of the time; and

WHEREAS, the parents, teachers, students, elected officials, community leaders, and all stakeholders have a strong commitment to pay compassion, care, and acceptance forward with a simple decision to **#BeKind**.

NOW, THEREFORE, BE IT RESOLVED that I, Jill Brodersen, Mayor of the City of Wayne, Nebraska, do hereby proclaim August 24, 2018, as

"#BeKind Day"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Wayne, Nebraska, to be affixed this 21st day of August, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

CITY COUNCIL MEETING
August 7, 2018

The Wayne City Council met in regular session at City Hall on Tuesday, August 7, 2018, at 5:30 o'clock P.M.

Mayor Jill Brodersen called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Terri Buck, Matt Eischeid and Nick Muir; City Attorney Amy Miller; City and Administrator Wes Blecke. Absent: Councilmember Jason Karsky and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 26, 2018, 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.

Mayor Brodersen 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, she 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.

Councilmember Haase made a motion, which was seconded by Councilmember Greve, to approve the minutes of the meeting of July 17, 2018, and to waive the reading of said minutes. Councilmember Haase made a motion, which was seconded by Councilmember Buck, to approve the minutes. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: A & R CONSTRUCTION, SE, 68588.64; AM CONSERVATION GROUP, INC., SU, 1309.58; AMAZON.COM, LLC, SU, 791.77; AMERICAN BROADBAND, SE, 2503.27; AMERITAS, SE, 100.25; AMERITAS, SE, 72.00; AMERITAS, SE, 2700.52; AMERITAS, SE, 70.74; APPEARA, SE, 192.14; ARIAS, WILLIAM, RE, 115.93; ARNIE'S FORD, SU, 1106.97; BATTERY SOLUTIONS, SU, 109.95; BERT GURNEY & ASSOCIATES, SU, 3035.36; BLACK HILLS ENERGY, SE, 301.86; BORDER STATES INDUSTRIES, SU, 479.64; BROWN SUPPLY, SU, 2734.72; BSN SPORTS, SU, 198.98; BUDDENHAGEN, CLAIRE, RE, 90.00; CARLSON, BRYANT, RE, 211.93; CARROLL DISTRIBUTING, SU, 234.00; CENTURYLINK, SE, 417.43; CITY EMPLOYEE, RE, 150.00; CITY EMPLOYEE, RE, 3514.64; CITY EMPLOYEE, RE, 81.85; CITY EMPLOYEE, RE, 1843.90; CITY EMPLOYEE, RE, 108.50; CITY EMPLOYEE, RE, 3462.09; CITY OF WAYNE, PY, 85239.10; CITY OF WAYNE, PY, 82205.68; CLARITUS, INC., SU, 71.88; CLAUSSEN, HEATHER, SE, 710.00; CONTINENTAL FIRE SPRINKLER, SE, 215.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 515.73; DEARBORN NATIONAL LIFE, SE, 110.08; DEMCO, SU, 288.84; DGR & ASSOCIATES, SE, 363.00; EAKES OFFICE PLUS, SE, 56.81; ELECTRONIC ENGINEERING, SE, 1750.00; FIRST CONCORD GROUP, SE, 2688.86; GALE/CENGAGE LEARNING, SU, 98.76; GAMBLE, JAMIE, SE, 300.00; GERHOLD CONCRETE, SU, 303.00; GODFATHERS PIZZA, SU, 192.60; GOLDSMITH, MCKENNA, RE, 8.76; HACH COMPANY, SU, 795.71; HAMMONS, SHARON, RE, 150.00; HAWKINS, INC, SU, 633.31; HELENA AGRI-ENTERPRISES, SU, 48.50; HEWLETT PACKARD ENTERPRISE, SE, 1843.92; HILAND DAIRY, SE, 158.18; HORIZON CONSTRUCTION, RE, 250.00; HUNTER, SARAH, RE, 75.15; ICMA, SE, 9334.58; ICMA, SE, 9371.61; IRS, TX, 14481.28; IRS, TX, 3386.82; IRS, TX, 10567.38; ISLAND SPRINKLER SUPPLY, SU, 301.11; JEO CONSULTING GROUP, SE, 1280.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KEN MAERTINS, SE, 300.00; KNUDSON, HEATH, RE, 19.46; KOEPEE, BRANDON, SE, 300.00; L & L CONSTRUCTION, RE, 250.00; L.G. EVERIST, SU, 180.54; LAUN, GALE, RE, 135.67; LEAVER, DEANNA, RE, 60.87; LONGE, A.J., SE, 240.00; MALASEK, PENNY, RE, 150.00; MILLER LAW, SE, 5259.73; MORGAN, QUINTARIUS, RE, 117.93; NE AIR FILTER, SU, 90.19; NE DEPT OF REVENUE, TX, 4245.18; NE LIBRARY ASSOCIATION, FE, 300.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 1251.25; NIELSEN, AARON, SE, 350.00; NORTHEAST POWER, SE, 18876.30; OBRIEN, MATTHEW, RE, 95.61; ONE CALL CONCEPTS, SE, 72.54; OVERHEAD DOOR, SE, 270.50; POLLARD PUMPING, SE, 1225.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; PROGRESSIVE PROPERTIES, RE, 250.00; QUALITY FOOD CENTER, SU, 22.00; RASMUSSEN, PAYTON, RE, 300.00; SPIEKER, PAIGE, SE, 300.00; STADIUM SPORTING GOODS, SE, 24.00; STALLBAUM, SHERRY, RE, 85.88; STAPLES, SU, 79.05; STURM, MIKE, RE, 550.00; SWANSON, MORGAN, SE, 225.00; THOMPSON, JOSIE, SE, 300.00; TOM'S BODY & PAINT SHOP, SE, 425.50; TYLER TECHNOLOGIES, SE, 22668.54; UNITED COMMUNICATIONS GROUP, SU, 7300.00; US FOODSERVICE, SU, 889.07; VERDIN, ALEJANDRA, RE, 169.08; VIAERO, SE, 116.44; WAED, SE, 7535.83; WAYNE SOFTBALL ASSOCIATION, SU, 175.00; WESCO DISTRIBUTION, SU, 24675.22; WINNING FINISH, SE, 64.95; ZAUTKE, JORDAN, RE, 151.75; AMERITAS, SE, 96.92; AMERITAS, SE, 72.00; AMERITAS, SE, 2308.62; AMERITAS, SE, 60.16; BINSWANGER GLASS, SE, 915.00; BOMGAARS, SU, 848.62; BOUND TO STAY BOUND BOOKS, SU, 154.49; BRIGGS, INC, SU, 320.68; BROWN SUPPLY, SU, 806.66; BROWN WEGHER CONST, RE, 250.00; CARHART LUMBER CO, SU, 516.67; CITY EMPLOYEE, RE, 214.11; COUNTRY NURSERY, SU, 25.80; CRESCENT ELECTRIC SUPPLY, SU, 825.52; CUMMINS CENTRAL POWER, SE, 1659.53; DEARBORN NATIONAL LIFE, SE, 2390.46; DUTTON-LAINSON, SU, 984.92; EASYPERMIT POSTAGE, SU, 814.22; ECHO GROUP, SU, 502.00; ED M. FELD EQUIPMENT, SE, 606.00; EGAN SUPPLY, SE, 6978.07; FAITH REGIONAL PHYSICIAN SERV, SE, 30.00; FLOOR MAINTENANCE, SU, 1005.90; FREDRICKSON OIL, SU, 154.60;

GERHOLD CONCRETE, SE, 73.13; GILL HAULING, SE, 237.50; GROSSENBURG IMPLEMENT, SU, 582.69; HAUFF MID-AMERICAN SPORTS, SU, 225.94; HAWKINS, INC, SU, 4901.31; HEIKES AUTOMOTIVE, SU, 527.50; HELENA AGRI-ENTERPRISES, SU, 48.50; HILAND DAIRY, SE, 40.93; HOMETOWN LEASING, SE, 409.53; IRS, TX, 9850.82; IRS, TX, 3237.80; IRS, TX, 13844.40; LAYNE CHRISTENSEN, SE, 4800.00; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 8495.00; LUTT OIL, SE, 7072.42; MARCO INC, SE, 126.36; MATHESON-LINWELD, SU, 44.02; MILLER, AMY, RE, 2140.24; NATIONAL BUSINESS FURNITURE, SU, 93.00; NE CODE OFFICIAL ASSOCIATION, FE, 500.00; NE DEPT OF REVENUE, TX, 3950.38; NE HARVESTORE, SU, 47.61; NE WATER RESOURCES ASSOCIATION, FE, 105.00; NeRPA, FE, 230.00; OVERDRIVE, SU, 389.85; PAC N SAVE, SU, 605.61; PEERLESS WIPING CLOTH CO, SU, 252.00; PENGUIN RANDOM HOUSE, SU, 60.00; PITNEY BOWES, SE, 253.85; PROGRESSIVE PROPERTIES, RE, 748.00; RAHN, MARVEL, RE, 35.00; RESCO, SU, 231.01; RIEKES EQUIPMENT, SE, 569.71; ROBERT WOehler & SONS, SU, 145.72; ROBERT WOehler & SONS, SE, 564.79; SEWARD COUNTY AGING SERVICES, FE, 90.00; SKARSHAUG TESTING LAB, SE, 190.70; STAPLES, SU, 114.50; TITAN MACHINERY, SU, 389.35; US BANK, SE, 6533.86; WAYNE AUTO PARTS, SU, 362.76; WAYNE COUNTY CLERK, SE, 20.00; WAYNE HERALD, SE, 492.50; WAYNE VETERINARY CLINIC, SE, 266.00; WESCO, SU, 3370.50; WAPA, SE, 20185.83; WISNER WEST, SU, 67.43; ZACH HEATING & COOLING, SE, 343.50; ZIMCO SUPPLY, SU, 275.00

Councilmember Haase made a motion, which was seconded by Councilmember Greve, to approve the claims. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Brian Kesting, on behalf of Grace Lutheran Church, was requesting Council consideration to allowing them to close off a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 9, 2018, from 8:00 a.m. to 1:00 p.m. for a "Sunday School Rally Day Festival." They will provide the necessary Certificate of Insurance with \$1,000,000 liability coverage and naming the City as an additional insured.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the request of Grace Lutheran Church to close off a one-block section of 10th Street from Main Street to Logan Street on Sunday, September 9, 2018, from 8:00 a.m. to 1:00 p.m. for a "Sunday School Rally Day Festival." Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2018-19, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2018-19

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-126 PROHIBITED PARKING; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2018-20, and moved for approval of the third and final reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2018-20

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE TITLE VII TRAFFIC CODE, CHAPTER 78 PARKING, SECTION 78-127 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance No. 2018-21, and moved for approval of the second reading thereof; Councilmember Muir seconded.

ORDINANCE NO. 2018-21

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

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

The third and final reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2018-22, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2018-22

AN ORDINANCE APPROVING TRANSMISSION SUBSTATION SERVICE AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND NEBRASKA PUBLIC POWER DISTRICT.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried. The third and final reading will take place at the next meeting.

Marlen Chinn, Police Chief, advised the Council that the City of Wayne Emergency Operations Plan is a section of the Wayne County Local Emergency Operations Plan (LEOP). The LEOP needs to be updated every five years and was last renewed in 2013, so it is time again. Each Department Head was asked to review the same and bring forward any recommended or needed changes, to which none were brought forward.

Nic Kemnitz, Emergency Manager, was also present. He reviewed this section and added the Wayne Fire Hall as a location for the Emergency Operations Center.

This document is in place to outline the responsibilities of the City of Wayne Elected Officials and City Departments in the event of a disaster for response and recovery efforts.

Councilmember Sievers introduced Resolution 2018-42, and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2018-42

A RESOLUTION APPROVING WAYNE COUNTY LOCAL EMERGENCY OPERATIONS PLAN.

Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

DGR Engineering presented Pay Estimate No. 8 for the "West Inner and East Inner Conversion Electric Distribution Project" for \$82,274.13 to Karian Peterson Powerline

Contracting, LLC. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving Pay Estimate No. 8 for \$82,274.13 to Karian Peterson Powerline Contracting, LLC for the “West Inner and East Inner Conversion Electric Distribution Project.” Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

A pay request (No. 4) has been received from OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project” for \$71,095. The architect on the project has approved the same.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, approving Pay Application No. 4 for \$71,095 to OCC Builders, LLC, for the “Wayne Golf & Country Club Clubhouse Improvement Project.” Mayor Brodersen stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried.

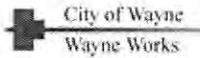
Council began their budget work session. Council reviewed the General Fund Revenue Sources and Expenditures along with the Utility Revenue Sources and Expenditures for the upcoming FY2018-2019 budget.

Some minor changes made were as follows:

- The funds for the Phase II Trail & Underpass Project was moved from the Street Budget to the Parks Budget.
- Reduced Fund No. 100-522-83000 Fire Equipment New/Replace from \$75,000 to \$50,000
- Reduced Fund No. 100-543-24000 Pool Contractual Services from \$2,400 to \$0
- Increased Fund No. 100-543-49000 Pool Training Expense from \$0 to \$1,000
- Discussed the future of City Hall
- Reduced Fund No. 100-551-83031 Sound System Council Chambers from \$15,000 to \$0 since it is already included in the Technology Budget

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Brodersen stated the motion, and the result of roll call being all

Yeas, with the exception of Councilmember Karsky who was absent, the Mayor declared the motion carried and the meeting adjourned at 9:55 p.m.



Vendor	Payable Description	Payment Total
ADVANCED CONSULTING ENGINEERING SERVICES	2ND STREET STORM SEWER PROJECT	2,771.68
AMERICAN LIBRARY ASSOC	MEMBERSHIP DUES	142.00
APPEARA	LINEN & MAT SERVICE	101.84
AUTO ANATOMY ALTERNATIVES, INC	LIGHTING EFFICIENCY	180.00
BAKER & TAYLOR BOOKS	BOOKS	556.23
BELINA, BROOKE	BUILDING PERMIT DEPOSIT REFUND	100.00
BENSCOTER CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	250.00
BENSCOTER INC	BUILDING PERMIT DEPOSIT REFUND	250.00
BORDER STATES INDUSTRIES, INC	LED FIXTURES/FIRE RESISTANT CLOTHING	4,413.13
BROUHARD, ELAINA	UTILITY REFUND	50.81
BSN SPORTS, INC	CUE STICKS	123.90
CARROLL DISTRIBUTING	BLADE	437.11
CDW GOVERNMENT LLC	EMAIL/VIRUS/SPAM FILTER	2,538.00
CERTIFIED TESTING SERVICES INC	2ND STREET STORM SEWER PROJECT	592.50
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	333.89
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	63.62
CITY EMPLOYEE	VISION REIMBURSEMENT	120.00
CITY EMPLOYEE	SAFETY BOOTS	150.00
CITY OF WAYNE	PAYROLL	81,092.34
CONCORD COMPONENTS	BUILDING PERMIT DEPOSIT REFUND	100.00
COPY WRITE PUBLISHING	SHIPPING CHARGES	135.95
CORE & MAIN LP	WSC FOOTBALL FIELD IRRIGATION METER	2,376.59
CUMMINS CENTRAL POWER, LLC	WALL HEATER	242.14
DANKO EMERGENCY EQUIPMENT	RESCUE ROPE	739.60
DAS STATE ACCTG-CENTRAL FINANCE	WSC INTERNET CHARGES	60.15
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	78.00
DIVIS, MATTHEW	UTILITY REFUND	10.35
DRISKELL, DEXTER	UTILITY REFUND	117.10
DUTTON-LAINSON COMPANY	WINDOW	119.32
ECHO GROUP INC JESCO	ELEMENT FUSES/LOAD CONTROL DEVICES	174.81
ELECTRIC PUMP	DRUM SCREEN WHEEL	2,728.95
ENGINEERED CONTROLS, INC	CAC ANNUAL SERVICE AGREEMENT 9/18-8/19	2,170.00
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	251.17
GALE/CENGAGE LEARNING	BOOKS	50.68
GERHOLD CONCRETE CO INC.	CONCRETE/WASH ROCK/CAULK	2,580.46
GROSSENBURG IMPLEMENT INC	BLADE/SPINDLE/FILTER ELEMENT	326.83
HASEMANN, SCOTT	AUDITORIUM DEPOSIT REFUND	150.00
HELENA AGRI-ENTERPRISES, LLC	BROADLEAF WEED CONTROL	97.00
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	56.90
HOCHSTEIN, NICK	BUILDING PERMIT DEPOSIT REFUND	100.00
HTM SALES INC	LIFT STATION PUMP REPAIR	9,200.54

Vendor	Payable Description	Payment Total
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	9,611.43
INGRAM LIBRARY SERVICES	BOOKS	594.69
INTERSTATE BATTERY SYSTEM	BATTERY	227.90
ISIMANG, MIRANDA	UTILITY REFUND	54.10
JOHN'S WELDING AND TOOL LLC	IRON FOR LIGHT POLES	12.96
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTION	243.00
KROENKE, KATIE	UTILITY REFUND	17.75
KTCH AM/FM RADIO	RADIO ADS	838.00
MARCEAU, CAROL	UTILITY REFUND	221.65
MIDWEST LABORATORIES, INC	WASTE WATER ANALYSIS	171.00
NE DEPT OF TRANSPORTATION	WINDOM STREET FROM E 3RD – E 7TH STREET	25,104.51
NEBRASKA ENVIRONMENTAL PRODUCTS	STREET SWEEPER BRUSH	506.14
NEBRASKA JOURNAL LEADER	RECREATION CHICKEN SHOW ADVERTISING	29.95
NEBRASKA PUBLIC POWER DIST	ELECTRICITY	392,813.10
NEBRASKA STATEWIDE ARBORETUM	MEMBERSHIP DUES	100.00
NEXTERA ENERGY	WIND ENERGY	9,366.65
NORFOLK AREA HOME REALTY	EARNEST MONEY-RILEY'S	1,000.00
NORFOLK DAILY NEWS	RECREATION COUNTY FAIR ADVERTISING	40.00
OCC BUILDERS LLC	COUNTRY CLUB-CLUB HOUSE	71,095.00
OCLC, INC	SUBSCRIPTION RENEWAL	500.00
PIERSON, TREVOR	UTILITY REFUND	116.52
PIERSON, TREVOR	UTILITY REFUND	120.90
POLLARD PUMPING	BOYSCOUT PARK PORT A POTTY	225.00
PORTER, BRANDON	UTILITY REFUND	212.35
QUALITY FOOD CENTER	SENIOR CENTER NOON MEAL SUPPLIES	92.90
S & S WILLERS, INC.	FILL SAND	306.25
SHOPKO	DVD/CAR SEAT/BATTERIES	60.96
SLONCO CONSTRUCTION	BUILDING PERMIT DEPOSIT REFUND	100.00
SPARKLING KLEAN	JANITORIAL SERVICES/SUPPLIES	3,270.67
STADIUM SPORTING GOODS	EMBROIDERY (8/1/18 CLAIMS)	24.00
STADIUM SPORTING GOODS	SHIRTS	42.00
TYLER TECHNOLOGIES	UTILITIES VERSION X CONVERSION	562.50
VAN DIEST SUPPLY	ROUND UP	37.50
VERIZON WIRELESS SERVICES LLC	CELL PHONES	317.08
VILLA, ELIZABETH	UTILITY REFUND	126.94
WASTE CONNECTIONS	CHICKEN SHOW/SOFTBALL COMPLEX SANITATION	751.74
WAYNE AUTO PARTS	ADAPTER/BELT/FITTINGS/PARTS CLEANER	526.01
WAYNE HERALD	ADS AND NOTICES	1,290.15
WAYNE HOSPITALITY	TIF PRINCIPAL & INTEREST	20,069.96
ZEHR, TYLER	UTILITY REFUND	20.04
Grand Total:		656,954.89

RESOLUTION NO. 2018-46

A RESOLUTION APPROVING AMENDED TUFFERN BLUE ESTATES SUBDIVISION AGREEMENT.

WHEREAS, the City Council, on June 21, 2016, approved the “Tuffern Blue Estates Subdivision Agreement,” the same being filed against the property on February 2, 2017, #170127; and

WHEREAS, the Subdividers therein, Todd and Cheryl Luedeke, wish to amend said Subdivision Agreement to delete Subparagraph B of Section 1 therein, which prohibits private wells for potable water everywhere within the boundaries of the Tuffern Blue Estates Subdivision.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the attached Amended Subdivision Agreement for Tuffern Blue Estates is hereby approved, as amended, and the Mayor is authorized and directed to execute said document.

PASSED AND APPROVED this 21st day of August, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____

Mayor

ATTEST:

City Clerk

170127

FILED
WAYNE COUNTY, NE

2017 FEB -2 AM 11:26

Debra Finn
CLERK / ROD / ELECTOR

**TUFFERN BLUE ESTATES
SUBDIVISION AGREEMENT**

THIS AGREEMENT, made and entered into this 19th day of July, 2016, by and between Todd Luedeke and Cheryl Luedeke, husband and wife, (hereinafter referred to as "Subdivider"), the CITY OF WAYNE, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City"), and the COUNTY OF WAYNE, NEBRASKA, a political subdivision, (hereinafter referred to as "County")

WITNESSETH

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as TUFFERN BLUE ESTATES, (hereinafter referred to as the "Area to be Developed") is within the City's zoning and platting jurisdiction; and

WHEREAS, the Subdivider requires public improvements in the area to be developed; and

WHEREAS, the Subdivider desires to have the area to be developed within the City's zoning and platting jurisdiction; and

WHEREAS, the Subdivider wishes to connect the water main system within the area to be developed to the water system of the City; and

WHEREAS, the parties wish to agree upon the manner and the extent to which any public funds may be expended in connection with public improvements to be constructed within the area to be developed and the extent to which the contemplated public improvements specially benefit property in the area to be developed and to what extent the cost of same may be specially assessed.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

For the purposes of this Agreement, the following words and phrases shall have the following meanings:

- A. The "cost" or "entire cost" of a type of public improvement shall be deemed to include all construction costs, engineering fees, attorneys' fees, testing expenses, publication costs, financing costs and miscellaneous costs. In this connection, financing costs shall include all financing fees and bond fees and financing to date of levy of special assessments. The date of any levy of special assessments shall mean within six (6) months after acceptance of the improvement by the City.
- B. "Property benefited" in the event of the creation of any improvement district, shall mean property within the Subdivider's subdivision (Exhibit "A") which constitutes building sites.

- C. "District" shall mean an improvement district formed by action of the Wayne City Council for the purpose of designing, financing and constructing public improvements for the subdivision.

SECTION I

Subdivider, City and County covenant that any water main and sanitary sewer main improvements installed by the Subdivider will be constructed to Nebraska Department of Health and Human Services and Nebraska Department of Environmental Quality standards and City standards and dedicated to the City water utility and/or the City sewer utility for maintenance.

Subdivider and City and County covenant that public improvements installed by any extension or paving district created by the City or the County may be installed and provided as set forth herein.

- A. Water distribution mains, hydrants and valves constructed within easements or street right-of ways per plat (Exhibit "A") will be provided by Subdivider. If any utility extension district is to be created, it will be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution improvements shall be specially assessed to the property benefited.
- B. Private wells for potable water are prohibited everywhere within the boundaries of the Tuffern Blue Estates Subdivision.
- C. Subdivider agrees to pay \$5,000 to the City of Wayne Water Utility to connect the Subdivision to the City water system, for the purpose of defraying 1/10th of the \$50,000 of "pioneering investment" contributed by the City of Wayne water utility to the Muhs' Acres Water Extension District to defray the cost of the water transmission line across the undeveloped land between the east boundary of the Muhs' Acres extension district and the connection at City Well #6.
- D. Underground electrical service to each buildable lot within the subdivision shall be provided by the Subdivider, unless the subdivision is annexed.
- E. Street lighting for public or private streets dedicated per plat (Exhibit "A") shall be provided by the Subdivider.
- F. Grading for the subdivision shall be completed by the Subdivider at the Subdivider's expense.
- G. In lieu of the dedication of green space area to the City, Subdivider agrees to pay the optional Park Fee for Tuffern Blue Estates rural subdivision calculated to be \$900, as required to satisfy the City park ordinance requirements for new residential subdivisions.

SECTION II

Subdivider and City covenant and agree that any utility or paving district created by the City or County will:

- A. Abide by and incorporate into all of its construction contracts the provisions required by the regulations of the City or the County pertaining to construction of public improvements in subdivisions and testing procedures therefore except as otherwise provided in this agreement.
- B. Except as may otherwise be mutually agreed to by the City or County and the Subdivider, any of said publically created Water or Paving Districts' levy of special assessments shall be made in such a manner so as to assure that the entire burden of the levy is borne, on an equitable basis, by lots or parcels.
- C. The District's engineer shall provide the following information to the Subdivider and the City or County at least 20 days prior to the meeting of the City Council or County Commissioners held to propose the levy of special assessments:
 - (1) A detailed schedule of the proposed special assessment and/or the amount of general obligation costs of any improvement or acquisition.
 - (2) A plat of the area to be assessed.
 - (3) A full and detailed statement of the entire cost of each type of improvement, which statement or statements shall separately show:
 - (a) The amount paid to the contractor.
 - (b) A special itemization of all other costs of the project, including but not limited to, all engineering fees, attorneys' fees, testing expenses, publication costs, financing costs, including, but not limited to, interest on all warrants to date of levy of special assessments, estimated fiscal agent's fees and bond fees.
 - (c) A special itemization of all costs of the District not itemized in (a) and (b) above.
- D. The City and County agree to not unreasonably delay acceptance of an improvement and that City or County shall levy special assessments within six (6) months after acceptance of the improvement(s).

SECTION III

- A. No separate administrative entity nor joint venture, among the parties, is deemed created by virtue of the Subdivision Agreement.

B. The administration of this Subdivision Agreement shall be through the offices of the undersigned officers for their respective entities.

C. Binding Effect. This Subdivision Agreement shall be binding upon the parties, their respective successors and assigns.

IN WITNESS WHEREOF, we, the executing parties, by our respective duly authorized agents, hereby enter into this Agreement, effective on the day and year first above written.

ATTEST:
Kitty A. Tri Murr
CITY CLERK

CITY OF WAYNE
[Signature]
MAYOR Date

ATTEST:

SUBDIVIDER
Todd Luedeke 1-4-17
TODD LUEDEKE Date

ATTEST:

SUBDIVIDER
Cheryl Luedeke 1-4-17
CHERYL LUEDEKE Date

ATTEST:
Debra Finn

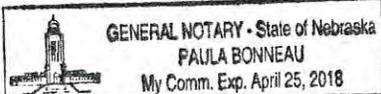
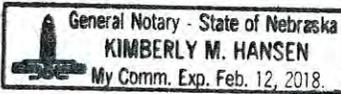
COUNTY OF WAYNE, NEBRASKA
James Rabe 1-13-17
CHAIR Date

STATE OF NEBRASKA
COUNTY OF WAYNE

On this 4 day of January 2017¹³, before me, a Notary Public, duly commissioned and qualified in and for said County, appeared Todd Luedeke, Subdivider, who is personally know by me to be the identical person whose name is affixed to the Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

Paula Bonneau
Notary Public



13 January 2017
for James Rabe
Kimberly Hansen

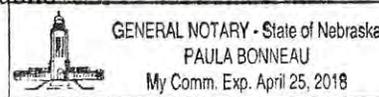
STATE OF NEBRASKA
COUNTY OF WAYNE

On this 4 day of ^{January 2017} ~~July, 2016~~, before me, a Notary Public, duly commissioned and qualified in and for said County, appeared Cheryl Luedeke, Subdivider, who is personally know by me to be the identical person whose name is affixed to the Subdivision Agreement, and acknowledged the execution thereof to be her voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

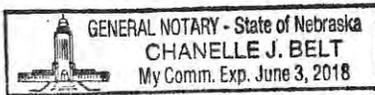
Paula Bonneau
Notary Public

STATE OF NEBRASKA
COUNTY OF WAYNE



On this 19th day of July, 2016, before me, a Notary Public, duly commissioned and qualified in and for said County, appeared Ken Chamberlain, Mayor of the City of Wayne, Nebraska, who is personally know by me to be the identical person whose name is affixed to the Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

Witness my hand and Notarial Seal the day and year last above written.



Chanelle J. Belt
Notary Public

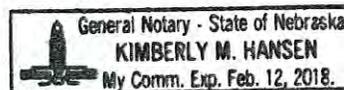
STATE OF NEBRASKA
COUNTY OF WAYNE

On this 13 day of ^{January 2017} ~~July~~, before me a Notary Public, duly commissioned and qualified in and for said County, appeared ^{James Rabe} ~~James Rabe~~ Chair of the Wayne County Commissioners, County of Wayne, Nebraska, who is personally know by me to be the identical person whose name is affixed to the Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

Witness my hand and Notarial Seal the day and year last above written.

James Rabe 1-13-17

Kimberly Hansen
Notary Public



Water Well Permit Application

Date 7/12/18

Applicant(s) Mark Paradox LLC

Address of Applicant 1700 Claycomb Rd

The above named applicant(s) request permission to construct or have constructed a water well.

Legal Description & Address of Well Site Lot #3 of Tuffern Blue Estate, 1-26-3 Subdiv. N 1-26-3

Intended Use of Well (Non-Domestic) (Domestic) (Geo-Thermal)

Desired Well Capacity (gpm) 15

The applicant(s) agree to and acknowledge as condition contingent to granting of this permit that when the well is completed the applicant(s) will provide the City with the following information:

Name of Well Driller Christenson Well & Irrigation, Inc.

Address 88005 HWY 15 Hartington

Date Well(s) Completed Summer 18'

Depth of Well(s) estimated 200'

Size of Casing, Screen, or Bore (Geo-Thermal) 4" PVC

Length of Casing, Screen, or Bore (Geo-Thermal) 200'

Type of Pump Installed oulds

Motor Size (H.P.) 1 H.P.

Out of Pump (gpm) 10-15 gpm

The applicant shall provide to the City a map, drawn to scale, of all well(s) location(s) as they relate to the property pins.

The applicant(s) agree(s) to furnish the City with samples of the water and/or a driller well(s) log(s) if requested.

A non-refundable application fee of \$200.00 must accompany the application. (Resolution #2001-16)

The applicant(s) agree(s) to complete the Impact Statement as per attached Scope of Services document.


Applicant

Applicant

APPROVAL:

Water/Wastewater Superintendent Date

 8-7-2018
Zoning Administrator Date

APPROVAL:

Mayor Date

City Clerk Date

WELL PERMIT

§ 53.057 WELLS PROHIBITED.

It shall be unlawful for any person, other than the city, to have a well, construct a well, or repair a well within the city limits. Any existing non-conforming well shall be terminated and abandoned.
(2002 Code, § 82-189) Penalty, see § 53.999

§ 53.058 REGISTRATION.

(A) All persons having a well within the zoning jurisdiction of the city, as prescribed by Neb. RS 16-901, shall register such well with the City Clerk.

(B) Such registration shall be on a form furnished by the City Clerk and shall contain the following information:

- (1) Location of the well site;
- (2) Description of the use of the well;
- (3) Capacity of the well;
- (4) Name of the person drilling the well;
- (5) Date the well was completed, or date to be completed;
- (6) Depth of the well; and
- (7) Type and size of the pump installed.

(2002 Code, § 82-190)

Statutory reference:

Related provisions, see Neb. RS 46-638

§ 53.059 PERMIT APPLICATION.

Any person desiring to drill a well or replacement well within the zoning jurisdiction of the city shall apply to the city for a permit for drilling of such well. All applications for permits shall be made on forms furnished by the City Clerk.

(2002 Code, § 82-191)

§ 53.060 PERMIT FEES.

The completed application for a well in which a pump of 50 gallons per minute or less capacity is to be installed, and the well is to be used for domestic use and for no other use, shall be accompanied by the current non-refundable permit application fee. The completed application for a replacement well, which replaces a well that has been properly abandoned and capped as determined by the city's designee, shall be accompanied by the current non-refundable permit application fee. Each completed application in which a pump of over 50 gallons per minute capacity is to be installed, or the well is to be used for any non-domestic use, shall be accompanied by the current non-refundable permit application fee.

(2002 Code, § 82-192)

§ 53.061 HEARING.

Council shall hold a public hearing to consider the application for any well in which a pump of over 50 gallons per minute capacity is to be installed, or the well is to be used for any non-domestic use, after which the Council shall either grant or deny the application for permit upon determination as to whether the proposed well will pollute or injure the water source for the supply of water for the city.

(2002 Code, § 82-193)

RESOLUTION NO. 2018-43

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

WHEREAS, the City of Wayne Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Wayne is requesting \$475,000 of CDBG Comprehensive Development (CD) Phase II Year 2 funds, of which \$430,000 will be used for street and storm sewer improvements to Nebraska Street between 2nd and 7th Street; \$35,000 will be used for general administration; and \$10,000 will be used for construction management. The required matching funds of \$215,000 will be provided by the City of Wayne and will come from the street and storm sewer project on Nebraska Street, as well as \$199,940 in additional leverage needed to compete the improvements. The estimated cost of the street project is \$844,940, for a total project cost of \$889,940. All activities will be conducted within the LMI target area. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Wayne, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Wayne and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED this 21st day of August, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

Comprehensive Development (CD) Application

Community Development Block Grant (CDBG)

Nebraska Department of Economic Development (DED)

2018

DED USE ONLY

Year 2 Contract No.

16-CD-

Date Received

PART I. GENERAL INFORMATION

TYPE OR PRINT ALL INFORMATION

1. APPLICANT IDENTIFICATION		2. PERSON PREPARING APPLICATION	
Applicant Name	City of Wayne	Name	Jan Merrill
Mailing Address	PO Box 8	Organization	NENEDD
City, State, ZIP	Norfolk, NE 68787	Address	111 S 1 st Street
County	Wayne	City, State, ZIP	Norfolk, NE
Local Contact	Wes Blecke	Email Address	jan@nenedd.org
Email Address	wblecke@cityofwayne.org	Telephone	402-379-1150 ext 109
Telephone	402-375-1733	Federal ID #	47-0634922
Fax	402-375-1619	Application Preparer (Check One)	
Federal ID #	47-6006407	<input type="checkbox"/> Local Staff	<input type="checkbox"/> Non-Profit
DUNS #	031172505	<input type="checkbox"/> Consultant	<input checked="" type="checkbox"/> Economic Development District
SAM Expiration Date	6/12/2019		

3. ACTIVITY TYPE	4. FUNDING SOURCES
CD Phase II Implementation: <input type="checkbox"/> Year 2 Option A <input checked="" type="checkbox"/> Year 2 Option B	CDBG Funds Requested \$ 475,000.00
	Local Match \$ 215,000.00
	Leverage \$ _____
	Total Cost \$ 690,000.00
	<i>Round amounts to the nearest dollar.</i>

5. APPLICATION TYPE
<input checked="" type="checkbox"/> Individual

6. SERVICE AREA	7. PROJECT NAME AND LOCATION
Legislative District <u>17</u> Congressional District <u>3</u>	CD Phase II Year 2 Bressler Park and Nebraska St. Wayne, NE
Other identifying characteristics:	

8. USE SUMMARY: Brief description of the project for which CDBG funds are requested.

<input checked="" type="checkbox"/> Project Description attached.	CDBG Comprehensive Development (CD) Phase II Year 2 funds will be used for infrastructure improvements of the street and storm sewer on Nebraska Street between 2 nd and 7 th Streets.
--	--

9. CERTIFYING OFFICIAL: Chief elected officer of local government requesting CDBG funds.

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

_____	Jill Brodersen, Mayor	August 21, 2018
Signature in Blue Ink	Typed Name and Title	Date Signed
_____	Betty McGuire, City Clerk	August 21, 2018
Attest	Typed Name and Title	Date Signed

FFATA REPORTING FORM/CERTIFICATION – CDBG & CDBG HOUSING

The Federal Funding Accountability and Transparency Act (FFATA) seeks to provide the public with greater access to Federal spending information. Due to FFATA requirements, units of general local government are required to provide the following information, which may be used by the Department of Economic Development ("Department") to comply with federal reporting requirements. Please fill out the following form accurately and completely, have it signed by an authorized official, and submit to the Department along with your application for funding.

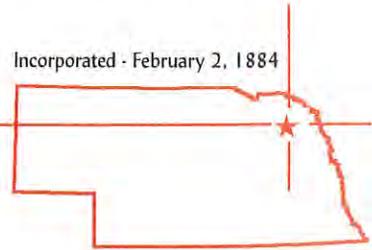
Name of Applicant: City of Wayne			
Applicant Address: PO Box 8			
City: Wayne	State: NE	Zip: 68787	Congressional District: 3
Applicant DUNS number: 031172505			
Principal Place of Performance of Proposed Project: Wayne, NE			
City: Wayne	State: NE	Zip: 68787	Congressional District: 3
<p>The City of Wayne is requesting \$475,000 of CDBG Comprehensive Development (CD) Phase II Year 2 funds of which \$430,000 will be used for street and storm sewer improvements to Nebraska Street between 2nd and 7th Street. \$35,000 will be used for general administration; and \$10,000 will be used for construction management. The required matching funds of \$215,000 will be provided by the City of Wayne and will come from streets and storm sewer project on Nebraska Street, as well as \$199,940 in additional leverage needed to compete the improvements. The estimate cost of the street project is \$844,940 for a total project cost of \$889,940. All activities will be conducted within the LMI target area. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.</p>			
<p>If certain conditions are met, Applicant must provide names and total compensation of Applicant's top five highly compensated Executives to the Department. Please answer question number 1, and follow the instructions. If directed to answer question 2, please answer question 2 and follow instructions.</p>			
<p>1. In Applicant's previous fiscal year, did Applicant receive (a) 80 percent or more of Applicant's annual gross revenues in U.S. federal contracts and subcontracts and other federal financial assistance subject to the Transparency Act, as defined in 2 C.F.R. 170.320; AND (b) \$25,000,000 or more in annual gross revenues from contracts and subcontracts and other federal financial assistance subject to the Transparency Act, as defined in 2 C.F.R. 170.320?</p> <p>Yes <input type="checkbox"/> If yes, answer question 2 below. No <input checked="" type="checkbox"/> If no, stop, you are not required to report names and compensation. Please sign and submit form to the Department.</p>			
<p>2. Does the public have access to information about the compensation of Applicant's senior executives through periodic reports filed under section 13(a) or 15(d) of the Security Exchange Act of 1934 (15 U.S.C. 78(m)(a), 78o(d)), or section 6104 of the Internal Revenue Code of 1986?</p> <p>Yes <input type="checkbox"/> If yes, stop, you are not required to report names and compensation. Please sign and submit form to the Department. No <input type="checkbox"/> If no, you are required to report names and compensation. Please fill out the remainder of this form.</p>			
<p>Please provide the names and Total Compensation of the top five most highly compensated Executives in the space below.</p> <p>(NOTE: Executive means officers, managing partners, or any other employees in management positions. Total Compensation means the cash and noncash dollar value earned by the Executive during the Applicant's preceding fiscal year and includes salary and bonus, awards of stock, stock options, and stock appreciation rights; earnings for services under non-equity incentive plans, change in pension value, above market earnings on deferred compensation which is not tax-qualified; and other compensation exceeding \$10,000 as defined in Appendix A to 2 C.F.R. Part 170.)</p>			
Name:		Total Compensation:	
Name:		Total Compensation:	
Name:		Total Compensation:	
The Applicant certifies that the information contained on this form is true and accurate. Signed: _____ Title: <u>Mayor</u> Date: <u>August 21, 2018</u>		DED USE _____ _____ _____	

City of Wayne

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

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

Incorporated - February 2, 1884



RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the City of Wayne Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

The City of Wayne is requesting \$475,000 of CDBG Comprehensive Development (CD) Phase II Year 2 funds of which \$430,000 will be used for street and storm sewer improvements to Nebraska Street between 2nd and 7th Street. \$35,000 will be used for general administration; and \$10,000 will be used for construction management. The required matching funds of \$215,000 will be provided by the City of Wayne and will come from streets and storm sewer project on Nebraska Street, as well as \$199,940 in additional leverage needed to compete the improvements. The estimate cost of the street project is \$844,940 for a total project cost of \$889,940. All activities will be conducted within the LMI target area. All CDBG funds will benefit low-to-moderate income persons in the community. No persons will be displaced as a result of this project.

and, NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of Wayne that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Wayne and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed

Mayor
Title

08/21/2018
Date

Exhibit B



Home of Wayne State College



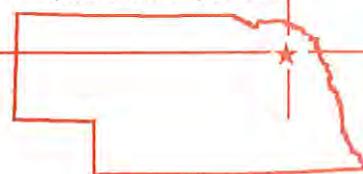
Equal Housing Opportunity

City of Wayne

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

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

Incorporated - February 2, 1884



APPLICANT'S STATEMENT OF ASSURANCES AND CERTIFICATIONS

The City of Wayne (Applicant) hereby assures and certifies to the Nebraska Department of Economic Development regarding an application for Community Development Block Grant (CDBG) funds, the following:

THRESHOLD CERTIFICATIONS

1. There are no significant unresolved audit findings relating to any prior grant award from the federal and/or state government that would adversely affect the administration of this grant.
2. No legal actions are underway or being contemplated that would significantly impact the Applicant's capacity to effectively administer the program, and to fulfill the CDBG program; and
3. No project costs have been incurred that have not been approved in writing by the Department.

FEDERAL COMPLIANCE CERTIFICATIONS

4. It will adopt and follow a residential anti-displacement and relocation assistance plan that will minimize displacement as a result of activities assisted with CDBG funds.
5. It will conduct and administer its programs in conformance with:
 - a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1).
 - b. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.
 - c. The Fair Housing Act of 1988 (42 USC 3601-20) and will affirmatively further fair housing.
6. It will not attempt to recover any capital costs of public improvements assisted in whole or part by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (1) grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than grant funds, or (2) for purposes of assessing any amount against properties owned and occupied by persons of LMI who are not persons of very-low income, the recipient certifies to the state that it lacks sufficient grant funds to comply with the requirements of clause (1).
7. It will comply with all provisions of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

CITIZEN PARTICIPATION PLAN CERTIFICATION

8. It certifies that a detailed citizen participation plan is on file which includes:
 - a. Providing and encouraging citizen participation with particular emphasis on participation by lower income persons who are residents of slum and blight areas in which funds are proposed to be used to include target areas as identified in the application.
 - b. Providing citizens with reasonable and timely access to local meetings, information, and records relating to the Applicant's proposed and actual use of CDBG funds.
 - c. Furnishing citizens with information, including but not limited to, the amount of CDBG funds expected to be made available for the current fiscal year, including CDBG funds and anticipated program income; the range of activities that may be undertaken with CDBG funds; the estimated amount of CDBG funds to be used for activities that will meet national objective of benefit to low- and moderate-income people, and the proposed CDBG activities likely to result in displacement and the grantee's anti-displacement and relocation plans.

Exhibit C-1



Home of Wayne State College



Equal Housing Opportunity

- d. Providing technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals. The level and type of assistance is to be identified within the plan.
- e. Providing for public hearings at different stages of the program, for the purpose of obtaining citizen's views and responding to proposals and questions. The hearings must cover community development and housing needs, development of proposed activities and review of program performance. The hearing to cover community development needs must be held before submission of an application to the state. The hearing on program performance must be held during the implementation of the CDBG awarded grant. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings are to be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can be expected to participate.
- f. Providing citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in the application to the state and for grants already made, activities that are added to, deleted or substantially changed from the application to the state. Substantially changed is defined in terms of purpose, scope, location or beneficiaries defined by the state established criteria.
- g. Providing citizens the address, phone number and acceptable hours for submitting complaints and grievances and providing timely written responses to written complaints and grievances within 15 working days where practicable.

SPECIAL REQUIREMENTS AND ASSURANCES.

- 9. The Applicant will comply with the administrative requirements of the program, those applicable items in the 1995 Consolidated Plan, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, and 24 CFR Part 570 (including parts not specifically cited below), and the following laws, regulations and requirements, both federal and state, as the pertain to the design, implementation and administration of the local project, if approved:

CIVIL RIGHTS AND EQUAL OPPORTUNITY PROVISIONS

- ! Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et. seq.) (24 CFR Part 1)
- ! Section 109 of the Housing and Community Development Act of 1974, As Amended
- ! Age-Discrimination Act of 1975, As Amended (42 U.S.C. 6101, et. seq.)
- ! Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794) and the Americans with Disability Act
- ! Executive Order 11246, As Amended
- ! Executive Order 11063, As Amended by Executive Order 12259 (24 CFR Part 107)

ENVIRONMENTAL STANDARDS AND PROVISIONS

- ! Section 104(f) of the Housing and Community Development Act of 1974, As Amended
- ! Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831) and the Implementing Regulations found at 24 CFR Part 35
- ! The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et. seq., and 24 CFR Part 58)
- ! The Clean Air Act, As Amended (42 U.S.C. 7401, et. seq.)
- ! Farmland Protection Policy Act of 1981, (U.S.C. 4201, et. seq.)
- ! The Endangered Species Act of 1973, As Amended (16 U.S.C. 1531, et. seq.)
- ! The Reservoir Salvage Act of 1960 (16 U.S.C. 469, et. seq.), Section 3 (16 U.S.C. 469 a-1), As Amended by the Archaeological and Historic Preservation Act of 1974
- ! The Safe Drinking Water Act of 1974 [42 U.S.C. Section 201, 300(f), et. seq., and U.S.C. Section 349 as Amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e))]
- ! The Federal Water Pollution Control Act of 1972, As Amended, including the Clean Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et. seq.)
- ! The Solid Waste Disposal Act, As Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et. seq.)
- ! The Fish and Wildlife Coordination Act of 1958, As Amended, (16 U.S.C. Section 661, et. seq.)
- ! EPA List of Violating Facilities
- ! HUD Environmental Standards (24 CFR, Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979)
- ! The Wild and Scenic Rivers Act of 1968, As Amended (16 U.S.C. 1271, et. seq.)
- ! Flood Insurance
- ! Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et. seq.)
- ! Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et. seq.)
- ! Environmental Protection Act, NEB. REV. STAT. 81-1501 to 81-1532 (R.R.S. 1943)
- ! Historic Preservation

LABOR STANDARDS AND PROVISIONS

- ! Section 110 of the Housing and Community Development Act of 1974, As Amended
- ! Fair Labor Standards Act of 1938, As Amended, (29 U.S.C. 102, et. seq.)
- ! Davis-Bacon Act, As Amended (40 U.S.C. 276-a - 276a-5); and Section 2; of the June 13, 1934 Act., As Amended (48 Stat. 948.40 U.S.C. 276(c), popularly known as The Copeland Act
- ! Contract Work Hours and Safety Standards Act (40 U.S.C. 327, et. seq.)
- ! Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701(u)]

FAIR HOUSING STANDARDS AND PROVISIONS

- * Section 104(a)(2) of the Housing and Community Development Act of 1974, As Amended Public Law 90-284, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et. seq.). As Amended by the Fair Housing Amendments Act of 1988
- * Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended (42 U.S.C. 4630) and the Implementing Regulations Found at 49 CFR Part 24
- * Relocation Assistance Act, NEB. REV. STAT. 76-1214 to 76-1242 (R.S. Supp. 1989)
- * Nebraska Civil Rights Act of 1969 20-105 to 20-125, 48-1102 and 48-1116
- * Uniform Procedures for Acquiring Private Property for Public Use, NEB. REV. STAT. 25-2501 to 25-2506 (R.R.S. 1943)

ADMINISTRATIVE AND FINANCIAL PROVISIONS

- * 78 FR 78589 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards "Cost Principles"
- * 78 FR 78589 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards "Administrative Requirements"
- * 24 CFR 570.503 - Grant Administration Requirements for Use of Escrow Accounts for Property Rehabilitation Loans and Grants
- * 24 CFR 570.488 to 570.499a - States Program: State Administration of CDBG Nonentitlement Funds
- * Community Development Law, NEB. REV. STAT. 18-2101 to 18-2144 (R.S. Supp. 1982)
- * Public Meetings Law, NEB. REV. STAT. 18-1401 to 18-1407 (R.R.S. 1943)
- * 24 CFR Subtitle A (4-1-98 Edition) – 85 Administrative requirements for grants and cooperative agreements to State, local and federally recognized Indian tribal governments

MISCELLANEOUS.

- * Hatch Act of 1938, As Amended (5 U.S.C. 1501, et. seq.)

The Applicant hereby certifies that it will comply with the above stated assurances.

Signed _____

Mayor
Title

August 21, 2018
Date

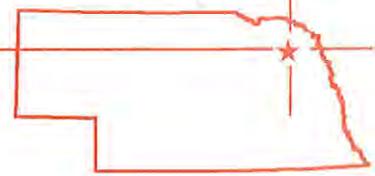
February 2015 Revised

City of Wayne

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

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

Incorporated - February 2, 1884



Citizen Participation Plan City of Wayne, Nebraska

A. Participation by Citizens

All citizens, including low- and moderate-income citizens, shall be requested and encouraged to participate in the assessment of community issues, problems and needs; the identification of potential solutions; and priority to such issues, problems and needs, as follows:

1. All citizens shall be periodically requested to complete a community needs survey to identify community and neighborhood issues, problems and needs.
2. All citizens shall be notified by publication and posting of all meetings to discuss the identified needs, potential solutions and solution priorities.
3. All citizens, particularly low and moderate-income citizens, shall be afforded the opportunity to serve on various community improvement task forces established by the City of Wayne.

B. Access to Meetings, Information and Records

Notice of public meetings conducted by the City of Wayne at the City Office shall be published or posted within a reasonable number of days prior to such meetings.

Agendas of all such meetings shall be available at the City Office for public inspection.

All meetings where CDBG projects or applications are to be discussed shall be published or posted 6 days prior to such meetings and all information and records concerning such CDBG projects or applications shall be available for public inspection at the City Office.

All meetings will be held at a time and location convenient to potential or actual beneficiaries which will be accessible to all citizens. The building and site will also be accessible to persons with disabilities.

C. Specific CDBG Project Information

All citizens shall be provided with information regarding specific CDBG projects through public meetings and publication of notices which provide all pertinent information regarding any CDBG project including, but not limited to:

1. The amount of CDBG funds expected to be made available to the City of Wayne for the current fiscal year, including CDBG funds and anticipated program income;
2. The specific range of activities that may be undertaken with CDBG funds;
3. The estimated amount of CDBG funds to be used for activities that will meet the national objective of benefit to low-and moderate-income persons, and;
4. A description of any proposed CDBG funded activities that are likely to result in displacement of persons along with the City of Wayne anti-displacement and relocation plans.

D. Provisions for Technical Assistance to Citizens

The City Clerk shall maintain current information of available resources for community improvement efforts and CDBG programs available and provide such information upon request by any citizen or group representing any citizen or group of citizens and the City Clerk shall provide assistance in developing proposals to address issues, problems and needs identified by such citizen or citizens.

E. Public Hearing on CDBG Activities

The City Council shall enact a minimum of two (2) public meetings or hearings to be conducted with regard to any CDBG application. At least one meeting or hearing shall be conducted prior to the submission of any such application and a second public hearing shall be held near the completion of any CDBG funded activity to obtain citizen input, comments or opinions with regard to such application(s) and to program or project performance.



Home of Wayne State College

Exhibit C-2



Equal Housing Opportunity

The City Clerk shall act as the contact person for all questions, comments or concerns expressed by any citizen with regard to any CDBG program or project and shall forward any such questions, comments or concerns to the City Council at the next regular meeting of the City of Wayne immediately following expression of such questions, comments or concerns. The City Clerk shall also be responsible for transmitting the City of Wayne response to any such question, comment or concerns to the citizen or citizens expressing the same.

F. Needs of Non-English Speaking Citizens

The City Council shall conduct the public hearings in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate, the City Clerk shall arrange for oral or written translation of information regarding any CDBG program, application or project upon request by such non-English speaking persons or representatives of such persons.

G. Compliance/Grievance Procedures

The City Clerk shall post a notice at the City Office that provides name, telephone number, address and office hours of the City of Wayne for citizens who wish to file a complaint or grievance regarding any CDBG program, project or application.

Individuals wishing to submit a complaint or file a grievance concerning activities, of or application for, CDBG funds may submit a written complaint or grievance to the City Clerk

The City Clerk shall present such complaint or grievance to the City Office at the next regular meeting of the City of Wayne, where it be reviewed by the Board members. The individual submitting such complaint or grievance shall be notified of such meeting and shall be given the opportunity to make further comments at such meeting. The City of Wayne shall issue a written response to any complaint or grievance within fifteen (15) days following the meeting at which a response is formulated. Such response shall be mailed to the individual citizen(s) submitting the complaint or grievance by the City Clerk to the last known address of said citizen(s).

In the event that the nature of the complaint or grievance is determined to be a matter requiring immediate action, a special meeting of the City of Wayne shall be called to review the matter within ten (10) days of receipt of such complaint or grievance.

H. Adoption

This Citizen Participation Plan is hereby adopted by action of the City Council of the City of Wayne, Nebraska.

Jill Brodersen, Mayor

Attest: Betty A McGuire, City Clerk

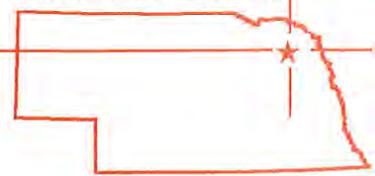
August 21, 2018
Date

City of Wayne

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RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The City of Wayne will replace all occupied and vacant occupiable low-moderate-income dwelling units demolished or converted to a use other than as low-moderate-income housing as a direct result of activities assisted with Community Development Block Grant (CDBG) funds provided under the Housing and Community Development Act of 1974, as amended.

All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Wayne will make public and submit to DED the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low-moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low-moderate-income dwelling unit for at least ten (10) years from the date of initial occupancy.

The City of Wayne will provide relocation assistance, according to either the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24) or 24 CFR 570.496a(c) to each low/moderate-income family displaced by the demolition of housing, or the conversion of a low-moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the CDBG program, the City of Wayne will take the following steps to minimize the displacement of persons from their homes:

1. Maintain current data on the occupancy of houses in areas targeted for CDBG assistance.
2. Review all activities prior to implementation to determine the effect, if any, on occupied residential properties.
3. Include consideration of alternate solutions when it appears an assisted project will cause displacement, if implemented.
4. Require private individuals and businesses to consider other alternatives to displacement causing activities, if they are requesting CDBG assistance.

Signed _____

Title Mayor

Date August 21, 2018

Exhibit D



Home of Wayne State College



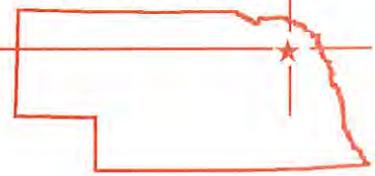
Equal Housing Opportunity

City of Wayne

306 Pearl • P.O. Box 8
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(402) 375-1733
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August 21, 2018

Jenny Mason
Nebraska Department of Economic Development
PO Box 94666
Lincoln, NE 68509-4666

In connection with the City of Wayne's Comprehensive Development (CD) Phase II Year 2 grant application, I certify the City of Wayne will provide the required match of \$215,000. The match will be funded from the public facilities improvements which will provide from the street and storm sewer project on Nebraska Street from 2nd Street to 7th Street.

Sincerely,

Beth Porter
Finance Director
City of Wayne, NE

Exhibit Q



Exhibit K1b: Waiver of Procurement Process & Narrative (Development District)

WAIVER OF PROCUREMENT PROCESS DUE TO OFFICIALS OF THE GRANTEE ACTING IN THEIR OFFICIAL CAPACITY

The City of Wayne hereby assures and certifies to the Nebraska Department of Economic Development (the Department) regarding an application for Community Development Block Grant (CDBG) funds, the following:

1. Applicant has reviewed 2 CFR Part 200 Subpart D which sets forth the standards that are applicable to procurement for Federal grants and cooperative agreements and sub-awards to the State, local and Indian tribal governments.
2. Applicant has reviewed the Nebraska Statute 13-1904. Development District, duties which is defined as: "A development district shall, as directed by its policy board, serve as a regional resource center and provide planning, community, and economic development, and technical assistance to local governments which are members of the district and may provide assistance to industrial development organizations, tourism promotion organizations, community development groups, and similar organizations upon request."
3. The City of Wayne is a member of Northeast Nebraska Economic Development District. **Attach documentation identified below.**
4. The project activity directly relates to the official capacity of the appointee as described in brief below. Where services are beyond general administrative services, attach any related supplementary documentation to capacity (e.g. statement of capacity to complete planning services, construction management, etc.):

The City of Wayne is a member of the Northeast Nebraska Economic Development District (NENEDD) and has contracted with NENED for a scope of work including general administration and construction management services. Specifically, Jan Merrill will be the NENEDD staff assigned to this project. Ms. Merrill's certification is valid until July 31, 2019.

Applicant hereby certifies that it will comply with the above stated assurances.

Jill Brodersen

Title

Date

ATTACHMENT REQUIRED

Select and attach one of the following items for verification:

- Letter from Development District
- Copy of paid membership dues

Exhibit K1b

Part II. Funding Summary CD Phase II (Implementation)

ROUND AMOUNTS TO THE NEAREST DOLLAR. Questions on any activities contact DED staff. Check that the figures are correctly added and the column totals are the same as provided in Part I, Box 4. Funding Sources.

Activity Code-Activity	Nat'l Objective *	Proposed Unit Type **	CDBG Funds	Matching Funds ²	Total Funds	Sources of Matching Funds
0010 Acquisition/Easements	1					
0030 Clearance/Demolition	1					
0070 Public Facilities & Improvements						
0081 Daycare Centers						
0082 Health Care Clinics						
0090 Community Centers						
0091 Senior Centers						
0092 Public Libraries						
0093 Fire Station/Equipment						
0230 Streets/Bridges	LMA		\$430,000	\$198,340	\$628,340	City of Wayne
0250 Storm Sewers	LMA			\$16,660	\$16,660	City of Wayne
0300 Water/Sewer						
0320 Water/Sewer Hookups						
0370 Flood Control & Drainage Facilities						
0490 Architectural Barriers	1					
0530 SF Housing Rehabilitation						
0531 SF Housing PRR						
0541 SF Housing Rental Rehab						
0561 MF Housing Rehab						
0590 Commercial Rehab						
SUBTOTAL PROJECT COSTS			430,000	215,000	645,000	
0580 Housing Management						
0580a Housing Mgmt: LBP Test & Risk Assessments/Clearance ³						
0380 Construction Mgmt	LMA ¹		10,000		10,000	
SUBTOTAL SUPPORTING PROJECT COSTS			440,000	215,000	655,000	
0181 GENERAL ADMINISTRATION			35,000		35,000	
1000 TOTAL AMOUNT			475,000	215,000	690,000	

¹Must correspond to CDBG National Objective for primary activity.

²DO NOT LIST LEVERAGE FUNDS IN PART II FUNDING SUMMARY.

³Lead Based Paint (LBP) testing, risk assessments, and clearance testing are limited to \$1,500 per unit. This item is a subset of 0580.

NOTE: If additional categories are needed, add supplemental pages to the application.

*For each activity enter the most appropriate National Objective Code and complete the summary information below, see *Section 2.01* of the Application Guidelines.

**The most common Proposed Units of Accomplishment types include: People, Housing Units, Businesses, and Jobs. List the most appropriate proposed primary beneficiary group. Identify the most appropriate proposed type of primary beneficiary group in the table and list the proposed number of beneficiaries below.

NATIONAL OBJECTIVE SUMMARY INFORMATION

INSTRUCTIONS: Check all that apply and provide requested summary information.

- LMA:** Benefit Low/Moderate Income Persons on an area basis.
Census **Data 53.05%** Proposed total number of beneficiaries: **2375** **LMI: 1260**
Submit Exhibit E, E1, or E2. Identify application page number(s) for source/narrative documentation: _____.

Part IV. Project Description

The City of Wayne is requesting \$475,000 of CDBG Comprehensive Development (CD) Phase II Year 2 funds of which \$430,000 will be used for street and storm sewer improvements to Nebraska Street between 2nd and 7th Street. \$35,000 will be used for general administration; and \$10,000 will be used for construction management. The required matching funds of \$215,000 will be provided by the City of Wayne and will come from streets and storm sewer project on Nebraska Street, as well as \$199,940 in additional leverage needed to complete the improvements. The estimate cost of the street project is \$844,940 for a total project cost of \$889,940.

This proposed project is the result of the 2017 Phase I Comprehensive Development (CD) Program that included the completion of a pre-development study that created a solid working document that will allow for efficient implementation of activities for improvements in a defined LMI target area. Results of the CD Study concluded that streets and street conditions and ADA accessibility were of the highest concerns to the residents of the City of Wayne. Due to the poor condition of Nebraska Street, which is located in a residential area, this investment and stabilization project will clearly benefit low/moderate income residents of the community living in the target area. Nebraska Street is in Neighborhood C.

Neighborhood C Census Tract 9787, Block Group 5

- Neighborhood C is located in the southeast quadrant of the City of Wayne. It includes the entire area within the city limits south of Highway 35/East 7th Street and east of Highway 15/Main Street till 5th Street than east to Logan Street then south till Fairground Avenue than west back to Highway 15/Main Street.
- The low-to-moderate percentage for persons in Neighborhood A is 62.28% according to U.S. Department of Housing and Urban Development FY 2015 LMISD by State.
- An estimated 56 percent of households had income below \$25,000 a year.

In 2017 the City of Wayne was awarded \$307,000 of CDBG Comprehensive Development (CD) Phase II Year 1 funding to install approximately 175 ADA ramps at pedestrian crossings within the LMI target area. Local matching funds of \$76,750 and \$76,750 in leveraged funds was provided by the City of Wayne and come from the 2nd Street paving and storm sewer project. The City has procured and hired the engineering firm of JEO who has completed the needed studies of the project area. The results of the studies combined with stakeholders input and public outreach provides a blueprint for the design which was approved by the City Council on June 5, 2018. The bid opening was held on July 10, 2018 and the Council approved the hiring of I & A Construction, LLP for the construction phase of the grant on July 17, 2018. Construction is to begin in the spring of 2019 and will be completed before the contract end date of November 8, 2019.

RESOLUTION NO. 2018-44

LAND AND WATER CONSERVATION FUND APPLICATION FY2018

A RESOLUTION ON DEVELOPMENT FOR OUTDOOR RECREATION.

The City of Wayne, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of converting the area which formally was the baby pool located at West 13th Street and Lincoln Street in the Swimming Pool Park into a splash pad and for the purpose of converting the current bathhouse into an enclosed park shelter.

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Wayne, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Wayne, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Wayne, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The City of Wayne, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Wayne, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Wayne, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this Resolution is a true copy of the original document that was adopted and passed by the City of Wayne, Nebraska, at a duly advertised public meeting held this 21st day of August, 2018.

PASSED AND APPROVED this 21st day of August, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

DATE: August 7, 2018
TO: Mayor Brodersen
Wayne City Council
FROM: Wayne Planning Commission
Joel Hansen, Staff Liaison



At their meeting held on August 6, 2018 the Wayne Planning Commission made a recommendation on the following public hearing; the result of that recommendation is as follows:

Public Hearing: Amending the Wayne Municipal Code, Specifically Section 152.131 Fences and Screens (D); Applicant – Micky and Katie Rutenbeck

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sorenson and seconded by Commissioner Meisenbach, to approve and forward a recommendation of approval to the City Council amending the Wayne Municipal Code, Specifically Section 152.131 Fences and Screens (D):

152.131 FENCES AND SCREENS

- (D) (1) Fences separating residential uses shall not exceed six feet in height; however, the Board of Adjustment may, by granting a variance, authorize the construction of a fence higher than six feet, but not exceeding eight feet in height, if the Board of Adjustment finds the public welfare is preserved.

with the findings of fact being according to the Planning Commission's discussion. Chair Melena stated the motion and second. All were in favor, motion carried to approve.

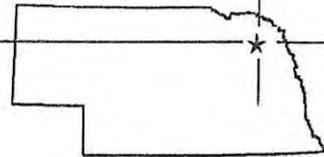
JJH:cb
Attachment

City of Wayne

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REQUEST FOR AMENDING ZONING TEXT

Applicant Micky & Katie Rutenbeck Date 6-26-18

Section of Ordinance to be Amended 152, 131 D.

Reason for Amending Text To Allow The Board of adjustment
The Ability to grant a variance to Residential fence
height for child safety needs.


Applicant's Signature

Application Process:

1. An application requesting the amendment of the zoning ordinance and the reason for such amendment.
2. An application fee must be included with the request – current fee is \$200, which would cover the Planning Commission public hearing and the City Council public hearing.
3. Request for amendment of zoning language will be placed on the agenda of the Planning Commission for their next available meeting date and then a recommendation of approval or denial forwarded onto the City Council for their approval or denial of the same.

Public Hearing by: Planning Commission Aug 6, 2018 City Council _____

Request Approved / Denied by Planning Commission _____

Request Approved / Denied by City Council _____

Date Fee Paid: June 26, 2018 \$ 200 (\$100 per hearing)



Home of Wayne State College



Equal Housing Opportunity

§152.131 FENCES AND SCREENS.

- (D) (1) Fences separating residential land uses shall not exceed six feet in height; however the Board of Adjustment may, by granting a variance, authorize the construction of a fence higher than six feet if the Board of Adjustment finds the public welfare is preserved due to a child safety concern.
- (2) Fences separating residential and non-residential land uses or between two non-residential land uses shall not exceed eight feet in height.

ORDINANCE NO. 2018-23

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE XV LAND USAGE, CHAPTER 152 ZONING, SECTION 152.131 FENCES AND SCREENS; 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 Title XV, Chapter 152, Section 152.131 of the Municipal Code of Wayne, is hereby amended as follows:

§ 152.131 FENCES AND SCREENS.

Except as otherwise specifically provided in this chapter and in other codes and regulations, the following regulations shall apply to the construction of fences and screening.

(A) No non-agricultural fence shall be constructed without a permit and no fence or screen may be constructed which will constitute a traffic hazard.

(B) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

(C) Any fence which is designed or constructed with one side being a finished side, or more visually appealing than the other side, shall be built with that side facing the neighboring properties and street. If supporting structures are only visible from one side of the fence, that side must face the interior of the property.

(D) (1) Fences separating residential land uses shall not exceed six feet in height; **however, the Board of Adjustment may, by granting a variance, authorize the construction of a fence higher than six feet, but not exceeding eight feet in height, if the Board of Adjustment finds the public welfare is preserved.**

(2) Fences separating residential and non-residential land uses or between two non-residential land uses shall not exceed eight feet in height.

(E) No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than eight feet; however, the Board of Adjustment may, by granting a variance, authorize the construction of a fence higher than eight feet if the Board of Adjustment finds the public welfare is preserved.

(F) Where fences, screens or obstructions are constructed to prohibit view, from one side of the fence, screen, or obstruction to the other side, no such screen or fence shall be located in the front yard, when a sidewalk exists on the adjacent terrace. No such screen or fence shall be located within 20 feet of the back of the curb of the adjacent street. The placement of a future sidewalk in the adjacent terrace shall require such screen or fence to be removed from the front yard.

(2002 Code, § 90-702) (Ord. 93-11, passed 9-28-1993; Ord. 2018-8, passed 4-17-18)

Section 2. That the Planning Commission held a public hearing on August 6, 2018, regarding this matter, and have recommended approval thereof subject to the following "Finding of Fact:"

- According to the Planning Commission's discussion.

Section 3. The original Section and any other sections in conflict with this ordinance are hereby repealed.

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

PASSED AND APPROVED this ____ day of _____, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-21

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

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

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

A tract of land located in the Northwest 1/4 of the Southeast 1/4 of Section 13, T26N, R3E of the 6th P.M., Wayne County, Nebraska more particularly described as follows:

Beginning at the Northwest Corner of Southview II Addition to the City of Wayne, Wayne County, Nebraska; thence S 02°19'08" E on the West line of said Southview II Addition, 510.95 feet; thence S 30°43'41" E on said West line, 174.34 feet; thence N 59°19'40" E on the South line of said Southview II Addition, 355.56 feet to a point on the East line of the Northwest 1/4 of the Southeast 1/4 of Section 13, T26N, R3E of the 6th P.M., Wayne County, Nebraska; thence S 01°56'44" E on said East line, 233.11 feet; thence N 85°50'29" W, 333.20 feet; thence N 30°43'41" W and parallel to the West line of said Southview II Addition, 196.02 feet; thence N 02°19'08" W and parallel to the West line of said Southview II Addition, 518.58 feet to a point on the South Right-of-Way line of Grainland Road; thence N 87°44'58" E on said South line Right-of-Way line, 30.00 feet to the Point of Beginning, containing 1.43 acres more or less,

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

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

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

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

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

PASSED AND APPROVED this 21st day of August, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-22

AN ORDINANCE APPROVING TRANSMISSION SUBSTATION SERVICE AGREEMENT BETWEEN THE CITY OF WAYNE, NEBRASKA, AND NEBRASKA PUBLIC POWER DISTRICT.

WHEREAS, the City of Wayne is a political subdivision of the State of Nebraska authorized to engage in the generation, transmission, sale and distribution of electricity; and

WHEREAS, Nebraska Public Power District (NPPD) owns and operates electric generating facilities together with a transmission system and is engaged in the generation, purchase, transmission and sale of electric power and energy; and

WHEREAS, the City of Wayne is desirous of entering into a Transmission Substation Service Agreement with NPPD to be effective January 1, 2019, which is when the City of Wayne will become a transmission customer of the Southwest Power Pool.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Transmission Substation Service Agreement between NPPD and the City of Wayne, Nebraska, is hereby approved, and the Mayor and/or Council President is hereby authorized to execute said Agreement on behalf of the City.

PASSED AND APPROVED this 21st day of August, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

TRANSMISSION SUBSTATION SERVICE AGREEMENT

between

NEBRASKA PUBLIC POWER DISTRICT

and

THE CITY OF WAYNE, NEBRASKA

This Transmission Substation Service Agreement ("Agreement") is made and entered into effective January 1, 2019, by and between the Nebraska Public Power District ("NPPD"), a public corporation and political subdivision of the State of Nebraska, and the City of Wayne, a municipal corporation of the State of Nebraska ("City"), sometimes hereinafter referred to collectively as "Parties" or individually as "Party".

RECITALS

WHEREAS, NPPD owns and operates electric generating facilities together with a transmission system and is engaged in the generation, purchase, transmission and sale of electric power and energy; and

WHEREAS, NPPD became a member of the Southwest Power Pool (SPP) effective April 1, 2009, and through its membership in the SPP, NPPD has transferred functional control of and service on NPPD's transmission system to the SPP; and

WHEREAS, it is recognized by the Parties that upon commencement of NPPD's membership in the SPP, effective April 1, 2009, that terms and provisions of the SPP Tariff do not allow NPPD to offer new transmission service on the NPPD Transmission System under the NPPD T-2 Rate Schedule (except for Transmission Substation Service, which is not provided by SPP); and

WHEREAS, City will become a transmission customer of SPP, effective January 1, 2019, and take any new transmission service from the SPP under the SPP Tariff instead of under the Wholesale Power Contract between City and NPPD dated January 1, 2002; and

WHEREAS, City requires Transmission Substation Service from NPPD to facilitate delivery of power and energy to the City's loads; and

WHEREAS, NPPD and City desire to set forth the terms and conditions applicable to said Transmission Substation Service provided by NPPD after City becomes a transmission customer of the SPP.

NOW THEREFORE, it is agreed as follows:

**ARTICLE 1
DEFINITIONS**

- 1.1 Force Majeure as used herein shall mean any cause or causes not reasonably within the control and without the fault or negligence of the affected Party which wholly or partly prevents the performance of any of its obligations under this Agreement, including, without limitation by enumeration, acts of God, acts of the public enemy, acts of terrorism or threats thereof (or actions to prevent the same), blockades, strikes or differences with workmen, civil disturbances, fires, explosions, storms, floods, landslides, washouts, labor and material shortages, boycotts, breakdowns of or damage to equipment or facilities and actions to prevent the same, interruptions to supply or delays in transportation, embargos, inability to obtain a necessary license, permit or approval, acts of military authorities, acts of local, state or federal agencies and regulatory bodies, court actions, bankruptcy court actions, arrests and restraints. Force Majeure does not include any cause arising out of a Party's act of negligence or intentional wrongdoing nor mere economic hardship of a Party. Nothing contained herein shall be construed to require a Party to settle any strike or labor negotiation against its will.
- 1.2 Prudent Utility Practices shall mean any of the practices, methods and acts at a particular time, which in the exercise of reasonable judgment in light of the facts, including but not limited to the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry prior thereto, known at the time the decision was made, would have been expected to accomplish the desired result at the lowest reasonable cost consistent with reliability, safety and expedition. In applying the standard of Prudent Utility Practices to any matter under this Agreement, equitable consideration should be given to the circumstances, requirements and obligations of each of the Parties hereto and there shall be taken into account the fact that the Parties hereto are public corporations and political subdivisions of the State of Nebraska with prescribed statutory and legal powers, duties and responsibilities. It is recognized that Prudent Utility Practices is not intended to be limited to the optimum practice, method or act to the exclusion of all others, but rather is intended to be any of the practices, methods and/or actions generally accepted in the region.

**ARTICLE 2
TERM AND EFFECTIVE DATE**

This Agreement shall become effective on January 1, 2019, and shall continue in force and effect for as long as the NPPD Transmission Substation facilities, as described in Section 3 of NPPD's T-2 Transmission Service Rate Schedule (T-2 Rate Schedule) attached hereto as Exhibit A and further described in Exhibit B attached hereto, are

necessary and used by the City for delivery of power and energy to the City's electric system.

**ARTICLE 3
SERVICE PROVIDED TO CITY BY NPPD**

For purposes of making power and energy deliveries from Point(s) of Receipt on certain NPPD transmission substations (at the 115 kV or higher voltage level as of the date of the Agreement) to the City's loads served at the 69 kV or lower voltage level, NPPD shall provide to City Transmission Substation Service as defined in and pursuant to the terms and provisions of NPPD's T-2 Rate Schedule, at the NPPD transmission substations identified in Exhibit B as the same may be revised from time to time by mutual agreement of the Parties hereto.

**ARTICLE 4
COMPENSATION TO NPPD FOR SERVICE PROVIDED**

For Transmission Substation Service provided to City under this Agreement, NPPD will charge and bill and City will pay NPPD in accordance with the rate and charge provisions of NPPD's T-2 Rate Schedule.

**ARTICLE 5
BILLING AND PAYMENTS**

- 5.1 All billing for Transmission Substation Service shall be delivered monthly by NPPD to City as soon as reasonably practical after the end of the billing period, it being recognized that partial billing may be submitted in the event that portions of the billings may require additional time to prepare. All such billings, including partial billings, shall be due and payable by City within fifteen (15) calendar days from the date the billing is rendered, whether or not a party disputes all or any portion of the billing. If such due date falls on a Saturday, Sunday or a holiday observed by either Party, the payment shall be due and payable on the next following business day. Billings shall be deemed rendered on the postmark date if deposited in first class mail with postage prepaid and shall be deemed rendered upon receipt if another means of delivery is used. All billing shall be deemed paid on the postmark date if deposited in first class mail with postage prepaid and shall be deemed paid upon receipt if another means of delivery is used.

- 5.2 In the event City fails to make a payment of a billing when due and payable for any reason, City shall pay interest thereon to NPPD. Such interest shall accrue and be compounded daily on any unpaid amount, from the date due until the date upon which payment is made, using for each day the lowest United States prime rate of interest published on that day (or the last previous publication day if not published on that day) in the money rates section of the Wall Street Journal. Each such daily interest calculation shall be on the basis of actual days and a three hundred sixty-five (365) day calendar year. The Parties agree that this paragraph shall not be a

defense to any action to compel payment of a billing or for a determination of default or termination.

- 5.3 If Transmission Customer fails to pay all or any portion of any billing described in this Article, NPPD shall have the right to terminate Transmission Substation Service and City will be prohibited from utilizing NPPD's Transmission Substation Facilities for power and energy deliveries. Such Transmission Substation Service shall not be resumed until the bill is paid in full and creditworthiness reestablished as determined to the satisfaction of NPPD.

**ARTICLE 6
METERING AND LOSSES**

- 6.1 Metering equipment at any point of measurement, as deemed necessary for the purpose of determining the Transmission Substation Service provided hereunder, will be provided by, or provided for, and maintained by NPPD.
- 6.2 It is understood that there are power and energy losses, which occur in the delivery of energy from any point of receipt to a corresponding point of delivery. The losses from any point of receipt to any corresponding point of delivery shall be determined by using the loss factors set forth in the billing exhibit contained in Exhibit B attached hereto and incorporated herein. Such factors shall be mutually agreed to by the Parties, and may be revised from time to time.

**ARTICLE 7
NOTICES, CORRESPONDENCE, BILLING AND PAYMENTS**

Any notices, billings, payments, and other communications related to this Agreement shall be given in writing and sent by mail, postage prepaid, national express delivery service or by electronic communication. A Party may change its address or the person to which notices, billings or payments are to be sent by providing written notice of such change to the other Party.

City:

NOTICES/CORRESPONDENCE

City of Wayne
306 Pearl
Wayne, NE 68787

BILLINGS

City of Wayne
306 Pearl
Wayne, NE 68787

NPPD:

NOTICES/CORRESPONDENCE

Nebraska Public Power District
Contracts Manager
P.O. Box 499
Columbus, NE 68602-0499

PAYMENTS

Nebraska Public Power District
Accounting Department
P.O. Box 499
Columbus, Nebraska 68602-0499

NPPD shall have the right to require payment by electronic transfer.

**ARTICLE 8
RECORDS AND ACCOUNTING**

From time to time, either Party shall make available to the other Party such books, records, estimates, reports and information as reasonably requested in respect of any matter relating to or arising out of this Agreement as may reasonably be required for the proper performance or establishing proper performance of this Agreement.

**ARTICLE 9
GENERAL**

- 9.1 In no event shall a Party be liable to the other Party for any indirect, consequential, incidental, economic, punitive or similar damages arising from, related to or in any way connected with this Agreement or Transmission Substation Service provided hereunder.
- 9.2 Any waiver at any time by the other Party of its rights with respect to a default or breach under this Agreement shall not be deemed a waiver with respect to any other default or breach or other matter arising in connection herewith. Any delay short of the statutory period of limitation in asserting or enforcing any right shall not be deemed a waiver of such right.
- 9.3 Neither Party to the Agreement shall be considered to be in default of performance of any of its obligations under this Agreement, except the obligation to make payment for service actually provided and billed as specified in Article 5, Billing and Payments, when a failure of performance shall be due to a Force Majeure.

If an event of Force Majeure occurs, and the affected Party is unable to carry out any of its obligations under this Agreement, then upon the affected Party giving written notice to the other Party of such Force Majeure, the affected Party's obligations shall be suspended from and after the date of the Force Majeure specified in the notice to the extent made necessary by such Force Majeure and during its continuance. The notice shall specify in detail (to the extent known) the nature of the Force Majeure, the obligations which the affected Party is unable to perform or furnish due to Force Majeure, and the affected Party's best estimate of probable duration of the Force Majeure. The affected Party shall use reasonable efforts to eliminate and cure such Force Majeure insofar as possible with minimum delay, and to resume full performance of its obligations.

- 9.4 The City shall not assign, sell, convey, or otherwise transfer this Agreement, or any of its rights or obligations thereunder, without prior express written consent of NPPD. The assignee or other transferee shall assume all duties and obligations arising from and after the time of the consent to transfer by NPPD, but such assignment or transfer shall not release the City from its duties and obligations unless specifically provided in the written consent and in the assignment,

conveyance or transfer document. All duties and obligations arising prior to the assignment or transfer shall remain the duty and obligation of the City unless the Parties specifically agree otherwise in writing.

- 9.5 This Agreement is entered into under and shall be governed and construed by the laws of the State of Nebraska, and any legal action on or arising out of this Agreement shall be commenced and maintained only in Platte County District Court, State of Nebraska.
- 9.6 Any modification, supplement, or amendment of the provisions of this Agreement shall not be valid and effective unless contained in a writing signed by the Parties.
- 9.7 This Agreement and the rights and obligations hereunder are intended only for the benefit of City and NPPD and shall not create any rights for or obligations to any other entity.
- 9.8 In the event a Party fails to perform or fulfill any material provision, obligation or condition under this Agreement, such failure shall be a breach under the Agreement. Upon a breach, the non-breaching Party may give written notice of such breach to the breaching Party. Upon such notice being provided, the breaching Party shall have thirty (30) days from receipt of said notice with which to cure the breach; provided, however, if such breach is not capable of cure within thirty (30) days, the breaching Party shall commence cure within thirty (30) days after notice and continuously use reasonable efforts to completion; and if cured within such time, the breach specified in such notice shall cease to exist. In addition to the above, a breach on the part of the City under the Interconnection and Interchange Agreement, as described in Article 10, shall also be a breach under this Agreement.

The failure of a breaching Party to cure its breach as set forth above shall be a default under this Agreement; provided, however, no default shall exist where such failure (other than the failure to make payments when due) is the result of Force Majeure as defined in this Agreement or the result of an act of omission of the other Party.

If a breach is not cured and a default occurs under this Agreement, the non-breaching Party shall have the right to declare a default and terminate this Agreement by providing written notice at any time until cure occurs, and be relieved of any further obligation hereunder and, whether or not that Party terminates this Agreement, to recover from the breaching Party all amounts due hereunder, plus all other damages and remedies to which it is entitled at law or equity. The provisions of this Section 9.8 shall survive termination of this Agreement.

ARTICLE 10

CONDITIONS TO THE AGREEMENT

The effectiveness of this Agreement shall be conditioned upon completion and effectiveness of the following:

1. City or its designee (as the SPP Transmission Customer) and SPP entering into a Service Agreement For Network Integration Transmission Service – Attachment “F” under the SPP Tariff.
2. City or its designee (as the SPP Transmission Customer), NPPD, and SPP entering into a Network Operating Agreement – Attachment “G” under the SPP Tariff.
3. City and Northeast Public Power District entering into a subtransmission service agreement between the parties, if necessary.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in duplicate by their duly authorized officers or representatives as of the dates indicated below.

CITY OF WAYNE, NEBRASKA

By: _____

Printed Name: _____

Title: _____

Date: _____

NEBRASKA PUBLIC POWER DISTRICT

By: _____

Printed Name: _____

Title: _____

Date: _____

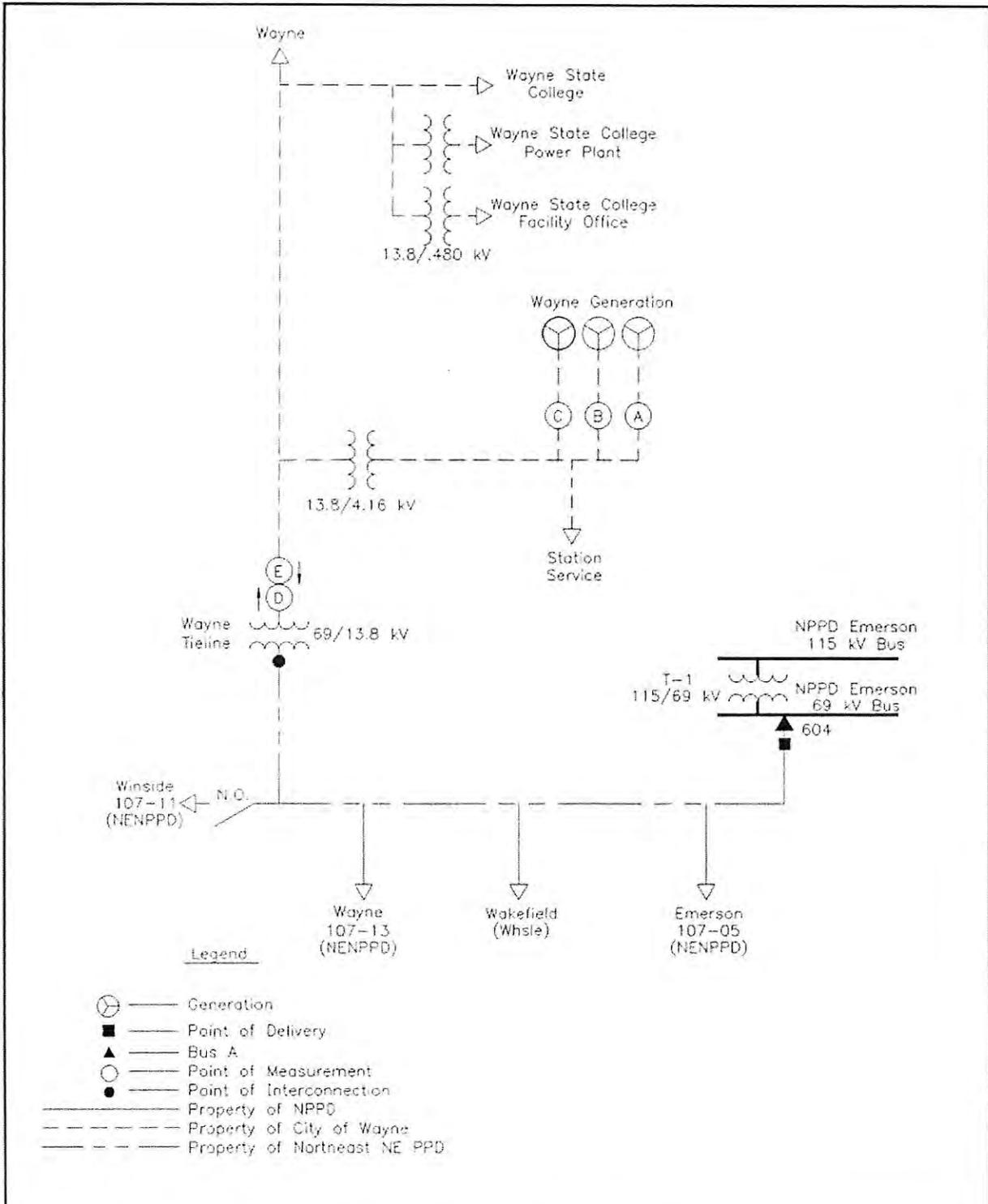
EXHIBIT A
T-2 SCHEDULE

EXHIBIT B
TRANSMISSION SUBSTATION SERVICE AGREEMENT
CITY OF WAYNE

Remarks: Initial loss factors are subject to change to conform to the Billing Exhibit(s) under the Wholesale Power Contract (WPC) between NPPD and City of Wayne effective January 1, 2002 until such WPC terminates.

Billing Procedure: Customer shall be billed in accordance with provisions of NPPD's T-2 Rate Schedule, found in Exhibit A, for quantities delivered to the customer and recorded on meters A through D, less E, each adjusted to Bus A by the appropriate billing loss factors above.

Note: Northeast Public Power District provides subtransmission line services for the City of Wayne.



NO	VERSIONS/REVISIONS	1	2	3	4	5	6	DRAWN DATE Effective 1/1/2019	 Nebraska Public Power District CADD FILE: E0154702.DWG
		EXHIBIT B OF TRANSMISSION SUBSTATION SERVICE AGREEMENT FOR CITY OF WAYNE						CHECKED DATE	
								APPROVED DATE	
		FILMED							

ORDINANCE NO. 2018-24

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE TITLE IX GENERAL REGULATIONS, CHAPTER 91 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING SECTION 91.085 PARKS – OPEN HOURS; 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 Title IX General Regulations, Chapter 91 Streets Sidewalks and other Public Places, of the Municipal Code of Wayne, is hereby amended by adding the following section:

§ 91.085 PARKS – OPEN HOURS

The following city parks shall be open from 5:00 a.m. until 11:00 p.m. daily, with said hours of operation to be posted at the entrance to the park and/or shelter. It shall be unlawful for any person to be present in the following parks, except during such hours, or except upon the authority of the City Council granted by this ordinance:

- Ashley Park
- Bressler Park
- East Park
- Baseball Complex
- Summer Sports Complex/Dog Park
- Viken Park
- Old Swimming Pool Park
- Sunnyview Park
- Vintage Hill Park
- Beverly Park

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 _____, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

PRELIMINARY LEVY ALLOCATION FROM CITY OF WAYNE
RESOLUTION NO. 2018-2

WHEREAS, Nebraska Statute 77-3443 (3) requires all political subdivisions subject to city levy authority to submit a preliminary request for levy allocation to the city council; and

WHEREAS, the Wayne City Council is the levy authority for the Wayne Municipal Airport.

NOW, THEREFORE BE IT RESOLVED that the following is said Board's tax request for budget year 2018-2019:

FUND TAX REQUEST

General Fund	\$ 73,065
TOTAL	\$ 73,065

BE IT FURTHER RESOLVED that said Public Airport has repayment of Interest-Free Loans from the Department of Aeronautics for \$14,680 and this amount is not included in the above tax request as allowed by law.

NOW, THEREFORE BE IT RESOLVED that the following is said Board's tax request for budget year 2018-2019:

TOTAL

Motion by David Ley to adopt Resolution NO. 2018-2. Seconded by Vraus Meyer.
Voting yes were: Schmitz, Rump, Meyer, Ley
Voting no were: None

Motion carried.

Date this 9th day of July, 2018.

Thomas R. Schmitz Chairman
David Ley Secretary

RESOLUTION NO. 2018-45

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY.

WHEREAS, the Governor signed LB989 of the 1997 Session into law, and this law authorizes the City Council to allocate property taxes to the Wayne Municipal Airport Authority; and

WHEREAS, LB 1114 allows Airport Authorities to adopt a resolution requesting that the governing body of the city include their tax levy in the city budget; and

WHEREAS, the Wayne Municipal Airport Authority has requested \$73,065 in property tax allocation; and

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska, hereby finds and determines that it is in the best interest of the City to allocate \$73,065 in property taxes to the Wayne Municipal Airport Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City of Wayne allocates \$73,065 to the Wayne Municipal Airport Authority.

PASSED AND APPROVED this 21st day of August, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

PROJECT: CITY OF WAYNE - 2ND STREET STORM SEWER IMPROVEMENTS
 ACES #: 617-022
 CONTRACTOR: WOEHLE & SONS
 PAY APPLICATION #: 1
 DATE:

2ND STREET STORM SEWER IMPROVEMENTS						WORK COMPLETED (CONSTRUCTED QUANTITY)				CHANGE ORDER #1 TO BRING ESTIMATED QUANTITIES IN LINE WITH FINAL QUANTITIES	
ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNITS	UNIT PRICE	SCHEDULED VALUE	FROM PREVIOUS APPLICATIONS	THIS PERIOD	COMPLETED TO DATE (QTY)	COST TO DATE		
1	36" RCP CLASS III STORM SEWER	871	L.F.	\$110.00	\$95,810.00		352	352	\$38,720.00	519.00	(\$57,090.00)
2	18" RCP CLASS III STORM SEWER	112	L.F.	\$55.00	\$6,160.00			0	\$0.00	112.00	(\$6,160.00)
3	8' OPEN THROAT INLET	1	EACH	\$6,500.00	\$6,500.00		1	1	\$6,500.00	0.00	\$0.00
4	CONSTRUCT JUNCTION BOX TYPE "A"	6	EACH	\$4,500.00	\$27,000.00		1	1	\$4,500.00	5.00	(\$22,500.00)
5	CONSTRUCT JUNCTION BOX TYPE "B"	1	EACH	\$5,000.00	\$5,000.00		1	1	\$5,000.00	0.00	\$0.00
6	CONSTRUCT AREA INLET	2	EACH	\$6,000.00	\$12,000.00			0	\$0.00	2.00	(\$12,000.00)
7	CONNECT TO EXISTING STORM SEWER	10	EACH	\$400.00	\$4,000.00		2	2	\$800.00	9.00	(\$3,200.00)
8	CONSTRUCT 8" THICK PC CONCRETE PAVING INDR TYPE 47B	2112	S.Y.	\$74.00	\$156,288.00			0	\$0.00	2112.00	(\$156,288.00)
9	CONSTRUCT BRICK PAVING	463	S.Y.	\$130.00	\$60,190.00			0	\$0.00	463.00	(\$60,190.00)
10	REMOVE EXISTING PAVING	1044	S.Y.	\$5.00	\$5,220.00		1250	1250	\$6,250.00	206.00	\$1,030.00
11	REMOVE BRICK PAVING	441	S.Y.	\$6.00	\$2,646.00			0	\$0.00	441.00	(\$2,646.00)
12	REMOVE EXISTING RCP	282	L.F.	\$8.00	\$2,096.00			0	\$0.00	282.00	(\$2,096.00)
13	REMOVE EXISTING JUNCTION BOX	2	EACH	\$500.00	\$1,000.00			0	\$0.00	2.00	(\$1,000.00)
14	REMOVE EXISTING INLET	2	EACH	\$500.00	\$1,000.00			0	\$0.00	2.00	(\$1,000.00)
TOTAL BASE BID					\$384,910.00				\$61,770.00		\$0.00

CHANGE ORDER #1 MISCELLANEOUS ADDS			
CO 1			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
TOTAL PRICE CHANGE ORDER #1			\$0.00

CO 2	TOTAL PRICE CHANGE ORDER #2 (see above right)		\$0.00
------	---	--	--------

TOTAL CONTRACT PRICE	\$384,910.00
NET CHANGE BY CHANGE ORDERS	\$0.00
CURRENT CONTRACT PRICE	\$384,910.00
TOTAL COMPLETED AND STORED TO DATE	\$61,770.00
RETAINAGE	\$6,177.00
AMOUNT ELIGIBLE FOR PAYMENT	\$55,593.00
LESS PREVIOUS AMOUNT PAID	\$0.00
AMOUNT DUE THIS APPLICATION	\$55,593.00
BALANCE TO FINISH (INCLUDING RETAINAGE)	\$329,317.00