

**AGENDA
CITY COUNCIL MEETING
September 4, 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. [Approval of Minutes](#)
4. [Approval of Claims](#)
5. [Proclamation: September as “National Senior Center Month”](#)
6. [Action on a request to approve a Fireworks Display for Wayne State College after their “Family Day Football Game” on Saturday, September 15, 2018 — Mike Powicki, Director of Athletics](#)

Background: Wayne State College is planning another fireworks display this year on September 15th after their “Family Day Football Game.” This requires both State and local approval.

7. [Presentation and Discussion on the Electric Cost of Service Study conducted by the Nebraska Municipal Power Pool — Andrew Ross, Director](#)
8. [Public Hearing: To consider a business loan from its Revolving Loan Fund — Jason Sears Flooring located at 904 Jaxon Street. The total project cost is \\$177,000. Funding includes bank financing, CDBG funding of approximately \\$50,000, WAED funding and owner’s equity.](#)

Background: Jason Sears wants to purchase the warehouse he has been renting for the past three years, located at 904 Jaxon Street in Wayne. The warehouse is a one-story building built in 2012 that is 4,180 sq. ft., with an additional 960 sq. ft. used by Grace Counseling. The total project costs are estimated to be \$177,000 for the purchase of the warehouse Jason has been renting. Jason and Elkhorn Valley Bank in Wayne are requesting that the City of Wayne provide a loan in the amount of \$50,000 to purchase his warehouse. The bank has approved a loan of up to \$99,000 for the building. Jason is providing equity of \$18,000 cash. Besides the current six employees that will be maintained, the project will create one to two additional jobs (7-8 total).

9. [Resolution 2018-47: Approving CDBG loan for Jason Sears Flooring located at 904 Jaxon Street in the amount of \\$50,000](#)

10. **Public Hearing:** Proposed acquisition of real estate from G & D Appel, more particularly described as Lots 1, 2, 3 and 6, 7, 8 and 8' of the vacated alley adjacent to each, and Lot 5 and 14.5' of the vacated alley and 16' of the vacated alley (previously Tax Lot 8 and 9), Block 29, Original Town of Wayne, Wayne County, Nebraska; and Tax Lot 83, being part of the SW1/4NW1/4 of Section 18, Township 26 North, Range 4 East of the 6th P.M., Wayne County, Nebraska (By Riley's); the address of said properties being 113 S. Main Street, Wayne, Nebraska

11. **Resolution 2018-48: Approving the acquisition of Real Estate (Riley's) from G & D Appel, LLC**

12. **Public Hearing:** Budget Hearing (Advertised Time: 5:30 p.m.)

Background: The total of the FY2018-2019 budget is \$35,836,401. The property tax proposal for the General Fund operation is \$828,838.32, which compares to the 2017 tax asking of \$793,321.67. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$929,838.32 or \$.410444 per \$100 of property valuation, compared to \$.410485 last year. The valuation in the community, as reported by the County Assessor for 2018 is \$226,544,459, which is up \$8,674,894 from last year. When preparing for the budget, an estimated 2% increase on valuation in the community was used for calculations. The actual increase was closer to 4%, which results in an increase of about \$16,000 in Property Taxes that can be set aside in the General Fund Reserve Account.

There were no major changes from the budget work session. Beth Porter, Finance Director, will be present to answer any questions you may have. New pages to be inserted in your budget book will be distributed at meeting time.

13. **Resolution 2018-49: Adopting 2018-2019 Budget**
14. **Public Hearing:** Tax Asking/Property Tax Levy (Advertised Time: 5:30 p.m.)
15. **Resolution 2018-50: Approving Final Property Tax Request for 2018-2019**
16. **Ordinance 2018-25: Approving Annual Appropriation Bill**
17. **Action on Approving the Allowable 1% Increase in Base Limitation of Restricted Funds' Budget**
18. **Ordinance 2018-23: Amending Wayne Municipal Code Title XV Land Usage, Chapter 152 Zoning, Sec. 152.131 Fences and Screens (Second 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; Sec. 91.086 – Parks Overnight Camping Defined; Sec. 91.087 Parks – Fires; Sec. 91.088 Parks – Animals; Sec. 91.089 Parks –**

[Camping, Time Limit; and Sec. 91.090 Parks – Violation,
Penalty \(Second Reading\)](#)

Background: Attorney Miller has reviewed a couple of codes from other communities. She has recommended adding additional sections to the proposed ordinance, which are included therein.

She has also noted that in Sec. 91.086 Overnight Camping Defined, the words “after park hours” are at the end of the last sentence. Council needs to decide whether or not they would like to establish park hours on those campgrounds. Otherwise, “after park hours” can be deleted.

Also, in Sec. 91.089 Camping, Time Limit, she suggested, if you want something different than what is in the proposed ordinance, that you could specify language, such as, “Cost to camp at Henry Victor Park shall be \$15.00 per night. Payment must be made within three (3) hours of arriving at campgrounds. Payment shall be placed in the drop box located at the campsite.”

20. [Resolution 2018-51: Approving Memorandum of Understanding between the City of Wayne and Providence Medical Center](#)

Background: Providence Medical Center is participating in a Government program called the 340(b) program. This program allows them to purchase pharmaceutical products at a discount for certain Medicare patients. One of the requirements of the program is that they provide healthcare services to low income individuals who are not entitled to benefits under Title XVIII of the Social Security Act or eligible for assistance under the State Plan (Medicaid) under that subchapter. While they think the current contract for ambulance services meets this requirement, they would like to update the Memorandum of Understanding that was originally approved in 2012 by the City just to make sure. The only change on this agreement is the date.

21. [Action on Pay Estimate No. 2 for the “2nd Street Storm Sewer Improvement Project” in the amount of \\$35,019.72 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. [Appointments to the Recreation and Performing Arts Community Task Force — Jill Brodersen, Terri Buck and Bryce Meyer](#)

Background: The College, Public Schools, County and City meet once per quarter to discuss how our entities can share services/equipment/facilities and simply work better together. One item that the group has been discussing at its last few meetings is facilities that could be added or enhanced to benefit more than one entity. The four of us decided to put together a working group to study the possibilities of 3 facilities to the community: indoor swimming pool, additional gymnasium space, and a performing arts center. This working group would consider the needs for the facilities, determine economic impact...and then, if those are positive, would look at the feasibility of locations, costs, ownership, etc. This group would report back in March to its respective governing body. This agenda item is only to approve

appointments to this working group. No other commitments are being asked at this time.

23. [Adjourn](#)

CITY COUNCIL MEETING
August 21, 2018

The Wayne City Council met in regular session at City Hall on Tuesday, August 21, 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, Jason Karsky, Matt Eischeid and Nick Muir; City Attorney Amy Miller; City and Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 9, 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.

Mayor Brodersen recognized City Clerk McGuire for being awarded the "Master Municipal Clerk" designation from the International Institute of Municipal Clerk's. There are only 25 recipients of this award in the State of Nebraska.

Mayor Brodersen proclaimed August 24, 2018, as "#Be Kind Day."

Joel Hansen, representing the Lower Elkhorn Natural Resource District, presented the City with a check in the amount of \$25,000 for the Bank Stabilization Project.

Councilmember Haase made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of August 7, 2018, and to waive the reading of said

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

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ADVANCED CONSULTING ENGINEERING SERVICES, SE, 2771.68; AMERICAN LIBRARY ASSOC, FE, 142.00; APPEARA, SE, 101.84; AUTO ANATOMY ALTERNATIVES, RE, 180.00; BAKER & TAYLOR BOOKS, SU, 556.23; BELINA, BROOKE, RE, 100.00; BENSCOTER CONSTRUCTION, RE, 250.00; BENSCOTER INC, RE, 250.00; BORDER STATES INDUSTRIES, SU, 4413.13; BROUHARD, ELAINA, RE, 50.81; BSN SPORTS, SU, 123.90; CARROLL DISTRIBUTING, SU, 437.11; CDW GOVERNMENT, SU, 2538.00; CERTIFIED TESTING SERVICES, SE, 592.50; CITY EMPLOYEE, RE, 333.89; CITY EMPLOYEE, RE, 63.62; CITY EMPLOYEE, RE, 120.00; CITY EMPLOYEE, RE, 150.00; CITY OF WAYNE, PY, 81092.34; CONCORD COMPONENTS, RE, 100.00; COPY WRITE PUBLISHING, SE, 135.95; CORE & MAIN LP, SU, 2376.59; CUMMINS CENTRAL POWER, SU, 242.14; DANKO EMERGENCY EQUIPMENT, SU, 739.60; DAS STATE ACCTG-CENTRAL FINANCE, SE, 60.15; DAVE'S DRY CLEANING, SE, 78.00; DIVIS, MATTHEW, RE, 10.35; DRISKELL, DEXTER, RE, 117.10; DUTTON-LAINSON COMPANY, SU, 119.32; ECHO GROUP, SU, 174.81; ELECTRIC PUMP, SU, 2728.95; ENGINEERED CONTROLS, SE, 2170.00; FLOOR MAINTENANCE, SU, 251.17; GALE/CENGAGE LEARNING, SU, 50.68; GERHOLD CONCRETE, SU, 2580.46; GROSSENBURG IMPLEMENT, SU, 326.83; HASEMANN, SCOTT, RE, 150.00; HELENA AGRI-ENTERPRISES, SU, 97.00; HILAND DAIRY, SE, 56.90; HOCHSTEIN, NICK, RE, 100.00; HTM SALES, SE, 9200.54; ICMA, SE, 9611.43; INGRAM LIBRARY SERVICES, SU, 594.69; INTERSTATE BATTERY SYSTEM, SU, 227.90; ISIMANG, MIRANDA, RE, 54.10; JOHN'S WELDING AND TOOL, SU, 12.96; KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE, RE, 243.00; KROENKE, KATIE, RE, 17.75; KTCH, SE, 838.00; MARCEAU, CAROL, RE, 221.65; MIDWEST LABORATORIES, SE, 171.00; NE DEPT OF TRANSPORTATION, SE, 25104.51; NEBRASKA ENVIRONMENTAL PRODUCTS, SU, 506.14; NEBRASKA JOURNAL LEADER, SE, 29.95; NPPD, SE, 392813.10; NEBRASKA STATEWIDE ARBORETUM, FE, 100.00; NEXTERA ENERGY, SE, 9366.65; NORFOLK AREA HOME REALTY, FE, 1000.00; NORFOLK DAILY NEWS, SE, 40.00; OCC BUILDERS LLC, SE, 71095.00; OCLC, INC, FE, 500.00; PIERSON, TREVOR, RE, 116.52; PIERSON, TREVOR, RE, 120.90; POLLARD PUMPING, SE, 225.00; PORTER, BRANDON, RE, 212.35; QUALITY FOOD CENTER, SU, 92.90; S & S WILLERS, SU, 306.25; SHOPKO, SU, 60.96; SLONCO CONSTRUCTION, RE, 100.00; SPARKLING KLEAN, SE, 3270.67; STADIUM SPORTING GOODS, SE, 24.00; STADIUM SPORTING GOODS, SU, 42.00; TYLER TECHNOLOGIES, SE, 562.50; VAN DIEST SUPPLY, SU, 37.50; VERIZON, SE, 317.08; VILLA, ELIZABETH, RE, 126.94; WASTE CONNECTIONS, SE, 751.74; WAYNE AUTO PARTS, SU, 526.01; WAYNE HERALD, SE, 1290.15; WAYNE HOSPITALITY, RE, 20069.96; ZEHR, TYLER, RE, 20.04; AMAZON.COM, SU, 804.74; AMERITAS, SE, 86.15; AMERITAS, SE, 72.00; AMERITAS, SE, 2249.78; AMERITAS, SE, 60.16; BENSCOTER INC, RE, 250.00; BESSMER, JILL, RE, 150.00; BSN SPORTS, SU, 99.99; BUGS BOWS, SU, 1156.00; BUZI MBO NTA, BENIE, RE, 144.53; DEARBORN NATIONAL LIFE, SE, 110.08; DIAMOND VOGEL PAINTS, SU, 202.25; DITCH WITCH UNDERCON, SU, 135.78; EAKES OFFICE PLUS, SE, 1521.44; ED M. FELD EQUIPMENT, SU, 121.00; FASTENAL, SU, 2.79; FIRST SOURCE TITLE & ESCROW, SE, 600.00; GODFATHERS PIZZA, SU, 73.53; HOEMAN, TODD, RE, 501.00; HHS REGULATION & LICENSURE, SE, 115.00; INTERSTATE ALL BATTERY, SU, 178.69; IRS, TX, 9568.15; IRS, TX, 3214.10; IRS, TX, 13742.46; LIQUID ENGINEERING CORPORATION, SE, 2950.00; MARCO, SE, 175.82; NE CHAPTER IAEL, FE, 300.00; NE DEPT OF REVENUE, TX, 3881.92; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 1091.00; NE SAFETY COUNCIL, FE, 310.00;

OLSUFKA, JADE, RE, 15.55; OMAHA WORLD-HERALD, SU, 332.80; REHAB SYSTEMS, SE, 42,201.95; RODRIGUEZ, NANCY, SE, 17.50; SEBADE HOUSING, RE, 250.00; TEBBE, ANTHONY, RE, 42.47; UNITED HEALTHCARE, SE, 36006.61; VAN DIEST SUPPLY, SU, 420.00; WAYNE COMMUNITY HOUSING, RE, 237500.00; WAYNE COMMUNITY SCHOOL, RE, 5375.75

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 Giese who abstained, the Mayor declared the motion carried.

Sandy Brown, representing the Wayne Green Team, was present to request Council consideration to allowing them to close the 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 on Saturday, September 15, 2018, from 8:00 a.m. to 10:30 a.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Buck, approving the request of the Wayne Green Team to close the 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 on Saturday, September 15, 2018, from 8:00 a.m. to 10:30 a.m. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried

Todd Luedeke, representing Tuffern Blue Estates, was present to ask that his Subdivision Agreement be amended to take out the language in Section I, subparagraph B, which reads as follows: ***Private wells for potable water are prohibited everywhere within the boundaries of the Tuffern Blue Estates Subdivision.***

The Luedeke's, back in 2016, had planned to connect to the City water system and use septic systems on their five residential lots. That connection to the City's water system has not taken place. With the next agenda item, the McCorkindales want 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 strike that language.

Administrator Blecke stated he had been to the County Commissioner's meeting since the original Subdivision Agreement had been approved by them. They approved the same contingent upon whatever the City Council decides.

Councilmember Eischeid introduced Resolution 2018-46, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2018-46

A RESOLUTION APPROVING AMENDED TUFFERN BLUE ESTATES SUBDIVISION AGREEMENT.

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

Mark and Gail McCorkindale were present regarding their Well Permit Application. While their permit stated they wanted a 15 gpm well, they wanted to amend the same to a 50 gpm well.

Attorney Miller stated that engineering impact studies have been eliminated on wells of 50 gpm or less.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese, approving the Well Permit Application of Gail and Mark McCorkindale – Paradox LLC for a well of up to 50 gpm. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Brodersen declared the time was at hand for the public hearing on the application for the Community Development Block Grant — Phase II Year 2 Funds.

Jan Merrill with the Northeast Nebraska Economic Development District was present to answer questions.

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 complete 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.

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

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

Councilmember Giese introduced Resolution No. 2018-43 and moved for its approval; Councilmember Haase seconded the motion.

RESOLUTION NO. 2018-43

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

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

Administrator Blecke stated at its 2018 retreat, Council asked City staff to look into funding resources for making improvements or upgrades to the old swimming pool park. A town hall type meeting was held at the end of July to gather input on what they would like to see done. 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. The maximum to apply for is \$350,000, but the City would have to find the cash to match whatever is applied for. He was not sure that the City was ready to move forward on this grant application at this point. The same is due by September 7th.

After further discussion, it was the consensus of Council that they were not ready to make an application for this grant. Staff was directed to start the process of demolishing the old pool. No action was taken on the matter.

Resolution 2018-44 – Land and Water Conservation Fund Application FY2018-A Resolution on Development for Outdoor Recreation died for lack of a motion.

Mayor Brodersen stated the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Wayne Municipal Code, Title XV Land Usage, 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.

Joel Hansen, Zoning Administrator, stated the applicants want to be given the ability to go before the Board of Adjustment to obtain a variance to build a fence taller than 6’, which is what is allowed by code at this time. They previously had a 6’ chain link fence. They want to build an 8’ privacy fence. City Staff made no recommendation on this matter.

Councilmembers had some concern about having 8’ fences installed throughout the community.

The Planning Commission reviewed this matter at their public hearing on August 6, 2018, and forwarded a recommendation to approve the same subject to the following “Finding of Fact:”

- According to the Planning Commission’s discussion,

Section 152.131 is proposed to be amended as follows:

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.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

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

Councilmember Muir introduced Ordinance No. 2018-23, and moved for approval thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2018-23

AN ORDINANCE AMENDING TITLE XV LAND USAGE, CHAPTER 152 ZONING, SPECIFICALLY SECTION 152.131 FENCES AND SCREENS; 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 Councilmembers Greve, Karsky and Eischeid who voted Nay, the Mayor declared the motion carried. The second reading will take place at the next meeting.

Councilmember Eischeid introduced Ordinance No. 2018-21, and moved for approval of the third and final reading thereof; Councilmember Greve 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 – SOUTHVIEW III ADDITION.

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

Councilmember Giese introduced Ordinance No. 2018-22, and moved for approval of the third and final reading thereof; Councilmember Eischeid 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, the Mayor declared the motion carried.

Marlen Chinn, Police Chief, spoke to Council on the subject of establishing hours that certain parks are open within the City. Back 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 Code Book. Staff is 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 Code Book. The parks not included in the proposed ordinance are the ones with camping spots in them.

Attorney Miller opined that the way the ordinance is right now is still enforceable.

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.

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.

Councilmember Eischeid thought the Council needed to be consistent across the board as far as establishing open hours on all parks, with the exception of those that you can camp in.

Councilmember Giese introduced Ordinance No. 2018-24, and moved for approval thereof amending the ordinance to only reflect/include the Summer Sports Complex/Dog Park, the Baseball Complex, Old Swimming Pool Park, and Rugby Fields; Councilmember Muir seconded.

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.

Councilmember Eischeid stated the reason he is voting against this ordinance is because he would like all of the parks included in the ordinance.

Councilmember Muir then rescinded his second on the motion – he wanted the public to understand his thought that all of the parks would be treated consistently.

Councilmember Haase then seconded the motion. Mayor Brodersen stated the motion, and the result of roll call being all Nays, with the exception of Councilmembers Giese and Haase who voted Yea, the said motion failed.

Councilmember Muir then introduced Ordinance No. 2018-24, and moved for approval thereof, as written/proposed; Councilmember Eischeid seconded.

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.

Councilmember Giese explained his reasons for being against this ordinance which would include all of the parks, except the ones you can camp in.

Staff was directed to contact other municipalities to see if they have closing hours established on their city parks, if they are a college town, and whether or not those parks are drive-thru, etc.

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

The following Resolution would allocate \$73,065 in property tax to the Wayne Municipal Airport Authority. This is an annual request that the Airport Authority makes to the Council. Last year's allocation was \$71,400.

Councilmember Sievers introduced Resolution No. 2018-45 and moved for its approval, Councilmember Greve seconded.

RESOLUTION NO. 2018-45

A RESOLUTION AUTHORIZING THE ALLOCATION OF PROPERTY TAXES TO THE WAYNE AIRPORT AUTHORITY (\$73,065).

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

Advanced Consulting Engineering Services presented Contractor's Application for Payment No. 1 on the "2nd Street Storm Sewer Improvement Project" for \$55,593.00 to Robert Woehler & Sons Construction, Inc.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Contractor's Application for Payment No. 1 for \$55,593.00 to Robert Woehler & Sons Construction, Inc., for the "2nd Street Storm Sewer Improvement Project." Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

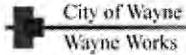
Joel Hansen, Street and Planning Director, stated he has been approached by the villages of Carrol and Concord to assist them with building inspections. Mr. Hansen was directed to contact those Villages to bring forward an interlocal agreement for Council consideration.

Councilmember Sievers made a motion, which was seconded by Councilmember Giese, to enter into executive session to discuss negotiations for the purchase of real estate located at 113 S. Main Street, Wayne, Nebraska, in order to protect the public interest and to allow, Attorney Amy Miller, City Clerk Betty McGuire, Police Chief Marlen Chinn, Finance Director Beth Porter, Electric Distribution Superintendent Tim Sutton and Building & Planning Director Joel Hansen, to also be in attendance. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:15 p.m.

Mayor Brodersen again stated that the matter to be discussed in execution session relates to negotiations for the purchase of real estate located at 113 S. Main Street, Wayne, Nebraska.

Councilmember Giese made a motion, which was seconded by Councilmember Buck, to resume open session. Mayor Brodersen stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 7:36 p.m.

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, the Mayor declared the motion carried and the meeting adjourned at 7:36 p.m.



Vendor	Payable Description	Payment Total
4IMPRINT, INC.	HAND SANITIZER/SPORT PACK	1,406.04
APPEARA	LINEN & MAT SERVICE	90.71
BENSCOTER CONST	UTILITY REFUND	66.08
BLACK HILLS ENERGY	GAS BILLS	301.67
BOMGAARS	TOOLS/SUBMERSIBLE PUMP/SOFTENER SALT	686.31
BORDER STATES INDUSTRIES, INC	PVC CONDUIT/FIRE RESISTANT CLOTHING	409.57
BROWN PLUMBING	SOFTENER TIMER	171.25
CENTURYLINK	TELEPHONE CHARGES	422.59
CHEMQUEST, INC.	QUARTERLY MONITORING	695.00
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	391.65
COLONIAL RESEARCH	WASP SPRAY	149.16
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DGR & ASSOCIATES CO	WEST/EAST INNER CONVERSION	1,391.35
DUTTON-LAINSON COMPANY	AMI METERS	7,353.04
ED M. FELD EQUIPMENT CO INC	GLOVES	177.00
ENVIRONMENTAL SERVICES, INC.	GIRL SCOUT CABIN ASBESTOS SAMPLES	110.00
ERXLEBEN, RADELLE	BUILDING PERMIT DEPOSIT REFUND	100.00
FLOOR MAINTENANCE	BOWLS/LIDS/TRAYS/GLOVES	353.20
GERHOLD CONCRETE CO INC.	CONCRETE	3,032.63
GIS WORKSHOP	GIS SUPPORT	4,200.00
GROSSENBURG IMPLEMENT INC	HOSE FITTINGS/OIL	95.82
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	124.32
HYDRO OPTIMIZATION	LIFT STATION 1 VFD	4,242.00
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	PAYROLL RETIREMENT	9,614.34
JACOBSEN, TOM	DRIVEWAY DEPOSIT REFUND	500.00
JEO CONSULTING GROUP	PEDESTRIAN CROSSING CURB RAMPS	1,818.75
JMB CONTRACTING LLC	BUILDING PERMIT DEPOSIT REFUND	100.00
JMB CONTRACTING LLC	BUILDING PERMIT DEPOSIT REFUND	100.00
KALLHOFF, KYLE	CAC MEMBERSHIP OVERPAYMENT	106.97
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTION	243.00
KELLY SUPPLY COMPANY	BUTTERFLY VALVES	2,623.86
LAUN, GALE	UTILITY REFUND	14.33
MARRIOTT HOTELS	LODGING- D ECHTENKAMP	159.00
METERING & TECHNOLOGY SOLUTIONS	AMR METERS	100.51
MILLER LAW	ATTORNEY FEE	5,259.73
MURPHY TRACTOR & EQUIPMENT	CYLINDAR	689.91
NE DEPT OF TRANSPORTATION	HANDIVAN-CITY PORTION	2,221.00
NE STATE VOLUNTEER FIREFIGHTERS ASSOC	DUES	816.00
NORTHEAST NE ECONOMIC DEV DIST	16-CD-108 APRIL-JULY SERVICES	1,110.00

NORTHEAST POWER	WHEELING CHARGES	13,417.72
OAKSTONE PUBLICATIONS	SAFETY PUBLICATION	217.80
OVERDRIVE, INC.	EBOOKS	432.70
PROGRESSIVE PROPERTIES	BUILDING PERMIT DEPOSIT REFUND	250.00
PROGRESSIVE PROPERTIES	BUILDING PERMIT DEPOSIT REFUND	250.00
PROPERTY EXCHANGE	UTILITY REFUND	417.47
QUALITY 1 GRAPHIC	BRUSH SITE ALUMINUM SIGN	70.00
RESCO	JUNCTION STRAPS	1,431.66
RIESBERG, PAT	REAR BUMPER REPAIR	160.54
ROBERT WOEHLE & SONS	2ND STREET STORM SEWER IMPROVEMENTS	55,593.00
SCHMIT, KIM	WEBSITE FEE FOR VOLLEYBALL TOURNAMENT	10.00
SD MYERS, LLC	OIL TESTING	396.00
SKARSHAUG TESTING LAB INC	GLOVES	283.61
STAPLES, INC	OFFICE SUPPLIES	241.81
STATE NEBRASKA BANK-PETTY CASH	LIBRARY PETTY CASH	99.66
THREE RIVERS LIBRARY SYSTEM	ANNUAL MEETING	10.00
TYLER TECHNOLOGIES	VERSION X MIGRATION	1,437.50
VIAERO WIRELESS	CELL PHONE	116.44
WAYNE AREA ECONOMIC DEVELOPMENT	SEPTEMBER 18 CONTRIBUTION/LEADERSHIP CLASS	7,853.83
WAYNE COUNTY COURT	BONDS	150.00
WESCO DISTRIBUTION INC	METER SOCKETS	446.19
WISNER WEST	FD GASOLINE	349.31
ZIMCO SUPPLY	FERTILIZER	357.00
	Grand Total:	135,887.03

National Senior Center Month Proclamation

Whereas, older Americans are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generations; and

Whereas, the Wayne Senior Center & Nutrition Program has acted as a catalyst for mobilizing the creativity, energy, vitality, and commitment of the older residents of Wayne, Nebraska and Wayne County; and

Whereas, through a wide array of services, programs, and activities, the Wayne Senior Center & Nutrition Program empowers older adults to contribute to their own health and well-being and the well-being of their fellow citizens of all ages; and

Whereas, the Wayne Senior Center & Nutrition Program in the City of Wayne, Nebraska affirm the dignity, self-worth, and independence of older persons by facilitating their decisions and actions; tapping their experiences, skills, and knowledge; and enabling their continued contributions to the community;

Whereas, the Wayne Senior Center & Nutrition Program provides opportunities for seniors to stay active and healthy, continue learning, share experiences and stay connected with friends and community members.

NOW, THEREFORE BE IT RESOLVED that in an effort to acknowledge the importance and the many contributions of the Wayne Senior Center & Nutrition Program, and call upon all citizens to recognize the special contributions of the senior center participants and the special efforts of the staff and volunteers who work every day to enhance the well-being of the older adults of our community. I, Jill Brodersen, Mayor of the City of Wayne, Nebraska, hereby proudly proclaim September as National Senior Center Month in the city of Wayne.

Respectfully submitted and approved, on this the: _____

Mayor, Jill Brodersen

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Wayne State College

August 29, 2018

City of Wayne
306 Pearl Street
PO Box 8
Wayne, NE 68787

To whom it may concern;

On behalf of the Department of Athletics at Wayne State College, I am writing to request permission to do a short 5-10 minute fireworks display after our Family Day Football game on Saturday, September 15th, 2018 (approximately 8:45 pm).

We have done this activity the last two years and will be using a licensed fireworks company to provide us with our fireworks display. The Wayne State Campus Security and Athletic Department Staff will assist the Wayne Volunteer Fire Department with securing the fireworks site. Fireworks will be set off from a grassy area off of the walking path behind the football stadium.

Please contact me by email at mipowic1@wsc.edu or by phone at 402-375-7520 if you have any questions or concerns regarding our request.

Thank you for your time and consideration. We look forward to working with the City of Wayne to facilitate another eventful event.

Respectfully,



Mike Powicki
Director of Athletics
Wayne State College

Wayne, Nebraska 2018 Cost of Service/Rate Design Study Financial Proforma FYE September

8/28/18 Preliminary Proforma: Without Generation Additions and No Rate Adjustments

		2016	2017	2018	2019	2020	2021	2022	2023
a	Sales Growth Base Load	1.0%	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%
b	Administration Inflation	11.6%	-3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
c	General Inflation			3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
d	Interest Rate on Cash Balances	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
e	Purchase Power Adjustments	2.3%	-0.2%	2.1%	-3.4%	1.1%	2.8%	2.8%	2.1%
f Rate Adjustments		6.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Effective		Jun 1, 2016	Jun 1, 2017	Jun 1, 2018	Jan 1, 2019	Oct 1, 2019	Oct 1, 2020	Oct 1, 2021	Oct 1, 2022
1 Revenues									
2	Retail Sales	7,005,282	7,162,047	7,126,237	7,090,605	7,055,152	7,019,877	6,984,777	6,949,853
3	Other Operating Rev	65,893	65,152	68,600	68,257	67,916	67,576	67,238	66,902
4	Total Revenues	7,071,174	7,227,199	7,194,837	7,158,862	7,123,068	7,087,453	7,052,015	7,016,755
5 Expenses									
6	Power Purchased	4,201,921	4,186,573	4,255,206	4,092,929	4,122,153	4,219,013	4,318,214	4,390,594
7	NPPD Lease Capacity Payment	(638,640)	(638,640)	(638,640)	(207,558)	-	-	-	-
8	Big Rivers Capacity Payment	-	-	-	(230,850)	(347,130)	(354,073)	(361,154)	(368,377)
9	MW Addition O&M hrs / year scenario -- 0	-	-	-	-	-	-	-	-
10	Administration	484,311	610,770	576,140	593,424	611,227	629,564	648,451	667,904
11	Production	506,877	443,263	549,431	565,914	582,891	600,378	618,389	636,941
12	Distribution	685,291	684,208	775,754	799,027	822,997	847,687	873,118	899,312
13	Building Inspector CAD/GIS	107,965	111,424	138,745	142,907	147,195	151,610	156,159	160,843
14	Technology	160,380	178,478	206,158	212,343	218,713	225,274	232,033	238,994
15	Total O&M	5,508,105	5,576,076	5,862,794	5,968,136	6,158,046	6,319,454	6,485,209	6,626,211
16	Depreciation	495,017	512,309	585,321	614,445	678,633	699,242	720,469	742,333
17	Franchise Fees - Admin (in lieu of tax) 9.5%	654,885	675,302	732,432	676,992	673,608	670,239	666,888	663,554
18	Franchise Fees - Dispatcher 1.0%	68,935	71,084	77,098	71,262	70,906	70,552	70,199	69,848
19	Wayne and Other Economic Development 1.85%	86,600	132,632	96,430	131,835	131,176	130,520	129,868	129,218
20	Interest Income on invest.	(24,503)	(24,451)	(20,935)	(12,453)	(10,105)	(7,748)	(4,223)	-
21	Total Electric Expense	6,789,039	6,942,952	7,333,140	7,450,218	7,702,264	7,882,259	8,068,410	8,231,165
22	Net Operating Income	282,135	284,247	(138,304)	(291,356)	(579,196)	(794,806)	(1,016,395)	(1,214,409)
23	Net Income Target % of UPIS 4.0%	246,587	266,283	350,646	346,068	339,523	332,771	325,807	318,624
24	Net Income Actual % of UPIS	4.6%	4.3%	-1.6%	-3.4%	-6.8%	-9.6%	-12.5%	-15.2%
25	Debt Coverage 1.50	4.2	4.4	2.3	1.4	0.5	(0.3)	(1.1)	(1.9)
26	COS Revenue Requirement	6,969,733	7,144,083	7,615,186					
27 Other Revenues & (Expenses)									
28	Interest on existing LT Debt	(34,005)	(32,730)	(31,155)	(29,130)	(26,730)	(23,955)	(20,880)	(17,580)
29	Interest on new LT Debt (2020)	-	-	-	-	-	-	-	-
30	Interest on new LT Debt (2018)	-	-	(30,000)	(28,884)	(27,734)	(26,549)	(25,329)	(24,073)
31	Interest on new LT Debt (2023)	-	-	-	-	-	-	-	-
32	Total Profit / Loss	248,130	251,517	(169,459)	(320,486)	(605,926)	(818,761)	(1,037,275)	(1,231,989)
33		2016	2017	2018	2019	2020	2021	2022	2023
34	Net Utility Plant in Service (UPIS)	6,164,673	6,657,073	8,766,152	8,651,707	8,488,074	8,319,282	8,145,176	7,965,597
35	Historic Utility Plant in Service (OCUP)	17,801,625	18,791,225	21,485,625	21,985,625	22,500,625	23,031,075	23,577,439	24,140,193
36	Net UPIS/ OCUP	35%	35%	41%	39%	38%	36%	35%	33%
37 Cash Inflows									
38	Net Income	248,130	251,517	(169,459)	(320,486)	(605,926)	(818,761)	(1,037,275)	(1,231,989)
39	State Grants / CAD NIFA Grant	53,324	26,762	-	-	-	-	-	-
40	Federal Grants	-	12,180	-	-	-	-	-	-
41	LB840 Debt P&I Repayment	250,110	143,485	180,135	200,810	183,110	141,800	40,100	-
42	TIF P&I Repayment	40,828	84,863	23,490	25,390	27,177	26,427	25,677	3,821
43	Airport Loan P&I Repayment	36,531	17,806	-	-	-	-	-	-
44	New Borrowed Funds	-	-	1,000,000	-	-	-	-	-
45	Depreciation Expense	495,017	512,309	585,321	614,445	678,633	699,242	720,469	742,333
46	Cash Inflows	1,123,941	1,028,922	1,619,487	520,159	282,994	48,708	(251,029)	(485,835)
47 Cash Outflows									
48	Transfers Out (2017 includes \$200,000 LB840 Loan)	99,837	221,276	-	-	-	-	-	-
49	Revolving Loan 16-CD-008 Grant	-	-	20,000	20,000	20,000	20,000	20,000	20,000
50	Capital Improvements & CWIP	423,251	337,472	494,400	500,000	515,000	530,450	546,364	562,754
51	Capital - Generation Additions	-	-	-	-	-	-	-	-
52	Electric System Study CIP	-	618,727	2,200,000	-	-	-	-	-
53	Transfer to DS Fund for Admin Public Safety Bonds	62,400	61,500	65,353	64,078	62,603	61,128	-	-
54	Principal on Existing Debt	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Principal on New Debt (2020)	-	-	-	-	-	-	-	-
56	Principal on New Debt (2018)	-	-	-	37,216	38,332	39,482	40,667	41,887
57	Principal on New Debt (2023)	-	-	-	-	-	-	-	-
58	Transfer to College	-	250,000	500,000	250,000	-	-	-	-
59	Cash Outflows	735,488	1,638,975	3,429,753	1,021,294	785,935	801,060	757,030	774,641
60	Change in Cash	388,453	(610,053)	(1,810,266)	(501,135)	(502,941)	(752,352)	(1,008,059)	(1,260,476)
61	Cash Balance	5,229,323	4,467,953	2,657,687	2,156,552	1,653,611	901,258	(106,800)	(1,367,276)
62	Cash Balance Target	2,863,388	2,915,319	2,963,678	2,806,136	2,875,735	2,938,569	3,002,948	3,061,694

Note: Cash Balance includes Power Plant / Meter Replacement Reserves.

Cash Reserve Policy		2018		
1	O&M Expenses	5,862,794	25%	1,465,699
2	Historic Utility Plant in Service (OCUP)	21,485,625	1%	214,856
3	Deposits	202,175	100%	202,175
4	Debt Service	211,155	100%	211,155
5	Current Year Capital Improvements less Borrowings	1,694,400	20%	338,880
6	Five Year Capital Improvements less Borrowings	2,654,568	20%	530,914
Minimum Reserve Target				2,963,678

Wayne, Nebraska 2018 Cost of Service/Rate Design Study

Financial Proforma FYE September

8/28/18 Preliminary Proforma: Without Generation Additions

		2016	2017	2018	2019	2020	2021	2022	2023
a	Sales Growth Base Load	1.0%	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%
b	Administration Inflation	11.6%	-3.0%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
c	General Inflation			3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
d	Interest Rate on Cash Balances	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
e	Purchase Power Adjustments	2.3%	-0.2%	2.1%	-3.4%	1.1%	2.8%	2.8%	2.1%
f Rate Adjustments		6.5%	0.0%	0.0%	4.4%	4.4%	4.4%	4.4%	4.4%
	Effective	Jun 1, 2016	Jun 1, 2017	Jun 1, 2018	Jan 1, 2019	Oct 1, 2019	Oct 1, 2020	Oct 1, 2021	Oct 1, 2022
1 Revenues									
2	Retail Sales	7,005,282	7,162,047	7,126,237	7,324,595	7,689,665	7,987,870	8,297,639	8,619,422
3	Other Operating Rev	65,893	65,152	68,600	68,257	67,916	67,576	67,238	66,902
4	Total Revenues	7,071,174	7,227,199	7,194,837	7,392,852	7,757,580	8,055,446	8,364,878	8,686,324
5 Expenses									
6	Power Purchased	4,201,921	4,186,573	4,255,206	4,092,929	4,122,153	4,219,013	4,318,214	4,390,594
7	NPPD Lease Capacity Payment	(638,640)	(638,640)	(638,640)	(207,558)	-	-	-	-
8	Big Rivers Capacity Payment	-	-	-	(230,850)	(347,130)	(354,073)	(361,154)	(368,377)
9	9 MW Addition O&M hrs / year scenario -- 0	-	-	-	-	-	-	-	-
10	Administration	484,311	610,770	576,140	593,424	611,227	629,564	648,451	667,904
11	Production	506,877	443,263	549,431	565,914	582,891	600,378	618,389	636,941
12	Distribution	685,291	684,208	775,754	799,027	822,997	847,687	873,118	899,312
13	Building Inspector CAD/GIS	107,965	111,424	138,745	142,907	147,195	151,610	156,159	160,843
14	Technology	160,380	178,478	206,158	212,343	218,713	225,274	232,033	238,994
15	Total O&M	5,508,105	5,576,076	5,862,794	5,968,136	6,158,046	6,319,454	6,485,209	6,626,211
16	Depreciation	495,017	512,309	585,321	614,445	678,633	699,242	720,469	742,333
17	Franchise Fees - Admin (in lieu of tax) 9.5%	654,885	675,302	732,432	676,992	695,837	730,518	758,848	788,276
18	Franchise Fees - Dispatcher 1.0%	68,935	71,084	77,098	71,262	73,246	76,897	79,879	82,976
19	Wayne and Other Economic Development 1.85%	86,600	132,632	96,430	131,835	135,505	142,259	147,776	153,506
20	Interest Income on invest.	(24,503)	(24,451)	(20,935)	(12,453)	(11,201)	(11,687)	(12,349)	(13,255)
21	Total Electric Expense	6,789,039	6,942,952	7,333,140	7,450,218	7,730,066	7,956,682	8,179,831	8,380,048
22	Net Operating Income	282,135	284,247	(138,304)	(57,366)	27,515	98,764	185,046	306,276
23	Net Income Target % of UPIS 4.0%	246,587	266,283	350,646	346,068	339,523	332,771	325,807	318,624
24	Net Income Actual % of UPIS	4.6%	4.3%	-1.6%	-0.7%	0.3%	1.2%	2.3%	3.8%
25	Debt Coverage 1.50	4.2	4.4	2.3	2.4	3.0	3.4	3.9	4.6
26	COS Revenue Requirement	6,969,733	7,144,083	7,615,186					
27 Other Revenues & (Expenses)									
28	Interest on existing LT Debt	(34,005)	(32,730)	(31,155)	(29,130)	(26,730)	(23,955)	(20,880)	(17,580)
29	Interest on new LT Debt (2020)	-	-	-	-	-	-	-	-
30	Interest on new LT Debt (2018)	-	-	(30,000)	(28,884)	(27,734)	(26,549)	(25,329)	(24,073)
31	Interest on new LT Debt (2023)	-	-	-	-	-	-	-	-
32	Total Profit / Loss	248,130	251,517	(169,459)	(86,496)	785	74,809	164,166	288,696
33		2016	2017	2018	2019	2020	2021	2022	2023
34	Net Utility Plant in Service (UPIS)	6,164,673	6,657,073	8,766,152	8,651,707	8,488,074	8,319,282	8,145,176	7,965,597
35	Historic Utility Plant in Service (OCUP)	17,801,625	18,791,225	21,485,625	21,985,625	22,500,625	23,031,075	23,577,439	24,140,193
36	Net UPIS/ OCUP	35%	35%	41%	39%	38%	36%	35%	33%
37		2016	2017	2018	2019	2020	2021	2022	2023
38 Cash Inflows									
39	Net Income	248,130	251,517	(169,459)	(86,496)	785	74,809	164,166	288,696
40	State Grants / CAD NIFA Grant	53,324	26,762	-	-	-	-	-	-
41	Federal Grants	-	12,180	-	-	-	-	-	-
42	LB840 Debt P&I Repayment	250,110	143,485	180,135	200,810	183,110	141,800	40,100	-
43	TIF P&I Repayment	40,828	64,863	23,490	25,390	27,177	26,427	25,677	3,821
44	Airport Loan P&I Repayment	36,531	17,806	-	-	-	-	-	-
45	New Borrowed Funds	-	-	1,000,000	-	-	-	-	-
46	Depreciation Expense	495,017	512,309	585,321	614,445	678,633	699,242	720,469	742,333
47	Cash Inflows	1,123,941	1,028,922	1,619,487	754,149	889,705	942,278	950,413	1,034,850
48 Cash Outflows									
49	Transfers Out (2017 includes \$200,000 LB840 Loan)	99,837	221,276	-	-	-	-	-	-
50	Revolving Loan 16-CD-008 Grant	-	-	20,000	20,000	20,000	20,000	20,000	20,000
51	Capital Improvements & CWIP	423,251	337,472	494,400	500,000	515,000	530,450	546,364	562,754
52	Capital - Generation Additions	-	-	-	-	-	-	-	-
53	Electric System Study CIP	-	618,727	2,200,000	-	-	-	-	-
54	Transfer to DS Fund for Admin Public Safety Bonds	62,400	61,500	65,353	64,078	62,603	61,128	-	-
55	Principal on Existing Debt	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
56	Principal on New Debt (2020)	-	-	-	-	-	-	-	-
57	Principal on New Debt (2018)	-	-	-	37,216	38,332	39,482	40,667	41,887
58	Principal on New Debt (2023)	-	-	-	-	-	-	-	-
59	Transfer to College	-	250,000	500,000	250,000	-	-	-	-
60	Cash Outflows	735,488	1,638,975	3,429,753	1,021,294	785,935	801,060	757,030	774,641
61	Change in Cash	388,453	(610,053)	(1,810,266)	(267,145)	103,769	141,218	193,382	260,209
62	Cash Balance	5,229,323	4,467,953	2,657,687	2,390,542	2,494,311	2,635,529	2,828,912	3,089,121
63	Cash Balance Target	2,863,388	2,915,319	2,963,678	2,806,136	2,875,735	2,938,569	3,002,948	3,061,694

Note: Cash Balance includes Power Plant / Meter Replacement Reserves.

Cash Reserve Policy		2018		
1	O&M Expenses	5,862,794	25%	1,465,699
2	Historic Utility Plant in Service (OCUP)	21,485,625	1%	214,856
3	Deposits	202,175	100%	202,175
4	Debt Service	211,155	100%	211,155
5	Current Year Capital Improvements less Borrowings	1,694,400	20%	338,880
6	Five Year Capital Improvements less Borrowings	2,654,568	20%	530,914
Minimum Reserve Target				2,963,678

Wayne City Council Meeting Agenda

Object: Approve a \$50,000 Community Development Block Grant (CDBG) loan to Jason Sears, d/b/a Jason Sears Flooring; sub-grant funds to Northeast Economic Development, Inc. (NED, Inc.)

Contact Persons: Jeff Christensen, NENEDD Business Loan Specialist

For: Action

Loan Applicant: – Jason Sears, d/b/a Jason Sears Flooring – 210 Main St./904 Jaxon St. - Wayne
This loan is being approved using Wayne's CDBG funds that will be sub-granted to NED, Inc. utilizing the NDO process (Non-Profit Development Organization) NED, Inc. will loan the funds to Jason Sears.

I. Project Overview and Description:

Jason Sears wants to purchase the warehouse he has been renting for the past three years, located at 904 Jaxon St. in Wayne. The warehouse is a one-story building built in 2012 that is 4,180 sq. ft. with an additional 960 sq. ft. used by Grace Counseling. Jason Sears Flooring offers leading brand name carpet, vinyl, wood, laminate, ceramic, DuraCeramic, remnants, backsplashes, stack store, and decorative wall board as well as professional installation with reputable warranties. Jason has over 18 years' experience in the floor covering industry. He was a contract labor installer for numerous jobs/projects prior to opening his first store in Wayne in 2013 in the Dearborn Mall. Clients would have to set up appointments to look at flooring. This location was outgrown within a year, due to the numerous product lines that Jason carried to meet the needs of his customers. The store then moved to its current location at 210 Main St, in downtown Wayne in February 2015 and has a full-time sales person. They have hired two other part time associates in the Wayne Showroom and currently employ two full time installers. Both have been with them for three years.

Jason opened a second store/showroom in O'Neill in February 2017, where they have a part-time showroom manager, two other part-time employees (including an interior designer), and a full-time installer. They try to do most installs/projects with their Wayne team, but find it economical to have an installer in O'Neill and work on smaller projects. The O'Neill installer also helps in the Wayne area as needed.

The total project costs are estimated to be \$177,000 for the purchase of the warehouse Jason has been renting. Jason and Elkhorn Valley Bank in Wayne are requesting that the City of Wayne provide a loan in the amount of \$50,000 to purchase his warehouse. The bank has approved a loan of up to \$99,000 for the building. Jason is providing equity of \$18,000 cash. Besides the current six employees that will be maintained, the project will create one to two additional jobs (7-8 total).

II. Sources and Uses

Source	Bank	Wayne RLF	WAED	Equity	Total
Building Purchase	\$99,000	\$50,000	\$10,000	\$18,000	\$177,000
Total	\$99,000	\$50,000	\$10,000	\$18,000	\$177,000

III. Proposed Loan Package and Related Collateral:

Elkhorn Valley Bank in Wayne has approved a loan of up to \$99,000 for this project. The bank's loan will be set up on a 15-year fully amortized loan at an interest rate of 6.25% (variable). After five years, the rate will vary at the bank's discretion by no more than 2.00% per adjustment. In addition to a first deed of trust on the 904 Jaxon St. in Wayne, they will require best obtainable position blanket UCC filing.

The City of Wayne will lend \$50,000 for this project. These funds will be sub-granted to NED, Inc., as a Non-profit Development Organization (NDO), who will in turn lend the \$50,000 to Jason Sears for this project. The \$50,000 NDO loan will have a 15-year term at 5.00% (fixed). Payments will be made to NED, Inc. This is the process approved by the Nebraska Department of Economic Development (DED) to de-federalize CDBG funds in our local communities.

NED, Inc. will file a subordinate deed of trust on the property at 904 Jaxon St. in Wayne, have a subordinate UCC lien on the business personal property, and will require a life insurance assignment from Jason Sears for the amount of the loan for the life of the loan.

Other funds include \$10,000 from the Wayne Area Economic Development (WAED) with a 10-year term at 0.00% interest.

The Northeast RLF Committee was presented information on credit scores, net worth, collateral, and financial information as part of the loan summary discussion and recommends this loan for approval.

Motion: To approve a Wayne CDBG loan of \$50,000 to Jason Sears to purchase a building/warehouse located at 904 Jaxon St in Wayne, and sub-grant the \$50,000 CDBG funds to NED, Inc. to loan to Jason Sears utilizing the Non-Profit Development Organization (NDO) process as presented and recommended by NENEDD staff and the Northeast RLF Committee.

RESOLUTION NO. 2018-47

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

WHEREAS, the City of Wayne held a public hearing on September 4, 2018, regarding the \$50,000 Revolving Loan Fund application of Jason Sears Flooring, of which said funds will be used to purchase the building/warehouse located at 904 Jaxon Street in Wayne; and

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

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

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that it approves the loan from the Revolving Loan Fund in the sum not to exceed \$50,000; the use of said funds to be used to purchase the building/warehouse located at 904 Jaxon Street in Wayne.

BE IT FURTHER RESOLVED by the Mayor and the City Council of the City of Wayne, Nebraska, that said application be designated RLF No. 2018-01.

PASSED AND APPROVED this 4th day of September, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2018-48

A RESOLUTION APPROVING THE ACQUISITION OF TWO PARCELS OF REAL ESTATE LOCATED IN THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, FROM G & D APPEL, LLC.

WHEREAS, City staff have concluded negotiations for the acquisition of land located in the City of Wayne, Wayne County, Nebraska, legally described as follows:

- Lots 1, 2, 3 and 6, 7, 8 and 8' of the vacated alley adjacent to each, and Lot 5 and 14.5' of the vacated alley and 16' of the vacated alley (previously Tax Lots 8 and 9), Block 29, Original Town of Wayne, Wayne County, Nebraska; and
- Tax Lot 83, being part of the SW1/4NW1/4 of Section 18, Township 26 North, Range 4 East of the 6th P.M., Wayne County, Nebraska (By Riley's);

the address of said properties being 113 S. Main Street, Wayne, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City of Wayne shall purchase the tracts of land, legally described as:

- Lots 1, 2, 3 and 6, 7, 8 and 8' of the vacated alley adjacent to each, and Lot 5 and 14.5' of the vacated alley and 16' of the vacated alley (previously Tax Lots 8 and 9), Block 29, Original Town of Wayne, Wayne County, Nebraska; and
- Tax Lot 83, being part of the SW1/4NW1/4 of Section 18, Township 26 North, Range 4 East of the 6th P.M., Wayne County, Nebraska (By Riley's),

from G & D Appel, LLC; the address of said properties being 113 S. Main Street, Wayne, Nebraska, for the sum of \$87,275.00 and other valuable consideration, and that the Mayor is hereby authorized to execute the necessary documents to carry out the acquisition thereof.

PASSED AND APPROVED this 4th day of September, 2018.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2018-49

A RESOLUTION TO ADOPT THE 2018-2019 BUDGET FOR THE CITY OF WAYNE.

WHEREAS, LB 989 changed budget limitation provisions regarding restricted funds for political subdivisions; and

WHEREAS, LB 1114 established levy limits for local governments; and

WHEREAS, the 2018-2019 budget document meets the requirements of the legislative laws; and

WHEREAS the Mayor and Council of the City of Wayne, Nebraska, has conducted a public hearing as prescribed by law and heard and considered comments concerning the 2018-2019 budget for the City of Wayne; 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 that the 2018-2019 budget be adopted as the "Official Budget" for the fiscal year 2018-2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the 2018-2019 budget of the City of Wayne, Nebraska, be and is hereby adopted.

PASSED AND APPROVED this 4th day of September, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

[Back to Top](#)

RESOLUTION NO. 2018-50

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY2018-2019.

WHEREAS, Nebraska Revised Statute 77-16-01.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wayne passes, by a majority vote, a Resolution or Ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Wayne that the property tax request for the current year be different than the property tax request for the prior year.

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

1. The 2018-2019 property tax request be set at \$929,838.32; said calculated levy being \$.410444; and
2. A copy of this Resolution be certified and forwarded to the County Clerk prior to October 1, 2018.

PASSED AND APPROVED this 4th day of September, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2018-25

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2018, through September 30, 2019. All sums of money contained in the budget statement, as fund totals, are hereby appropriated for the necessary expenses and liabilities of the City of Wayne. A copy of the budget document shall be forwarded, as provided by law, to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Wayne County, Nebraska, for use by the levying authority.

Section 2. 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 4th day of September, 2018.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

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. 2018-24

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; SECTION 91.086 PARKS – OVERNIGHT CAMPING DEFINED; SECTION 91.087 PARKS – FIRES; SECTION 91.088 PARKS – ANIMALS; SECTION 91.089 PARKS – CAMPING, TIME LIMIT; PARKS 91.090 PARKS – VIOLATION, PENALTY; 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 sections:

§ 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

§ 91.086 PARKS – OVERNIGHT CAMPING DEFINED.

Overnight camping is hereby defined as the temporary outdoor lodging for recreational purposes, and presupposes the occupancy of a shelter designed for such purpose, such as a sleeping bag, tent, trailer, station wagon, pick-up camper, camper-bus, or other vehicle modified as suitable for camping, as well as the possession and use of camping equipment after park hours.

§ 91.087 PARKS – FIRES

Fires shall be permitted only in fireplaces, grills, or other fire facilities provided by the city, and it shall be illegal for any person to ignite fires in any other place or have any open fires other than above stated. It shall be legal to use privately owned cooking devices such as gasoline or propane stoves, charcoal grills, and similar devices, provided the use of such devices is restricted to the picnic and camping areas, and provided further that no property, real or personal, is subject to damage from the use of such device.

§ 91.088 PARKS – ANIMALS

All animals brought to the campground shall be kept on a leash.

§ 91.089 PARKS – CAMPING, TIME LIMIT

The maximum number of consecutive nights an overnight camper, as defined in this Chapter, may stay at the campgrounds is seven (7), unless written consent is given by _____. Campers are subject to fees as posted.

§ 91.090 PARKS – VIOLATION, PENALTY

Any person or persons who violate or refuse to comply with the provisions of this Chapter shall be deemed guilty of a misdemeanor, and subject to the penalties outlined in Section 10.99. Each day that such violation continues shall constitute a separate offense.

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

RESOLUTION NO. 2018-51

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND PROVIDENCE MEDICAL CENTER.

WHEREAS, the City of Wayne, on August 21, 2012, approved a Memorandum of Understanding with Providence Medical Center (PMC), wherein PMC committed to provide healthcare services to low income individuals who were not entitled to Medicare or Medicaid benefits at no reimbursement or considerably less than full reimbursement from those patients; and

WHEREAS, PMC is now participating in a Government program called the 340(b) program; and

WHEREAS, PMC is requesting that the City enter into an updated Memorandum of Understanding to insure compliance with the 340(b) program.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Memorandum of Understanding between the City of Wayne and Providence Medical Center, a copy of which is attached hereto and incorporated herein by reference, is approved, and the Mayor is hereby authorized to execute the same.

PASSED AND APPROVED this 4th day of September, 2018.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN**

**Providence Medical Center,
Wayne, NE**

AND

The City of Wayne, NE

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made this 31st day of July, 2018, by and between City of Wayne, NE, and Providence Medical Center, Wayne, NE.

RECITALS:

WHEREAS, Providence Medical Center is a nonprofit corporation that provides health care services to the indigent and supports many programs that benefit the indigent, uninsured or underinsured population in State of Nebraska;

WHEREAS, Providence Medical Center desires to participate in the drug discount program established under Section 340B of the Public Health Services Act (the “340B Program”);

WHEREAS, in order to participate in the 340B Program, Providence Medical Center must enter into an agreement with a unit of state or local government pursuant to which Providence Medical Center commits to provide health care services to low income individuals who are not entitled to Medicare or Medicaid benefits at no reimbursement or considerably less than full reimbursement from these patients;

WHEREAS, Providence Medical Center desires to make such a formal commitment to the City of Wayne; and

WHEREAS, the City of Wayne agrees to accept such commitments on behalf of the citizens of State of Nebraska.

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained therein and for other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, it is mutually agreed and covenanted, under seal, by and between the parties to this Agreement, as follows:

1. **Commitment of Providence Medical Center to Provide Indigent Care.** During the term of this MOU, Providence Medical Center agrees to continue its historic commitment to the provision of health care to indigent, uninsured and underinsured residents of State of Nebraska. In 2017, this commitment totaled approximately \$1,000,000. Pursuant to this commitment it is the intention of Providence Medical Center that indigent care provided during the term of this MOU will range generally between \$800,000 and \$ 1,200,000 annually. In any event, Providence Medical Center will assure that all patients will receive necessary care, as required by law, regardless of ability to pay.

2. **Acceptance and Acknowledgements of the City of Wayne.**

(a) the City of Wayne accepts the commitment of Providence Medical Center set forth above;

(b) the City of Wayne hereby acknowledges that the health care services provided by Providence Medical Center hereunder are in the public interest and are being provided to individuals who are not entitled to benefits under Title XVIII or eligible for assistance under any State plan pursuant to Title XIX of the Social Security Act; and

(c) the City of Wayne acknowledges that Providence Medical Center is providing these services at no reimbursement or considerably less than full reimbursement from the patients.

3. **Representations of Providence Medical Center.** Providence Medical Center represents that as of the date hereof:

(a) Providence Medical Center constitutes a corporation qualified to do business and validly existing in good standing under the laws of the State of Nebraska with the corporate power and authority to enter into and perform its obligations under this MOU; and

(b) Providence Medical Center is a tax-exempt corporation under Section 501 (c)(3) of the Internal Revenue Code of the United States, as amended and under applicable laws of the State of Nebraska.

4. **Access to Books and Records.** Until the expiration of four years after the furnishing of the services provided under this Agreement, each party shall make available to the Secretary, United States Department of Health and Human Services, and the United States Comptroller General, and their representatives, a copy of this Agreement and such books, documents and records of that party that are necessary to certify the nature and extent of any cost incurred by either party. If a party carries out the duties of the Agreement through a subcontract worth \$10,000 or more over a 12-month period with a related organization, the subcontract shall contain a clause placing the same obligations on subcontractor as this clause places on that party. NDHHS shall immediately notify

Providence Medical Center of its receipt of any such request for this Agreement and any other books, documents and records and shall provide Providence Medical Center with copies of any such materials. In the event this Agreement is not subject to the provision of 42 U.S.C. 1395x(v)(1)(I) and 42 C.F.R. 420.300 et seq. or relevant regulations, this paragraph shall be null and void.

5. **Effect of Government Regulation.** Providence Medical Center shall have the right to propose an amendment to this Agreement, without liability, to comply with any legal order, ruling, opinion, procedure, policy, or other guidance issued by any federal or state agency, or to comply with any provision of law, regulation, or any requirement of accreditation, tax-exemption, federally-funded health care program participation or licensure which: (i) invalidates or is inconsistent with the provisions of this Agreement; (ii) would cause a party to be in violation of the law; (iii) jeopardizes the tax-exempt status of Providence Medical Center, or any affiliate of Providence Medical Center; (iv) jeopardizes the tax-exempt status of any bonds issued for the benefit of Providence Medical Center, or any affiliate of Providence Medical Center; or (v) jeopardizes the good standing status of licensure, accreditation or participation in any federally-funded health care program, including the Medicare and Medicaid programs, of Providence Medical Center, or any affiliate of Providence Medical Center. If Providence Medical Center deems it necessary to amend this Agreement as provided in this Section and the amendment is unacceptable to the City of Wayne, Providence Medical Center may choose to immediately terminate this Agreement without cause.

6. **Term and Termination.** The term of this MOU shall commence on the date first above written and shall continue until terminated by either party upon not less than sixty (60) days prior written notice to the other.

7. **Independent Contractor Relationship.** None of the provisions of this Agreement are intended to create any relationship between the parties other than that of independent entities contracting with each other solely for the purpose of effecting the provisions of this Agreement. Neither of the parties, nor any of their respective officers, directors, employees or agents, shall have the authority to bind the other or shall be deemed or construed to be the agent, employee or representative of the other except as may be specifically provided herein.

8. **Notice.** All notices and other communications required or permitted to be given shall be made in writing and shall be considered given and received when (a) personally delivered to the other party, (b) delivered by courier, (c) delivered by facsimile or (d) deposited in the United States mail, postage prepaid, return receipt requested and addressed as set forth below or at such other address such party shall have specified by notice given in accordance with the provisions of this Section:

If to Providence Medical Center to:

If to the City of Wayne, to:

Chief Executive Office
Providence Medical Center
1200 Providence Rd
Wayne, NE 68787

With a copy by regular United States mail, postage prepaid, to:

With a copy by regular United States mail, postage prepaid, to:

General Counsel
Providence Medical Center
1200 Providence Rd
Wayne, NE 68787

9. **Governing Law.** This MOU shall be governed by and construed in accordance with the laws of State of Nebraska (excepting any conflict of laws provisions which would serve to defeat application of substantive law).

10. **Amendment.** This Agreement may not be amended except upon written agreement signed by both parties.

11. **Severability.** In the event any term or provision of this Agreement is rendered invalid or unenforceable by any valid act of Congress or the State Legislature, or by any regulation duly promulgated by officers of the United States or the State of Nebraska citing in accordance with law, or is held by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect.

12. **Headings.** The headings to the various sections of this Agreement have been inserted for convenience only and shall not modify, define, limit, or expand express provisions of this Agreement.

13. **Entire Agreement.** This Agreement constitutes the entire written agreement of the parties with respect to the subject matter of this Agreement and supersedes any prior written agreements of the parties regarding the subject matter of this Agreement.

IN WITNESS WHEREOF, Providence Medical Center and the City of Wayne have executed this Agreement as of the day and year first written above by their duly authorized representatives.

Providence Medical Center

By: Name: _____

Title: _____

City of Wayne

By: Name: _____

Title: _____

PROJECT: CITY OF WAYNE - 2ND STREET STORM SEWER IMPROVEMENTS
 ACES #: 617-022
 CONTRACTOR: WOEHLE & SONS
 PAY APPLICATION #: 2
 DATE: August 24, 2018

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	227	579	\$63,890.00	-292.00	(\$32,120.00)
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"	8	EACH	\$4,500.00	\$27,000.00	1	2	3	\$13,500.00	-3.00	(\$13,500.00)
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	4	\$1,600.00	-6.00	(\$2,400.00)
8	CONSTRUCT 8" THICK PC CONCRETE PAVING NODOR 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	828.18	2078.18	\$10,390.80	-1034.18	\$6,170.80
11	REMOVE BRICK PAVING	441	S.Y.	\$6.00	\$2,646.00			0	\$0.00	-441.00	(\$2,646.00)
12	REMOVE EXISTING RCP	262	L.F.	\$8.00	\$2,096.00			0	\$0.00	-262.00	(\$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				\$100,680.80		\$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
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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	\$100,680.80
RETAINAGE	\$10,068.08
AMOUNT ELIGIBLE FOR PAYMENT	\$90,612.72
LESS PREVIOUS AMOUNT PAID	\$55,593.00
AMOUNT DUE THIS APPLICATION	\$35,019.72
BALANCE TO FINISH (INCLUDING RETAINAGE)	\$349,890.28