

**AGENDA
CITY COUNCIL MEETING
COUNCIL CHAMBERS – CITY HALL
306 PEARL STREET
February 1, 2022**

1. [Call the Meeting to Order – 5:30 p.m.](#)
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 southwest wall of the Council Chambers as well as on the City of Wayne website.

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 – January 18, 2022](#)
4. [Approval of Claims](#)
5. [Proclamation – “March” as Problem Gambling Awareness Month](#)
6. [Action on the Request of Anthony Cantrell on behalf of the Wayne High School, in conjunction with EVERON \(Electric Vehicle Energy Research of Nebraska\) to close off East 10th Street 200’ east of Angel Avenue to Hillside Drive on Saturday, April 30th, from 7:00 a.m. until 5:00 p.m. for the 2022 Power Drive State Championship and to have the City provide portable restrooms](#)

7. [Resolution 2022-9: Approving Northeast Nebraska Mutual Aid Agreement](#)

Background: This is a “Mutual Aid Agreement” with the communities and rural fire districts of Allen, Bancroft, Concord, Dakota City, Dixon, Emerson, Homer, Laurel, Martinsburg, Newcastle, Pender, Ponca, Rosalie, South Sioux City, Thurston, Wakefield, Walthill and Winnebago known as the “Northeast Nebraska Mutual Aid District,” to respond to other members’ emergency fire calls if there is a fire or disaster too big for the local firefighters to control.

8. [Report to Council on LB 840 Activity — Luke Virgil, Director of Wayne Area Economic Development](#)
9. [Presentation of draft of “The City of Wayne LB840 Economic Development Plan 2024-2025”](#)
10. Adjourn

**MINUTES
CITY COUNCIL MEETING
January 18, 2022**

The Wayne City Council met in regular session at City Hall on January 18, 2022, at 5:30 o'clock P.M.

Mayor Cale Giese called the meeting to order, followed by the Pledge of Allegiance, with the following in attendance: Councilmembers Brendon Pick, Terri Buck, Nick Muir, Dallas Dorey, Chris Woehler, Jason Karsky, Matt Eischeid and Jill Brodersen; Attorney Amy Miller; City Administrator Wes Blecke; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance thereof by publication in the Wayne Herald, Wayne, Nebraska, the designated method of giving notice, as shown by Affidavit of Publication. In addition, notice was given to the Mayor and all members of the City Council, and a copy of their acknowledgement of receipt of notice and agenda is on file with the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the Council convened in open session.

Mayor Giese advised the public that a copy of the Open Meetings Act was located on the southwest wall of Council Chambers, as well as on the City of Wayne website and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Councilmember Brodersen made a motion, which was seconded by Councilmember Buck, to approve the minutes of the meeting of January 4, 2022, and to waive the reading thereof. Mayor Giese 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: ACE HARDWARE & HOME, SU, 88.93; AMERICAN BROADBAND, SE, 1443.87; AMERITAS, SE, 219.77; AMERITAS, SE, 72.00; AMERITAS, SE, 114.36; AMERITAS, SE, 3206.30; APPEARA, SE, 53.30; APX, FE, 1061.29; BATTERY SOLUTIONS, SU, 204.00; BENSCOTER,

LOUIS, RE, 3213.46; BIG RED PRINTING, SU, 711.90; BINSWANGER GLASS, SE, 1645.79; BLAZEK & GREGG ESTATE PLANNING LAW GROUP, RE, 80.00; BORDER STATES INDUSTRIES, SU, 520.30; BROWN SUPPLY, SU, 1100.00; CDW GOVERNMENT, SU, 1223.70; CITY EMPLOYEE, RE, 115.35; CITY EMPLOYEE, RE, 54.00; CITY EMPLOYEE, RE, 298.29; CITY EMPLOYEE, RE, 175.00; CITY EMPLOYEE, RE, 390.42; CITY EMPLOYEE, RE, 221.81; CITY EMPLOYEE, RE, 36.60; CITY EMPLOYEE, RE, 580.42; CITY EMPLOYEE, RE, 346.90; CITY EMPLOYEE, RE, 815.17; CITY EMPLOYEE, RE, 1090.01; CITY EMPLOYEE, RE, 732.13; CITY EMPLOYEE, RE, 124.11; CITY EMPLOYEE, RE, 384.84; CITY EMPLOYEE, RE, 4485.52; CITY OF WAYNE, PY, 92637.67; CITY OF WAYNE, RE, 671.66; COPY WRITE PUBLISHING, SE, 569.01; COTTONWOOD WIND PROJECT, SE, 18825.03; CREDIT BUREAU SERVICES, FE, 450.00; DAS STATE ACCTG-CENTRAL FINANCE, SE, 67.79; DAVE'S DRY CLEANING, SE, 48.00; DEARBORN LIFE INSURANCE COMPANY, SE, 2784.22; DOUGLAS CO COURT, FE, 167.00; DUNKLAU ACRES, RE, 500.00; ED M. FELD EQUIPMENT, SU, 450000.00; ELLIS HOME SERVICES, SE, 366.00; ENGBRETSSEN, KATLYN, RE, 500.00; EXHAUST PROS TOTAL CAR CARE, SE, 69.55; F & M BANK, RE, 250.00; FAITH REGIONAL PHYSICIAN SERV, SE, 100.00; FIRST CONCORD GROUP, SE, 5151.82; FLOOR MAINTENANCE, SU, 361.53; GERHOLD CONCRETE, SU, 3273.75; GLOBAL PAYMENTS INTEGRATED, FE, 359.40; GLOVER PAINTING, SE, 6036.65; GRAINLAND ESTATES, RE, 4998.27; GROSSENBURG IMPLEMENT, SU, 103.19; HACH COMPANY, SU, 364.48; HANNA:KEELAN ASSOCIATES, SE, 8000.00; HAWKINS, SU, 187.49; HEIKES AUTOMOTIVE, SE, 245.07; HILAND DAIRY, SE, 202.88; HOMETOWN LEASING, SE, 436.02; ICMA, SE, 35.42; ICMA, SE, 128.40; ICMA, SE, 387.46; ICMA, SE, 115.88; ICMA, SE, 1556.62; ICMA, SE, 55.00; ICMA, SE, 387.10; ICMA, SE, 163.92; ICMA, SE, 149.64; ICMA, SE, 8559.05; INGRAM LIBRARY SERVICES, SU, 793.39; INTERNATIONAL PUBLIC MANAGEMENT, SE, 630.00; INTERSTATE INDUSTRIAL SERVICE, SU, 278.23; IRS, TX, 3688.08; IRS, TX, 7.26; IRS, TX, 15769.58; IRS, TX, 31.00; IRS, TX, 25.00; IRS, TX, 11888.38; JACK'S UNIFORMS, SU, 94.95; JILL BRODERSEN, SE, 1400.00; KELLY SUPPLY COMPANY, SU, 277.80; KTCH, SE, 1160.00; LUTT OIL, SU, 5789.93; MAGNUSON, LARRY, RE, 500.00; MATHESON-LINWELD, SU, 35.06; MCLAURY ENGINEERING, SE, 57671.25; MERCHANT SERVICES, SE, 144.82; MERCHANT SERVICES, SE, 3306.72; MERCHANT SERVICES, SE, 1278.80; MIDWEST LABORATORIES, SE, 404.00; MUNICIPAL SUPPLY, SU, 3620.70; MYERS CONSTRUCTION COMPANY, SE, 36303.98; NE DEPT OF ENVIRONMENTAL QUALITY, SE, 150.00; NE DEPT OF REVENUE, TX, 442.73; NE DEPT OF REVENUE, TX, 25.00; NE DEPT OF REVENUE, TX, 5198.79; NE DEPT OF REVENUE-CHARITABLE GAMING, TX, 1110.34; NE ECONOMIC DEVELOPERS ASSN, FE, 300.00; NE EMERGENCY SERVICE, FE, 60.00; NPPD, SE, 26495.82; NELSON, MATT, RE, 500.00; NORFOLK DAILY NEWS, SE, 215.00; NORTHEAST POWER, SE, 6793.00; NSG LOGISTICS, SU, 1974.60; OLSSON ASSOCIATES, SE, 7400.00; ONE CALL CONCEPTS, SE, 83.83; O'REILLY AUTOMOTIVE STORES, SU, 290.69; PAC N SAVE, SU, 879.56; PAC N SAVE, SU, 19.13; PIERCE COUNTY COURT, FE, 150.00; PLUMBING & HEATING WHOLESALE, SU, 251.35; PORTER, ERIN, RE, 244.76; PORTER, ERIN, RE, -244.76; POSTMASTER, FE, 160.00; PSYCHOLOGICAL RESOURCES, SE, 135.00; QHA CLEANING, SE, 1410.96; QUADIENT FINANCE, SU, 1000.00; QUALITY 1 GRAPHIC, SU, 200.00; QUALITY FOOD CENTER, SU, 23.29; SALT CREEK SOFTWARE, SE, 2140.00; SHARPE, WILLIAM, RE, 500.00; SHERWIN WILLIAMS, SU, 292.52; STAPLES, SU, 110.63; STATE NEBRASKA BANK & TRUST, SE, 68.24; STATE NEBRASKA BANK-PETTY CASH, RE, 113.02; STEFFEN TRUCK EQUIPMENT, SU, 412.34; SUN RIDGE SYSTEMS, SE, 3136.00; TOTAL GRAPHICS, SU, 270.71; TYLER TECHNOLOGIES, SE, 5463.59; US BANK, SU, 7627.76; US FOODSERVICE, SU, 1546.82; VERIZON, SE, 535.67; WAED, FE, 280.00; WAYNE COUNTY CLERK, SE, 20.00; WEBBER, STEPHEN, RE, 500.00; WESCO, SU, 556.18; WEST POINT AUTO & TRUCK CENTER, SE, 960.30; WAPA, SE, 22581.44; WISNER WEST, SU, 128.17; Y & Y LAWN SERVICE, SU, 560.50; ZACH HEATING & COOLING, SU, 62.50; APPEARA, SE, 59.57; BIG RIVERS ELECTRIC CORPORATION, SE, 120078.63; CITY EMPLOYEE, RE, 487.60; CITY EMPLOYEE, RE, 454.22; ECHO GROUP, SU, 394.57; JEO CONSULTING GROUP, SE, 600.00; MALLOY ELECTRIC, SU, 1100.69; MARCO TECHNOLOGIES, SE, 200.61; MIKEY C

PRODUCTIONS, SE, 480.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 715.00; NEXIC, SE, 910.00; NORTHEAST POWER, SE, 13819.26; NORTHEAST TIRE SERVICE, SE, 95.00; OVERHEAD DOOR, SU, 1571.00; WAYNE AUTO PARTS, SU, 315.51; WAYNE HERALD, SE, 875.43; WAYNE HERALD, SE, 380.00; WAYNE HERALD, SE, 144.00; WAYNE HERALD, SE, 421.50; WESCO, SU, 433.67; WINSUPPLY NORFOLK, SU, 4153.00

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

Mayor Giese stated that it was now past 5:30 p.m., at which time a public hearing was to be held to obtain public comment prior to the consideration of a Resolution approving a redevelopment plan for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”) for the following real estate:

Lots Seven (7), Eight (8), Nine (9), and Ten (10), in Block Eight (8), Crawford & Brown’s Addition to the City of Wayne, Wayne County, Nebraska.

The notice of the public hearing was published in the Wayne Herald on December 30, 2021, and January 6, 2022, and was mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. Mayor Giese opened the public hearing and invited all interested persons to be heard.

Matt Ley, on behalf of Sanctuary Apartments LLC, is requesting tax increment financing for a project to renovate the First Baptist Church into a 6-unit market rate apartment complex for downtown living. The property is located at 400 Main Street. The total estimated project costs are between \$1.2 and 1.4 million. The redevelopment of the project is not economically feasible without assistance from tax increment financing. The Community Redevelopment Authority will issue a tax increment revenue bond in the total amount of \$175,000 to assist in the financing. The estimated 2020 assessed value is \$100,000. The estimated value after completion of this project is \$1,100,000.

Joel Hansen, Street and Planning Director, noted that the site plan submitted for the Sanctuary Apartments shows the public sidewalk being relocated to the back side of the curb to allow for parking. If

the Council approves this redevelopment plan, they should also approve the relocation of the public sidewalk to a location other than what is prescribed in code to allow room for the required parking. The terrace is too narrow to fit the parking between the street and the sidewalk. In order to keep the sidewalk inside the right-of-way, this would be the only option. The sidewalk cannot be pushed up onto private property; otherwise, it would not be a public sidewalk.

The Redevelopment Plan has gone before the Community Redevelopment Authority and then Planning Commission for review and approval. The recommendation of the Planning Commission is to approve the Plan. The next step will be to go back before the Community Redevelopment Authority for approval of the Redevelopment Contract and the issuance of the bond.

Discussion took place on the parking layout. Council had concerns regarding the same.

Administrator Blecke suggested if they approve the tax increment financing, that they make it conditioned upon the review and recommendation of the Architectural Review Committee. The plan of Sanctuary Apartments, LLC, is to keep the house and sell it. However, if the house were moved, it would take care of the parking issues.

All persons desiring to be heard having been heard, the Mayor closed the public hearing.

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

Councilmember Eischeid introduced Resolution No. 2022-5 and moved for its approval (approving the tax increment financing and rejecting the moving of the sidewalk and their parking scheme); Councilmember Brodersen seconded the motion.

RESOLUTION NO. 2022-5

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON (SANCTUARY APARTMENTS, LLC, PROJECT).

There was further discussion on the parking matter.

Councilmember Eischeid then amended his motion to add the "architectural review committee's oversight of the parking plan;" Councilmember Brodersen seconded the amendment to the motion.

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

Administrator Blecke stated the following Resolution would amend the Interlocal Cooperation Agreement between the City and Wayne Community School District 90-0017. The amendment changes Paragraph 2 of said agreement as follows: “The City and the District agree to hold annual meetings prior to the start of the fall semester of the District each year. The official participants in such meetings will consist of no more than three ~~two~~ representatives appointed by the elected body of each entity to discuss the operations of the Project.”

Councilmember Brodersen introduced Resolution No. 2022-6 and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-6

A RESOLUTION APPROVING AMENDED INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF WAYNE AND WAYNE COMMUNITY SCHOOL DISTRICT 90-0017.

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

Councilmember Brodersen stated two bids were received on the “College Hill Park Trail Head Project” on January 12, 2022. As architect on the project, her recommendation is to award the contract to the low bidder, OCC Builders, LLC, for \$318,340. The other bidder was Robert Woehler & Sons Construction, Inc., for \$447,804.81. This project pertains to the renovation of the old pool house building.

Councilmember Eischeid introduced Resolution 2022-7, and moved for its approval; Councilmember Karsky seconded.

RESOLUTION NO. 2022-7

A RESOLUTION ACCEPTING BID AND AWARDED CONTRACT ON THE “COLLEGE HILL PARK TRAIL HEAD PROJECT” TO OCC BUILDERS, LLC, FOR \$318,340.

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

Roger Protzman, representing JEO Consulting Group, Inc., was present and reviewed the plans, specifications, and contract documents for the “2022 Aquarius Tank Diffuser Replacement Project.” While this is considered a maintenance activity, it is a significant maintenance activity. The project is labor intensive and is estimated to be around \$400,000. Materials will only be around \$8,000. ARPA funds will be used for this project. The intent is to advertise and award the project at the first meeting in March.

Councilmember Brodersen introduced Resolution 2022-8, and moved for its approval; Councilmember Buck seconded.

RESOLUTION NO. 2022-8

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE “2022 AQUARIUS TANK DIFFUSER REPLACEMENT PROJECT” AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

Discussion took place on the lake development on the lagoon property.

Karen Granberg wanted to know what the lake would be used for and was there a concern for safety.

The response was that it would be a quality of life feature, as far as recreation. In addition, this is a once in a lifetime opportunity with space that is available. Some wildlife related activity was lost after the lagoon was closed. This lake could be used potentially for fishing and kayaking. The lagoon area is going to be redeveloped into a complex for sports and camping. This would be a draw for Wayne.

In regard to safety, it was noted that the creek is probably more dangerous than a lake. The potential outweighs the concerns.

Both Olsson and JEO (independent of one another) stated they would prefer a well rather than potable water.

After discussion, the consensus of the group was to forward the following options to the City’s Engineer for project estimates:

1. Three, four and five acre lake;
2. Well;
3. Fish;
4. Riprap (1/3 of the lake); and
5. Dock (e.g. kayak)

Discussion then took place on sales tax.

Administrator Blecke stated that since the School and the City have an Interlocal agreement, we can now legally put on the ballot the additional half cent sales tax. This can be done at the primary in May. We can also put the existing 1.5% sales tax on the May ballot. Those do not expire until 2024. The question is do you want the all of the sales tax questions on the ballot at one time or do you want to spread them out? If these questions are brought to the public in one ballot, there will possibly be 4 questions to vote on.

The Council will need to determine no later than its February 15th meeting what ballot language will be sent to the County regarding local option sales tax. Besides the additional half cent to upgrade/add onto the CAC, the Council can approve ballot language to renew a part or all of the existing sales tax. Currently, one cent goes for Capital Improvements (60%) & LB 840 (40%), and the remaining half cent goes to paying off the swimming pool bonds. The one cent sunsets in June 2024 and the other half cent sunsets when the bonds are paid off (estimated in the fall 2024). Items Council has discussed in the past include: LB 840, land purchases/land development, parks and recreation projects, indoor swimming pool, lagoon development, capital improvements generally and specifically (i.e. police vehicles, fire trucks, streets). If you want to stop using the electric fund to fund economic development, you could use “community development funds” to fund economic development and that could be coming through sales tax instead of the electric fund. Voters usually do not like vague – they want to know what the funds will be going for.

An example of what the four ballot questions could be are:

- Do you support an **additional** half cent for the Community Activity Center projects;
- Do you support to **continue** the half cent sales tax to go for parks and recreation;
- Do you support an economic development plan; and

- Do you support to continue the one cent sales tax that would be split between something (e.g. capital improvements, community development) and then LB840?

If approved in May, the sales tax would go from 7% to 7.5%. It can never be higher than 7.5% because State Statute will not allow it. A lot of education will need to take place before May. This could bring in an estimated \$7.5 million over 15 years.

Bond counsel is preparing proposed ballot language for Council review/approval.

Councilmember Brodersen made a motion, which was seconded by Councilmember Pick, to enter into closed session to be updated on the police litigation matter to prevent the needless injury to the reputation of an individual and to allow City Administrator Blecke, City Clerk McGuire, Beth Porter, Finance Director, Joel Hansen, Street and Planning Director, and Marlen Chinn, Police Chief, to be in attendance. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:22 p.m.

Mayor Giese again stated the matter to be discussed in execution session pertains to being updated on the police litigation matter.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, to resume open session. Mayor Giese stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 7:37 p.m.

Administrator Blecke reminded the Council of the WAED "Housing Summit," on Tuesday, January 25, 2022, at the Wayne Country Club – 5:30 p.m. to 7:30 p.m.

There being no further business to come before the meeting, Mayor Giese declared the meeting adjourned at 7:38 p.m.



Vendor	Payable Description	Payment Total
ACES	ACES WIND ENERGY SERVICE AGREEMENT	1,021.15
AMAZON.COM, LLC	DVD'S/BATTERIES/ART SUPPLIES	1,141.46
APPEARA	LINEN & MAT SERVICE	164.18
ARBOR DAY FOUNDATION	MEMBERSHIP DUES	100.00
ARC-HEALTH & SAFETY	ADULT AED	40.00
BAKER & TAYLOR BOOKS	BOOKS	562.42
BLUE CROSS BLUE SHIELD	HEALTH PREMIUMS	50,689.59
BOMGAARS	SUMP PUMP/BALE TEETH/TOOLS/BATTERIES/FASTENERS	994.19
BORDER STATES INDUSTRIES, INC	METER SOCKETS	174.24
CENTURYLINK	TELEPHONE CHARGES	424.51
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	516.32
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	1,111.06
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	4.56
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	41.64
CITY OF WAYNE	PAYROLL	605.40
CITY OF WAYNE	UTILITY REFUNDS	71.88
CIVICPLUS	2022 ANNUAL FEE	4,725.00
COLONIAL RESEARCH	DUST NO MORE COMPOUND	120.16
DAS STATE ACCTG-CENTRAL FINANCE	TELECOMMUNICATION CHARGES	448.00
DEARBORN LIFE INSURANCE COMPANY	VFD INSURANCE	103.20
ECHO GROUP INC JESCO	LED HIGHBAY FIXTURE	864.16
ECHO GROUP INC JESCO	BALLASTS	189.95
EXHAUST PROS TOTAL CAR CARE	ALIGNMENT	85.00
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	266.15
FLOOR MAINTENANCE	JANITORIAL SUPPLIES	160.91
GROSSENBURG IMPLEMENT INC	BACKHOE WATER PUMP/HEAD GASKET REPAIR	4,051.45
HAWKINS, INC	BIO-KAT/ZETAG FLOCCULANT/CHLORINE	2,197.62
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	148.50
HILAND DAIRY	SENIOR CENTER FOOD SERVICE	113.02
HYDRO OPTIMIZATION	SCREEN CONNECT HOSTING LICENSE	400.00
HYPERION	ALARM SYSTEM REPAIR	876.55
IRS	FICA WITHHOLDING	5.36
IRS	MEDICARE WITHHOLDING	1.26
JOHNSON HARDWARE	PADLOCKS	60.82
KELLY SUPPLY COMPANY	CHECK VALVES	473.51
KTCH AM/FM RADIO	CAC ADS	150.00
MARCO INC	COPIER LEASE	289.34
MARCO TECHNOLOGIES LLC	COPIER LEASE	255.50
NO SWETT FENCING	CHAIN LINK FENCE -TREATMENT PLANT	6,575.00
NOTARY PUBLIC UNDERWRTERS	NOTARY STAMP	121.00
O'REILLY AUTOMOTIVE STORES, INC.	OIL LINES	53.62
PEERLESS WIPING CLOTH CO	WASH TOWELS	485.00

Vendor	Payable Description	Payment Total
QUALITY 1 GRAPHIC	TRANSFORMER DECALS	35.00
REINHARDT, TIM	FIRE HALL DEPOSIT REIMBURSEMENT	250.00
SIRSI CORPORATION	SIRSIDYNIX SOFTWARE MAINTENANCE	7,608.35
SKARSHAUG TESTING LAB INC	CLEAN/TEST ELECTRIC GLOVES & SLEEVES	241.09
STAPLES, INC	OFFICE SUPPLIES	65.89
WAYNE COMMUNITY SCHOOLS	PARKING TICKET REMITS	5,987.50
WAYNE COUNTRY CLUB	APPRECIATION MEAL	713.75
WAYNE COUNTY TREASURER	VEHICLE REGISTRATIONS	1,159.00
WESTERN IOWA TECH	FIRE SCHOOL REGISTRATIONS	475.00
	Grand Total:	97,418.26

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, there are individuals and families in our community adversely affected by problem gambling; and

WHEREAS, compulsive gambling is often hidden from family members, social services and mental health professionals; and

WHEREAS, compulsive gambling often occurs in combination with other disorders such as chemical dependency and depression; and

WHEREAS, it is important to raise awareness of the warning signs of compulsive gamblers and connect them with professional help.

NOW, THEREFORE, I, Matt Eischeid, Mayor Pro Tempore of Wayne, Nebraska, do hereby proclaim March, 2022, as “**Problem Gambling Awareness Month**” and urge citizens to learn more about the consequences of problem gambling and help available through the Nebraska Gamblers Assistance Program.

THE CITY OF WAYNE, NEBRASKA,

By _____
Matt Eischeid, Mayor Pro Tempore

ATTEST:

City Clerk

[Back to Top](#)**Betty McGuire - [External] Power Drive Rally - Street Closure - City Council Approval**

From: Tony Cantrell <ancantr1@waynebluedevils.org>
To: Betty McGuire <betty@cityofwayne.org>
Date: 1/17/2022 2:10 PM
Subject: [External] Power Drive Rally - Street Closure - City Council Approval

Hello,

We are making plans to host another Power Drive rally this spring. Can I get placed on the agenda for an upcoming city council meeting to discuss the closure of east 10th street and portable restrooms?

Details:

Who: EVERON (Electric Vehicle Energy Research of Nebraska) and Tony Cantrell

What: 2022 Power Drive State Championship

When: April 30th, 2022 7:00am - 5:00pm

We are requesting: Street closure of East 10th street 200' East of Angel Avenue to Hillside Drive (red line on attached picture), and portable restrooms for this event. This is the same request as previous years.

We will obtain liability insurance for the event.



Thanks,



RESOLUTION NO. 2022-9

**A RESOLUTION APPROVING A MUTUAL AID AGREEMENT
BETWEEN THE CITY OF WAYNE VOLUNTEER FIRE DEPARTMENT
AND THE NORTHEAST NEBRASKA MUTUAL AID DISTRICT.**

WHEREAS, the City of Wayne Volunteer Fire Department wishes to enter into a Mutual Aid Agreement with the Northeast Nebraska Mutual Aid District.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Mutual Aid Agreement with the Northeast Nebraska Mutual Aid District, a copy of which is attached hereto, be approved as written, and the Mayor is authorized and directed to execute said Agreement on behalf of the City.

PASSED AND APPROVED this 1st day of February, 2022.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor Pro Tempore

ATTEST:

City Clerk

NORTHEAST NEBRASKA MUTUAL AID AGREEMENT

YEAR _____

For the purpose of better insuring the safety of the lives and property of our citizens from fire loss, medical emergencies, and natural disasters, these communities and rural fire protection districts of; Allen, Bancroft, Concord, Dakota City, Dixon, Emerson, Homer, Laurel, Martinsburg, Newcastle, Pender, Ponca, Rosalie, South Sioux City, Thurston, Wakefield, Walthill, Wayne, and Winnebago, which shall be known as the Northeast Nebraska Mutual Aid District (heretofore abbreviated NNMAD), pledge our mutual cooperation in fighting fires and other emergencies which consumes or threatens to consume proportions beyond the capacity of the fire defenses of any individual town or rural fire protection district, or of any community or mutual aid association adjoining the NNMAD from which a request for assistance has been made. To this purpose, we pledge our assistance to each other in the use of fire and rescue equipment and/or personnel, and any other items of firefighting or rescue equipment required to control the fire or emergency, whatever may be its cause.

The Association shall be governed by a Board of Directors appointed by the member departments of the Association as provided by the Constitution and By-laws of the NNMAD. It shall be understood that each member fire department of the NNMAD shall retain control of its own forces and that the fire chief or designated representative of the local fire department requesting mutual aid shall be coordinator in charge of the entire task force for the duration of the emergency requiring the use of mutual aid. Each member department of the NNMAD shall be responsible for its own expenses. This agreement shall remain in effect as to all of the parties until terminated by any of the parties hereto upon thirty (30) days written notice setting forth the date of such termination. Withdrawal from this agreement by one party shall not terminate this agreement among the remaining parties.

In earnest of our intention to extend our full cooperation, we affix the signatures of our chief executive official, the president of the rural fire protection district Board of Directors, and fire chief in accordance with the authority vested in Nebraska State Statute 23-2204, R.R.S. 1943, Inter-local Cooperative Act.

City/Village, and/or District of _____, Nebraska

Mayor or Board Chairman _____

Dated _____

Rural Board President _____

Dated _____

Fire Chief _____

Dated _____

6-Month Report to the Wayne City Council
 LB 840 Funds Committed (as of 12/31/2021)

LB840 GRANTS

Applicant	Amount	Type of funding	Purpose	Committee review
Digital Blue	\$ 30,600.00	performance based loan	relocation/expansion	5/27/2009
Louis and Jevonah Benscoter	\$ 36,000.00	performance based loan	land development	8/13/2009
Interactive Impact	\$ 30,000.00	performance based loan	intellectual property development	8/13/2009
Jim Milliken (Godfathers)	\$ 2,500.00	grant	parking lot (rain garden)	10/8/2009
Wayne Area Economic Development	\$ 10,000.00	grant	marketing (general)	11/12/2009
Wayne Area Economic Development (Project Majestic)	\$ 200,000.00	grant	theater renovation/remodel	11/12/2009
Wayne Veterans Memorial Project	\$ 72,686.00	grant	memorial completion	2/11/2010
Farmers Market and Community Garden	\$ 2,750.00	grant	marketing	4/15/2010
Wayne Hospitality Group LLC	\$ 250,000.00	grant	hotel project	10/19/2010
Wayne Area Economic Development	\$ 10,000.00	grant	marketing (general)	12/21/2010
City of Wayne	\$ 13,285.00	grant	water/sewer for Western Ridge III	8/1/2011
Windom Ridge	\$ 5,000.00	grant	housing study targeting 55+	8/1/2011
Miss Mollys Coffee Company	\$ 30,000.00	performance based loan	purchase building/new coffee shop	10/13/2011
Wayne Area Economic Development on behalf of WCNGC	\$ 250,000.00 [info only]	loan guarantee	compressed natural gas car	10/13/2011; 07/12/12
Wayne Area Economic Development	\$ 5,000.00	grant	marketing (general)	11/7/2011
Wayne Area Economic Development	\$ 5,000.00	grant	overhead doors replaced	12/8/2011
Wayne Community Theater	\$ 12,050.00	grant	marketing for Wayne Chicken Show	3/8/2012
Wayne Area Economic Development (Chicken Show)	\$ 25,000.00	grant	facility addition	10/11/2012
Rainbow World Child Care Center	\$ 5,000.00	grant	marketing (general)	11/8/2012
Wayne Area Economic Development	\$ 17,500.00	grant	water/sewer for Western Ridge III	1/10/2013
City of Wayne	\$ 33,000.00	grant	trailer relocation	2/14/2013
Wreidt Properties	\$ 240,000.00 [info only]	performance based loan	senior village; common space	2/14/2013
Angel Village	\$ 30,000.00	grant	Welcome to Wayne signs (4)	11/14/2013
City of Wayne	\$ 5,000.00	grant	general administration	12/12/2013
Wayne Area Economic Development	\$ 1,600.00 [info only]	grant	to replace goal post pads	1/9/2014
Darrin Barner (WSC Rugby)	\$ 125,000.00	performance based loan	build a bar and grill/package liquor	4/10/2014
Ken Jorgensen / 4th Jug Bar and Grill	\$ 23,765.00	performance based loan	purchase Swans and building	11/13/2014
Jen and Chad Claussen	\$ 5,000.00	grant	admin/marketing	11/13/2014
Wayne Area Economic Development	\$ 25,000.00	performance based loan	building addition and fiber glass car manu	8/4/2015
Rezurrected Rod and Kustom	\$ 5,000.00	grant	admin/marketing	11/3/2015
Wayne Area Economic Development	\$ 240,000.00 [info only]	performance based loan	housing cost buy down	3/10/2016
City of Wayne				
Subtotal of "grant"	\$ 981,136.00	30.66%		

6-Month Report to the Wayne City Council

LB 840 Funds Committed (as of 12/31/2021)

LB840 LOANS		Applicant	Amount	Type of funding	Purpose	Committee review
	f	City of Wayne	\$ 7,132.00	zero percent loan	housing downpayment match	10/8/2009
	a	Jim Milliken (Godfathers)	\$ 35,500.00	zero percent loan	parking lot	10/8/2009
	e	Inet Library	\$ 86,038.00	3 percent interest loan	expansion/start up expenses	2/10/2011
		RBK LLC	\$ 70,000.00	3 percent interest loan	new dental clinic at 7th & Pearl	8/11/2011
	h	City of Wayne	\$ 160,000.00 [info only]	zero percent loan	housing incentives (0% loans)	4/12/2012
	k	Rainbow World Child Care Center	\$ 75,000.00	zero percent loan	facility addition	10/11/2012
		Mandy Benscoter and Louis Benscoter	\$ 50,000.00	zero percent loan	commercial bldgs on Jaxon St	1/10/2013
		John and Molly Temme	\$ 65,000.00	3 percent interest loan	commercial property at 7&Dear	6/21/2013
		Geno's Steakhouse	\$ 37,000.00	3 percent interest loan	renovation/windows/etc	7/28/2013
		Paulson Construction	\$ 39,750.00	3 percent interest loan	purchase building/move bus. to city	7/28/2013
	l	City of Wayne - SCPB, OCC Bldrs, IPI	\$ 240,900.00	zero percent loan	disaster recovery loans (15 yrs, % payroll)	10/10/2013
		Brent L. Pick	\$ 50,000.00	zero percent loan	15 yrs - buy&rebuild Estes/DB/NAPA	11/14/2013
		Lutt Oil and Service (Rod L. and Christin E. Cook-Lutt)	\$ 50,000.00	3 percent interest loan	Buy and update Zach's/expand services	12/12/2013
		NAPA - Wayne	\$ 50,000.00	zero percent loan	15 yrs - rebuild NAPA	1/9/2014
	o	NAPA - Wayne	\$ 25,000.00	zero percent loan	to rebuild; require annexation	1/9/2014
		Leseberg Masonry and Construction	\$ 75,000.00	0% loan; 3% loan	rebuild \$40k at 0%; build \$35k at 3%	1/9/2014
		Pat Garvin / Innovative Protectives	\$ 40,000.00	0% loan for 15 yrs	rebuild buildings lost to tornado	2/13/2014; 4/10/14
		Ken Jorgensen / 4th Jug Bar and Grill	\$ 125,000.00	3% loan for 15 yrs	build a bar and grill/package liquor	2/13/2014; 4/10/14
		Dollar Plus	\$ 125,000.00	0% loan for 5 yrs	open Dollar Plus in Downtown Wayne	4/10/2014
		Heft Trucking	\$ 50,000.00	0% loan for 15 yrs	rebuild building lost to tornado	6/12/2014
		Tim Fertig	\$ 50,000.00	3% loan for 15 yrs(10yr bin)	buy 2nd&Main prop and open fitness	7/28/2014
		Jen and Chad Claussen	\$ 23,765.00	3% loan for 15 yrs	purchase Swans and building	11/13/2014
		Rezurrected Rod and Kustom	\$ 25,000.00	3% loan for 10 yrs	building addition and fiber glass car manu	8/4/2015
		Beck Ag Inc	\$ 50,000.00	3% loan for 3 yrs	build out and business growth	12/10/15; 1/14/16
		Adam Manoucheri/Crossroads-Atoll Productions LLC	\$ 40,000.00	3% loan for 15 yrs	purchase and remodel 200&202 Main St	1/14/2016
		Josh Hopkins - Hopkins Eyecare	\$ 35,000.00	0% loan for 2 yrs	purchase property for new eye clinic	6/9/2016
		Lukas Rix - Rustic Treasures	\$ 55,000.00	0% loan for 5 yrs	purchase and rehab 1912 City Hall	7/14/2016
	r	Wayne Country Club	\$ 150,000.00	0% loan for 15 yrs	addition/remodel club house	10/13/2016
	r	Wayne Country Club	\$ 60,000.00	0% loan for 15 yrs	addition/remodel club house	10/30/2017
	s	Wayne Area Event Center	\$ 350,000.00	new terms below	new event center construction	10/13/2016; 7/2/18
		<i>Subtotal of revolving</i>	\$ 2,135,085.00	66.72%		
		TOTAL FUNDS COMMITTED (as of December 31, 2017)	\$ 3,116,221.00	97.38%		
		TOTAL AVAILABLE FOR 15 YEARS (to collect)	\$ 3,200,000.00			

6-Month Report to the Wayne City Council

LB 840 Funds Committed (as of 12/31/2021)

LB840 PROJECT NOTES

- * Interest accrued/paid on the Fund's borrowed money is NOT included in this total
- a Committee recommended \$38,000 zero percent interest loan; Council granted \$2500 of this after the City requested a rain garden in the parking lot.
- b Committee recommended \$75,000; only \$72,686 was spent.
- c Committee recommended \$1,250; Council approved \$2,750.
- d Legally, this is a grant (not required to be paid back); however, the Wayne Hospitality Group LLC plans to honor their previous request's terms of 15 years at 0% interest.
- e Committee recommended only an interest bearing loan for \$43,019; Council approved \$43,019 for an interest bearing loan and \$43,019 for a performance based loan. (all is now a loan)
- f Committee recommended and Council approved \$64,200; only \$7,132 was used after the program closed.
- g Committee recommended a 5 yr loan; Council approved the grant request.
- h Initial housing request from the City was approved; further action by Council allocated housing funds from a different source
- i Revision of previous approval (10/2011) – increased loan guarantee from \$150,000 to \$250,000 (07/2012); allocation became void after 12/31/12 if no company was in Wayne
- j Committee/Council approved \$26,000 for wastewater improvements - only \$13,285 was used
- k Committee recommended \$75,000 loan with interest half of its conventional rate; Council changed the loan to 0% interest
- l \$500,000 was set aside for tornado relief (up to 10% of payroll); only \$241k was used
- m Committee recommended a set number of \$28,000; the Council allowed the request of "up to" \$30,000 for signage
- n Committee recommended approval but believed other sources of funds might be available; Council took no action on this recommendation.
- o Originally a performance based loan; FTE requirement not met so is now a loan
- p Committee recommended approval; City Council did not approve
- q Committee and Council approved; projects were never completed
- r Committee originally recommended \$100,000 loan for 5 yrs at 3%; City of Wayne approved \$150,000 loan for 15 yrs at 0%; Wayne Country Club re-applied to reflect changes to the project scope/bid received; Committee recommended \$210,000 for 15 yrs at 0%; Council approved new loan of \$210,000 for 15 years at 0%;
- s Committee recommended \$250,000 loan for 10 yrs at 3%; Council approved loan of \$350,000 at 3% for 10 years on 10/18/2016; Council approved new terms on 07/03/2018:
 - A \$350,000 loan;
 - 3% interest rate;
 - Defer principal payments for 3 years, but require interest payments throughout the deferment period, with the first deferred interest payment being delayed until November 1, 2018;
 - Changing the loan repayment period from 10 years to 15 years;
 - Deferment period would be from March 1, 2018, to February 28, 2021;
 - Repayment period for principal and interest would begin on March 1, 2021; and
 - Final payment would be due March 1, 2035.

6-Month Report to the Wayne City Council
RLF Funds Committed (as of 12/31/2021)

<u>Applicant</u>	<u>Amount</u>	<u>Type of funding</u>	<u>Purpose</u>	<u>Committee Review</u>	<u>Council Approval</u>
Talon Capital, LLC (dba Fyre-Tec)	\$ 250,000.00	performance based loan	a purchase existing business/expand business	1/10/2019	2/5/2019
Ace Hardware & Home	\$ 200,000.00	no-interest loan	b start retail store/purchase inventory	9/18/2019	10/1/2019
Johnnie Byrd Brewing Company	\$ 40,000.00	low-interest loan	c purchase real estate	12/13/2019	12/17/2019
DSF Wayne Short Stop, LLC	\$ 85,000.00	low-interest loan	d property improvements/business expansion	4/14/2021	4/20/2021
Sanctuary Apartments, LLC	\$ 400,000.00	low-interest loan	e historic preservation/housing development	10/13/2021	11/2/2021
TOTAL RLF COMMITMENTS (as of Dec. 31, 2021)	\$ 975,000.00				
a On 01/10/2019, RLF Committee recommended approval: \$250,000 loan for 10 yrs with interest rate set at 50% of the interest rate set by primary lender (Midwest Bank - 5.7%); On 02/05/2019, Council approved loan of \$250,000 for 10 years with interest rate of 2.85%, plus a job creation requirement of 5 FTE within 3 years;					
b On 09/18/2019, RLF Committee recommended approval: \$200,000 loan for 15 years with interest rate set at 0% for years 1-5 and 2% for years 6-15; On 10/01/19, Council approved loan of \$200,000 for 15 years with interest rate of 0%					
c On 12/13/2019, RLF Committee recommended approval: \$40,000 loan with repayment term to match the primary lender with interest rate set at 50% of the interest rate set by the primary lender (State Nebraska Bank & Trust - TBD); On 12/17/2019, Council approved loan of \$40,000 for 10 years with repayment term to match the primary lender with an interest rate set at 50% of the interest rate set by the primary lender					
COVID-19: In April 2020, Council provided LB840 Loan and RLF Program recipients a grace period until Feb. 28, 2021 to make their payment obligations due in 2020. Through June and July 2020, Council discussed the potential of adding funds to the LB840 Program for business loans specific to Covid-19 relief. In Jan. 2021, Council approved a motion to re-evaluate the LB 840 discussion and authorize city staff, upon request, to allow businesses to extend their payment(s) pursuant to negotiations with each business owner, but set a deadline of Feb. 28, 2021 for businesses to pursue negotiations. WAED contacted LB840 Loan and RLF recipients to notify them of their new latitude and the deadline.					
d On 04/14/2021, the RLF Committee recommended approval: \$85,000 loan with a repayment term of 10 years with the interest rate set at 50% of the interest rate set by the primary lender (since the primary loan was via the U.S. Small Business Administration and the primary lending rate was set at 2.75% plus prime, which is variable, the RLF Committee recommended 3% as the fixed rate for the LB840 Loan); On 04/20/2021, Council approved loan of \$85,000 with a repayment term of 10 years and an interest rate set at 3%.					
e On 10/13/2021, the RLF Committee recommended approval: \$400,000 loan with a repayment term of 10 years, based on a 20-year amortization, with the interest rate to be set at one-half the rate set by the primary lender. On 11/02/2021, Council approved loan of \$400,000 with a repayment term of 10 years, based on a 20-year amortization, and an interest rate to be set at one-half the rate set by the primary lender. The Council also stipulated that the project was approved because the project intends to preserve a historic building, as well as provide additional housing units in downtown Wayne.					

DRAFT

**CITY OF WAYNE
LB840
ECONOMIC
DEVELOPMENT
PLAN**

2024

Pursuant to the Local Option Municipal Economic Development Act
Neb.Rev.Stat. §§18-2701 to 18-2738

CITY OF
WAYNE, NEBRASKA
LB840
ECONOMIC DEVELOPMENT PLAN

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CITY OF WAYNE, NEBRASKA

ECONOMIC DEVELOPMENT PLAN

Nebraska's voters enacted a constitutional amendment in November, 1990, granting cities and villages the power to use local sources of revenue for economic or industrial projects and programs. In 1991, the Unicameral implemented this amendment with the passage of Legislative Bill 840, the Local Option Municipal Economic Development Act.

The Local Option Municipal Economic Development Act is based on the premise that communities should use their own tax dollars in ways that best meet local needs. While ongoing planning processes in many towns have identified development, job creation, and increased economic opportunity as their highest priority for the future, a variety of constitutional and legislative prohibitions kept them from investing local public funds in development programs. The removal of these limitations, gives municipalities greater latitude in determining and acting upon local needs.

As towns have witnessed population declines and a loss of younger people, they have thought about their futures and the types of actions and investments needed to reverse these past trends. At the same time, smaller towns and cities are beginning to realize a period of significant opportunity. In a period of uncertainty, complexity, and growing concern about the problems and quality of urban life, including cost and relative safety, the advantages offered by the smaller cities have become uniquely attractive. At the same time, the revolution in information and communication technology as well as goods distribution has reduced the isolation of small towns. As a result, it is increasingly possible to operate a significant business in growth areas outside of major urban centers.

GENERAL COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

Wayne's community and economic development strategy involves building on our strengths to promote existing industries and the retention of jobs and to recruit new industries and jobs to the community. The principal strategy is directed at maintaining a good quality of life for our citizens and a strong workforce; developing community resources; attracting new capital investment; broadening the community's tax base; and ensuring economic stability and viability for Wayne.

Economic diversification will continue to be a critical priority for Wayne's economic development program. Diversification will be strengthened by the recruitment of new business from outside and development of new businesses from inside the city. A small business and microenterprise development program can establish the city as a nurturing environment for small business and microenterprise and as a center for

economic opportunity. This atmosphere, in turn, can encourage people with skills and ideas to move or return to Wayne to make a start in business.

In addition to recruitment, the city can create job opportunities by helping existing businesses in the city to expand their markets and compete more successfully. The successful marketing of Wayne as a center for opportunity is important to the city's effort to expand its labor force and attract new residents.

The City of Wayne recognizes that the attraction of new business and industry to a community, or the expansion of existing business or industry, takes place in a very competitive market place. In order to keep Wayne, Nebraska as competitive as possible in that market place the community will strive to use all financial and human resources available in a partnership using federal, state, municipal and private sources.

STATEMENT OF PURPOSE, GENERAL INTENT AND GOALS

The City of Wayne has adopted a comprehensive plan. This Comprehensive Plan was the culmination of a planning process that also involved citizens of the city to define its future. It is important in preparation of an economic development plan that, in addition to soliciting specific input for the plan, an effort be made to ensure consistency with other plans and goals of the city.

It is the intent of the City of Wayne, Nebraska, to implement an economic development program, the purpose and goals of which will be: to create jobs/generate employment opportunities; to expand labor markets, to expand retail opportunities, and to increase households in the City of Wayne and Wayne County; to attract new capital investment to the community and establish stability and vitality for the community of Wayne and the surrounding area.

ELIGIBILITY

Eligible Activities

Eligible activities under the economic development program may include, but shall not be limited to, the following:

- 1) The purchase of real estate, options for such purchases, the renewal or extension of such options, and public works improvements.
- 2) Payments may be made for salaries and support of City staff to implement the Program or for contracting of an outside entity to implement any part of the Program.
- 3) Expenses for business and industry recruitment activities to locate or relocate a qualifying business into the area and for equity investment in or loan guarantees for a qualifying business.

- 4) The authority to issue bonds pursuant to the act subject to City Council approval.
- 5) Grants or agreements for job training.
- 6) Small business and microenterprise development including expansion of existing businesses.
- 7) Interest buy down agreements or loan guarantees.
- 8) Expand and promote Wayne through marketing, workforce attraction, and tourism related activities.
- 9) Development of housing related programs to foster population growth.
- 10) Activities to revitalize and encourage growth in the downtown area.
- 11) May contribute to or create a revolving loan fund from which low interest or performance based loans will be made to qualifying entities on a match basis.
- 12) The Local Option Municipal Economic Development Act has been changed in several Legislative sessions since it was signed into law on June 3, 1991. It is reasonable to assume the law will change during the course of Wayne's Economic Development Program. In order to stay current with Nebraska Statutes, the City of Wayne retains the right to amend this Economic Development Plan when such amendment pertains to changes made to the Local Option Municipal Economic Development Act or to other statutes that affect Wayne's Program. Such amendments can only be made after a public hearing and a two-thirds vote of Wayne's City Council.

Types of Entities That Will Be Eligible

- A. A qualifying entity shall mean any corporation, partnership, limited liability company or sole proprietorship which derives its principal source of income from any of the following:
 - 1) The manufacture of articles of commerce
 - 2) The conduct of research and development
 - 3) The processing, storage, transport or sale of goods or commodities which are sold or traded in interstate commerce
 - 4) The sale of services in the interstate commerce

- 5) Headquarters facilities relating to eligible activities as listed in this section
- 6) Telecommunications activities
- 7) Tourism-related activities
- 8) Any business that derives its principal source of income from the construction or rehabilitation of housing.
- 9) Retail businesses.
- 10) Any other business deemed as a qualifying business through future action of the legislature.

B. A qualifying entity must be located within the zoning jurisdiction of the city unless a variance is granted for special circumstances.

If a business which would otherwise be a qualifying business employs people and carries on activities in more than one city in Nebraska or will do so at any time during the first year following application for participation in the Program, it shall be a qualifying business only if, in each such city, it maintains employment for the first two years following the date on which such business begins operations in the city as a participant in its Program at a level not less than its average employment in such city over the twelve-month period preceding participation.

OPERATION OF THE REVOLVING LOAN FUND

This section will describe details of the operation of the revolving loan fund. The size and special features of this fund, combined with the requirement of LB 840, requires that its operation be outlined.

A. General Guidelines:

1. The amount of funds available for any single project shall not exceed the amount of funds available under the Economic Development Program during the project term, nor shall it provide for more than fifty percent (50%) of applicant's total project costs. An applicant must provide participation and evidence of participation through private funding as distinguished from Federal, State, or Local funding in the minimum amount of ten percent (10%) equity investment. The right is reserved to negotiate the terms and conditions of the loan with each applicant, which terms and conditions may differ substantially from applicant to applicant.

2. The interest rate shall be fixed and negotiated on an individual basis; usually one-half the rate of the lending rate for the project at a traditional banking source. The term shall not exceed ~~ten (10)~~ **twenty (20)** years for loans used for capital assets and ~~five (5)~~ **ten (10)** years for loans involving any other asset category. Security for loans will include, but will not be limited to, Promissory Notes, Mortgages or Deeds of Trust, and personal and/or corporate guarantees as appropriate and may be in a subordinate position to the primary lender.
3. If the loan is approved as performance ~~passed~~ **based**, a qualifying business may be approved to recapture a portion of the loan amount on a grant basis. The recaptured amount will be determined by the City Council, based upon job creation or retention and economic impact on the project to the community.
4. A loan repayment schedule providing for monthly, quarterly, or annual payments will be approved in conjunction with project approval. Repayment will be held in the revolving loan fund for future projects when approved.
5. The Economic Development Director or contracted loan administrator is responsible for auditing and verifying job creation and retention and determining grant credits toward any loans made. No grant credits are available unless pre-approved in the initial application and project approval. No grant credits will be made available beyond the level initially approved.
6. The Revolving Loan Fund will be audited annually by a selected firm of certified public accountants.
7. It is anticipated that the Program can be fully administrated by the Director of the Economic Development or contracted loan administrator. Administration costs for the loan fund will be defrayed by loan fees and the portion of sales tax revenue directed to administration expenses as outlined in the Plan budget.

B. Eligible Applicants:

The revolving loan fund can provide loans or loan guarantees to any entity eligible for assistance under LB 840. While not meant to restrict the scope or flexibility of the fund, evaluation of applications should give special priority to businesses which meet one or more of the following criteria:

1. Businesses which create one job for each ~~\$25,000~~ **\$35,000** or less in public financing assistance **or whatever DED fund limitations proscribe, as they may change from time to time.**

2. Applications which provide for the expansion or enhancement of existing businesses in Wayne or its surroundings.
3. New business starts.
4. Businesses that in the opinion of the loan committee have unusual potential for growth.
5. Businesses that are relocating from outside Nebraska.
6. Business that provide for important local or regional needs.

C. Application Requirements:

1. Complete an application that may be obtained from the office of the City of Wayne, 306 N. Pearl, Wayne NE 68787.
2. Submit the completed application together with all information as set out below to the office of the City of Wayne. The application will then be reviewed by the program administrator and the loan committee, and upon completion of the review; the committee will make a final decision on the project.
3. The Program Administrator will notify any applicant of the decision of the committee.

D. Information Required:

The qualifying business shall provide the following information before the Program Administrator and the Loan Committee considers any application:

1. Sole Proprietorship:
 - a. Submit a Wayne Economic Development Program loan fund application.
 - b. Business plan.
 - ~~c. Two years complete individual federal tax returns (signed).~~
 - ~~d. Current year-to-date Profit and Loss Statement (signed)~~
 - ~~e. Recent Balance Sheet (signed)~~
 - f. Credit Bureau Report (CBR)

g. Other information as requested.

2. "S" Corporation:

- a. Submit a Wayne Economic Development Program loan fund application.
- b. Business plan.
- c. Two years complete individual federal tax returns, if over 25% ownership (signed).
- d. Two years complete corporate tax returns (signed).
- e. Current year to date profit and loss statement (signed).
- f. Recent balance sheet (signed).
- g. Articles of Incorporation, By-Laws, and Minutes of last meeting.
- h. Corporate Resolution authorizing loan application and execution of required documents.
- i. Credit Bureau Report (CBR) for Shareholders with over 25% ownership.

3. "C" Corporation:

- a. Submit a Wayne Economic Development Program loan fund application.
- b. Business plan.
- c. Two years complete individual federal tax returns, if over 25% ownership (signed).
- d. Two years complete corporate tax returns (signed).
- e. Current year to date profit and loss statement (signed).
- f. Recent balance sheet (signed).
- g. Articles of Incorporation, By-Laws, and Minutes of last meeting.

- h. Corporate Resolution authorizing loan application and execution of required documents.
 - i. Credit Bureau Report (CBR) for Shareholders with over 25% ownership.
 - j. Other information as requested.
4. General Partnership:
- a. Submit a Wayne Economic Development Program loan fund application.
 - b. Business plan.
 - c. Two years complete individual federal tax returns, if over 25% ownership (signed).
 - d. Two years complete partnership returns (signed).
 - e. Current year-to-date profit and loss statement (signed).
 - f. Recent balance sheet (signed).
 - g. Complete partnership agreement.
 - h. Credit Bureau Report (CBR) for general partners.
 - i. Other information as requested.
5. Limited Partnerships:
- a. Submit a Wayne Economic Development Program loan fund application.
 - b. Business plan.
 - c. Two years complete individual federal tax returns for general partners and for limited partners, of over 25% ownership, and partnerships tax returns (signed).
 - d. Complete copy of partnership agreement.
 - e. Credit Bureau Report (CBR) for general partners.
 - f. Other information as requested.

6. Limited Liability Companies:

- a. Submit a Wayne Economic Development Program loan fund application.
- b. Business plan.
- c. Two years complete individual federal tax returns, of over 25% ownership (signed).
- d. Two years complete entity tax returns (signed).
- e. Current year-to-date profit and loss statement (signed).
- f. Recent balance sheet (signed).
- g. Credit Bureau Report (CBR) for managers.
- h. Other information as requested.

7. Limited Liability Partnership:

- a. Submit a Wayne Economic Development Program loan fund application.
- b. Business plan.
- c. Two years complete individual federal tax returns, if over 25% ownership (signed).
- d. Two years complete entity tax returns (signed).
- e. Current year-to-date profit and loss statement (signed).
- f. Recent balance sheet (signed).
- g. Credit Bureau Report (CBR) for managers.
- h. Other information as requested.

E. Constitution of Loan Committee:

The Economic Development Board or other ~~entity—contracted~~ **individuals appointed** by the City Council shall comprise the Loan Committee.

F. Evaluation and Approval of Assistance:

The loan committee will evaluate each application according to the following criteria:

1. Eligibility under LB 840.
2. Soundness and credibility of the business proposal.
3. If the business fits into one of the priority categories established by the plan for assistance.
4. Track record, credibility, and credit worthiness of applicant.
5. Ability to leverage significant private financing.
6. Probability that the business assistance will be repaid.
7. Other criteria that the loan committee may establish for application review.
8. ~~Decision of the Loan Committee will be final.~~

G. Types of Financing Available:

1. Low interest loans, subordinated to a loan from private sources. The revolving loan fund may provide a blended loan at lower than market interest, repaid simultaneously with the private financing, or may accept sequential payment, being repaid following full payment of the private loan. The committee will negotiate specific loan terms.
2. Loan guarantees, by which a portion of the revolving loan fund proceeds are pledged against private financing. Guarantees make private financing more available with the minimum expenditures of public funds. The committee will negotiate fees and other considerations for guarantees.

BUDGET

This section describes a preliminary source of funds and budget for Wayne's Economic Development Program. It is important to note that this budget must be developed annually and may be modified from time to time by the City Council. In the field of economic development, it is impossible to anticipate every condition or requirement. The city should maintain the flexibility to respond to specific requirements and opportunities on a short-term basis.

Proposed Funds to be Collected and Length of Time the Plan Will Exist

The city source of public funds for the Wayne Economic Development Program will be ~~two-fifths (2/5)~~ **three-twentieths (3/20)** of one percent, or ~~forty percent (40%)~~ **fifteen percent (15%)** of one percent, local option sales tax. If approved by the voters, this tax will remain in force for a period of fifteen (15) years, beginning on July 1, 2024. The local options sales tax will go out of existence on June 30, 2039. The total amount to be collected from a ~~two-fifths (2/5)~~ **three-twentieths (3/20)**, or ~~forty percent (40%)~~ **fifteen percent (15%)**, of one percent sales tax is estimated to be **\$2,250,000.00** (based on current retail sales and projections) over the fifteen (15) year period. The annual amount that will be budgeted for Economic Development in Wayne is tied to the City of Wayne's valuation each year. The amount shall not exceed 0.4 percent of Wayne's annual valuation. Any excess funds above the 0.4 percent amount shall be appropriated to the general fund of the City on an annual basis. However, uncommitted funds and revenues including but not limited to repayment of loans, return on investments, fees for activities such as loan guarantees, and sales proceeds from properties, may continue to be used for activities contained within the Economic Development Program for an additional fifteen (15) year period. This program shall be in effect July 1, 2039 and ending June 30, 2054.

Bond Authority

Wayne may have a business opportunity or other economic development project that requires initial funds that exceed the single year proceeds of the local option sales tax. In order to take advantage of such an opportunity, Wayne should have the ability to issue bonds. These bonds are then retired by future sales tax receipts. The City Council may authorize the issuance of bonds to carry out the economic development program, following a public hearing.

APPLICATION PROCESS

The City of Wayne will contract with a qualified entity (herein referred to as "Program Administrator") to administer the Economic Development Program.

To be considered for direct financial assistance under this plan, an applicant must provide to the following unless waived by the Program Administrator:

- 1) A detailed description of the proposed project;
- 2) A business plan, including employment and financial projections; current financial statements, financing requirements for the project, total project cost;
- 3) A completed City of Wayne Local Option Municipal Economic Development Program Application for Financial Assistance.

Additional information, as necessary, to determine the economic viability of the proposed projects(s) may be requested by Program Administrator and/or by the City Council.

Program Administrator will review applications and requests for direct financial assistance in the order in which they are received by Program Administrator. Application review and approval, or disapproval, by Program Administrator will be based on project feasibility as determined by review of the applicant's business plan and other requested information by Program Administrator and the potential future economic benefit to the community of Wayne.

Program Administrator will be responsible for verification of information in the applications of those eligible businesses.

In the event of termination of the contractual relationship between the City and the Program Administrator, the above-described responsibilities will be carried out by another entity, by existing city staff or by an economic development specialist hired by the city.

Upon completion of the negotiations on the terms and conditions of assistance between the Program Administrator and the applicant, the project will be submitted to the City Council for its review and approval. The Council will consider the overall benefits to the community, and will provide the Program Administrator a decision that fits within the time frame suitable to meet the business requirements of the applicants. Once approved, the **City Attorney or the** Program Administrator will take the necessary actions to execute the agreements made.

ADMINISTRATION OF ECONOMIC DEVELOPMENT PROGRAM

It is the intent of the program that the majority of the funds be used for supporting eligible activities and only the minimum required amount is to be spent to assist in the administration of the program. Three separate groups share the administration of the program. These are:

A. Program Administrator:

1. Will be responsible for the day-to-day activities of administering the program.
2. Assists applicants and conducts active recruiting for potential applicants.

B. Citizens Advisory Review Committee:

1. A group of citizens who are registered voters of the City, who will review the functioning and progress of the economic development program and advise the City Council with regard to the program.
2. Committee organization will consist of:
 - i. Seven (7) members appointed by the Mayor and approved by the City Council; the seven (7) shall consist of two (2) from the Economic Development Board or Committee, one (1) from the Wayne Community Housing Development Corporation Board, and four (4) from the community at large. Terms shall be for four (4) years except that initial terms shall be established on a staggered basis to provide continuity on the committee. ~~No member may be an elected or appointed official, employee of the City, or anyone who participates in the decision making process regarding expenditures of program funds.~~
 - ii. At least one individual on the committee must have expertise or experience in the field of business, finance or accounting.
 - iii. The City Administrator who will serve as ex-officio member.
3. No member of the citizen advisory review committee shall be an elected or appointed city official, an employee of the city, a participant in a decision making position regarding expenditures of program funds, or an official or employee of any qualifying business receiving financial assistance under the economic development program or of any financial institution participating directly in the economic development program.
4. The Citizens Advisory Review Committee will meet regularly as required to review the program and will report to the City Council at least once in every six month period on its findings and suggestions at a public hearing called for that purpose.

C. City Council:

1. Will have final authority on expenditure of funds in support of the economic development program.

2. Will have ultimate responsibility for the economic development program.

PROCESS TO INSURE CONFIDENTIALITY OF BUSINESS INFORMATION RECEIVED

In the process of gathering information about a qualifying business, the city may receive information about the business which is confidential and, if released, could cause harm to the business or give unfair advantage to its competitors. State law authorizes cities and other public entities to maintain the confidentiality of business records which come into their possession.

To protect the businesses applying for funds and to encourage them to make full and frank disclosures of business information relevant to their application, the city may take the following steps to ensure the confidentiality of the information it receives:

- 1) The adoption of an ordinance which makes such information confidential and punishes disclosure;
- 2) A restriction on the number of people with access to the files with the program administrator primarily responsible for their safe-keeping, and
- 3) A requirement that personnel involved in the program sign statements of confidentiality regarding all personal and private submittals by qualified businesses.

IDENTIFICATION OF REAL ESTATE

Continued development will exhaust space in the available industrial park well before the end of the planning period. Therefore, the City and the Program Administrator should provide for the acquisition of industrial and commercial land and provide for supporting infrastructure.

Eligible activities include the purchase directly or indirectly through the City and Program Administrator of commercial or industrial site(s) and obtaining options for the purchase of such real estate. Land to be purchased or optioned may be within or outside the corporate limits of the City of Wayne and will be identified through local analysis by the City of Wayne and/or Industrial Site Evaluation teams organized by the City of Wayne or the administrator of the Economic Development Program. These identified sites may then be considered for option or purchase and further development.

In addition, the funds may be used to provide the infrastructure to these sites or other sites to make them attractive to new or expanding businesses. Eligible infrastructure improvements will include, but not be limited to, street, storm drainage, water, sewer, gas, electric or railroad extension. Infrastructure improvements and costs may extend beyond the corporate limits of the City of Wayne.

The funds may also be used to construct facilities, structures, and/or appurtenances for new or proposed development or to attract new business or industry. These facilities, structures and appurtenances are not required to be within the corporate limits of Wayne, Nebraska.

These sites and facilities will improve the attractiveness of Wayne, Nebraska, as a location for new business and industry and may be used as an incentive to aid in the location, relocation or expansion of a business. These sites and facilities may be sold or leased at a price at or below current market value. The proceeds from the sale of lease of land purchased and developed with funds generated by LB 840 may be used for the purchase and development of additional land and may be used for all other eligible activities.

The attraction of a new business or industry may require an incentive to ensure its location in Wayne. Any investment in land and infrastructure can provide that incentive while at the same time providing a benefit that will remain in the community. Developed industrial sites, buildings, and infrastructure will be of long term benefit to the community regardless of future ownership.

INVESTMENT OF ECONOMIC DEVELOPMENT FUNDS

The Program Administrator will establish a separate Economic Development Fund.

1. The money from the Economic Development Fund shall not be commingled with any other City of **Wayne** ~~PCDC~~ fund.
2. Any money in the Economic Development Fund not currently required or committed for the purposes of Economic Development shall be invested by the Program Administrator **or representative of the City.**
3. In the event that the Economic Development program is terminated, any funds not committed will be transferred as provided by the statute to the General Fund of the City and may be used on an installment basis to reduce the property tax levy of the City as provided by the Act.
4. If there is a conflict between this plan and State Statute, the State Statute will control.

LEGAL AND REGULATORY COMPLIANCE

In Order to ensure that all laws and regulations are being complied with, the City Attorney will review the Economic Development Program and all laws and regulations pertaining to it annually.