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## Wayne Wellhead Protection Plan workshop set

In January, the City of Wayne moved forward with the establishment of the Wayne Source Water Protection Project with grant funding from the Nebraska Department of Environmental Quality (NDEQ) Source Water Protection Program.

The overall intent of the Wayne Source Water Protection Project is to update the Wellhead Protection Plan. This effort will lay out a roadmap for pollution prevention actions over the next 5-10 years, including encouragement of source water friendly land uses. The city has partnered with the Lower Elkhorn NRD, JEO Consulting Group, Inc., NDEQ, and UNL Extension to implement project activities.

The project's key components include: update the existing wellhead protection plan and submit for NDEQ approval, decommission abandoned wells in and around the wellhead protection areas (WHPAs), incentives for property owners to enroll with Lower Elkhorn NRD deep soil sampling cost-share, and facilitation of education efforts.

The city, with assistance from JEO Consulting Group, and UNL Extension, will conduct an educational workshop to educate all age ranges of the public and provide an opportunity for the public to offer input into the wellhead protection planning effort. The workshop will be held on Thursday, June 2, at 7 p.m. at the Wayne Fire Hall meeting room at 510 Tomar Drive.

The workshop, led by the University of Nebraska-Lincoln Extension, will focus on Wayne's drinking water supply. Water quality, the wellhead area, best management practices, and system security will also be covered.

For more information on the Wayne Source Water Protection Project, contact Adam Rupe, JEO, at (402) 435.3080 or e-mail [arupe@jeo.com](mailto:arupe@jeo.com). For more information on incentives for deep soil sampling and well abandonment contact Garry Poutre, Superintendent of Utilities and Public Works, at (402) 375-2896 or e-mail [eldist@cityof-wayne.org](mailto:eldist@cityof-wayne.org).



## **WAYNE WELLHEAD PROTECTION PLAN EDUCATIONAL WORKSHOP JUNE 2ND, 2011 AT 7:00 PM**

Wayne, Nebraska - In January, 2011, the City moved forward with the establishment of the Wayne Source Water Protection Project with grant funding from the Nebraska Department of Environmental Quality (NDEQ) Source Water Protection Program. The overall intent of the Wayne Source Water Protection Project is to update the Wellhead Protection Plan. This effort will layout a roadmap for pollution prevention actions over the next five to ten years including encouragement of source water friendly land uses. The City has partnered with the Lower Elkhorn NRD, JEO Consulting Group, Inc., NDEQ, and UNL Extension to implement project activities.

The project's key components includes: update the existing wellhead protection plan and submit for NDEQ approval, decommission abandoned wells in and around the wellhead protection areas (WHPAs), incentives for property owners to enroll with Lower Elkhorn NRD deep soil sampling cost-share, and facilitation of education efforts.

The City, with assistance from JEO Consulting Group, and UNL Extension, will conduct an educational workshop to educate all age ranges of the public and provide an opportunity for the public to offer input into the wellhead protection planning effort. The workshop will be held on Thursday, June 2nd, 2011 at 7:00 PM - Wayne Fire Hall Meeting room at 510 Tomar Drive in Wayne, NE.

The workshop, led by the University of Nebraska - Lincoln Extension, will focus on Wayne's drinking water supply. Water quality, the wellhead area, best management practices, and system security will also be covered.

For more information on the Wayne Source Water Protection Project, contact Adam Rupe, JEO, at 402.435.3080 or [arupe@jeo.com](mailto:arupe@jeo.com). For more information on incentives for deep soil sampling and well abandonment contact Garry Poutre, Superintendent of Utilities and Public Works, at 402.375.2896 or [eldist@cityofwayne.org](mailto:eldist@cityofwayne.org).



# Open house is Sept. 13 for wellhead protection plan

In January of 2011, the City of Wayne moved forward with the establishment of the Wayne Source Water Protection Project with grant funding from the Nebraska Department of Environmental Quality (NDEQ) Source Water Protection Program.

The City, with assistance from JEO Consulting Group, Inc., will conduct a Public Open House to provide local citizens an opportunity to comment and give input to the planning effort. The workshop is being held Tuesday, Sept. 13 at 7:30 p.m. in the North Meeting Room of the City Auditorium at 220 Pearl St. in Wayne.

The project's key components include: updating the existing wellhead protection plan and submittal for NDEQ approval; decommissioning abandoned wells in and around the Wellhead Protection Areas; providing incentives for property owners to enroll with the Lower Elkhorn NRD's deep soil sampling cost-share and facilitating education efforts.

The City has partnered with the Lower Elkhorn Natural Resources District, JEO Consulting Group, Inc., Nebraska Department of Environmental Quality and University of Nebraska - Lincoln Extension to implement project activities.

The City's efforts will assist with future decision

making concerning the community water supply and will lay out a roadmap for pollution prevention actions over the next five to 10 years, including encouragement of water friendly land uses. In addition, strategies will be established to assist in protecting existing and future water supplies from potential pollution sources.

Tuesday, Sept. 13 is "Protect Your Groundwater Day" sponsored by the National Ground Water Association (NGWA) to promote water conservation and contamination prevention in order to protect groundwater resources. Groundwater is the source of Wayne's drinking water and on "Protect Your Groundwater Day", NGWA urges every one to use this day to begin doing your part for protecting groundwater. Proactive protection efforts are much more cost-effective than clean-up efforts.

For more information on the Wayne Source Water Protection Project, contact Adam Rupe, JEO, at (402) 435-3080 or e-mail [arupe@jeo.com](mailto:arupe@jeo.com). For more information on incentives for deep soil sampling and well abandonment contact Garry Poutre, Superintendent of Utilities and Public Works, at (402) 375-2896 or e-mail [eldist@cityofwayne.org](mailto:eldist@cityofwayne.org).

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} ss.

I, .....Kevin Peterson....., of said County, being first duly sworn, do despose and say that I am .....Publisher..... of THE WAYNE HERALD, which is a legal weekly newspaper, wholly printed and published in its office in Wayne, Wayne County, Nebraska, for more than fifty-two consecutive weeks prior to the first publication of the annexed notice and the present time; that said newspaper now has and during all of that time had an actual bona fide circulation of more than three hundred copies weekly within said Wayne County, and that the notice hereto attached has been published weekly for .....one..... consecutive week(s), in said paper, commencing on the 3rd day of .....May....., 2012....., and ending on the ..... day of ....., 20....., and further deponent sayeth not.

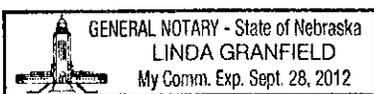
.....Kevin Peterson.....

Subscribed and sworn to before me this 3 day of May, 2012.

.....Linda Granfield.....

Notary Public

**OPPORTUNITY TO TEST YOUR WELL!**  
Wayne, Nebraska - 23 million people in the U.S. rely on private wells for drinking water; however, there are currently no drinking water standards for private well water and no requirements for private well testing.  
To help owners better understand their private well and get a baseline reading for nitrate in their well water, the City of Wayne, in cooperation with Wayne County 4-H, will hold a Test Your Well Night on May 17, 2012, from 5:00 p.m. to 7:00 p.m. at the Wayne Fire Hall Meeting Room, 510 Tomar Drive.  
Many people generally do not think about their drinking water - it comes out of the tap and that is the end of it. While public water systems must comply with state and federal drinking water standards, private well owners are responsible for testing and maintaining the quality of their well water.  
Interested well owners are asked to bring a sample of their private well water in a clean container to the Test Your Well Night to be tested confidentially for nitrate at no charge. Well owners will also have the chance to learn more about groundwater, private wells, nitrate, and pollution prevention; and have their questions answered. Municipal water will NOT be tested.  
The Test Your Well Night is part of Wayne's source water protection project, which is funded by a grant from the Nebraska Department of Environmental Quality (NDEQ). The City is also working with JEO Consulting Group and the Lower Elkhorn NRD on the project.  
For more information on the Test Your Well Night, contact Garry Poutre, Superintendent of Utilities and Public Works, at 402-375-2896. (Publ. May 3, 2012)





# Wellhead protection plan to have public hearing

By CLARA OSTEN

Of the Herald

"This is a planning tool for the city of Wayne which will allow us to learn as much as possible and plan for the future," said Garry Poutre, public works and utilities superintendent, of the city's proposed Wellhead Protection Plan.

After approximately two years of research, planning and meeting with local residents and land owners involved, the city of Wayne's Wellhead Protection Plan (WWPP) will be discussed during a public hearing in conjunction with the Tuesday, Feb. 19 City Council meeting. The meeting location has been moved to the Wayne Senior Center and will begin at 5:30 p.m.

Poutre said that, in 2010, the city of Wayne received a grant from the Department of Environmental Quality (DEQ) to development a wellhead protection plan for the city of Wayne.

The majority of the funding for the project came from the grant, with the remainder from the city of Wayne's water department and an in-kind match from the Lower Elkhorn Natural Resource District.

The city entered into an agreement with DEQ in January of 2011 and Poutre then worked with the consulting firm of JEO to put together a wellhead protection plan steering committee, consisting of local residents, city employees, city council members, and farmers/landowners in the wellhead protection area.

"In Nebraska, there are approximately 100 communities that already have a wellhead protection plan that has been adopted by the Nebraska Department of Environmental Quality," Poutre said. "The goal is to prevent groundwater pollution which could enter into the public water supply and make the wells unusable.

Wellhead protection was incorporated into Nebraska's groundwater standards in 1991 to prevent groundwater pollution and insure a safe water supply. Public water supplies include all systems regularly supplying drinking water to 25 or more people or having 15 or more service connections.

Poutre noted that the DEQ knows where all public wells are located, and is responsible for determining the area that needs to be protected to ensure safe drinking water to all communities and other public water supplies.

The city of Wayne has two wellhead protection areas, both located north of the city.

The south area is just north of Wayne and includes two wells, one located one-fourth of a mile west of the intersection of Highway 15 and 21st Street, and the other a quarter-mile east of that intersection.

The north area is located six miles north of Wayne.

Both of these areas are already a part of wellhead protection areas.

The wellhead protection plan consists of five steps:

**1. Delineation.** This process uses science and technology to determine the path of ground water that comes into the city's wells.

**2. Contaminant Source Inventory.** This step attempts to find any potential contaminant sources in the area determined to be where the city's water will come from during the course of 20 years and which has been determined to be the area that needs to be protected.

Poutre said that during this process potential contaminant sources were identified and mapped, and there were no contaminant sources of concern at this time. This is an essential part of the plan to inform the community of what's out there.

**3. Contaminant Source Management.** This steps works to develop a planning document to determine

**From Page 1A**

best management practices in both urban and agricultural settings. The basis for this is public education to make everyone aware that their lifestyles and practices can unknowingly affect the groundwater supply.

**4. Emergency, contingency and long-term planning.** The city of Wayne already has an emergency plan in place should something happen to the city's water supply, such as contamination or a natural disaster. However, a contingency plan involves more long-term planning and may include such items as obtaining a new, long-term source of water for the community.

**5. Public Education.** "It is our job to continually educate the community on ways to protect the quality and quantity of the water supply. We want the public to know about potential contaminants and what can be done to protect groundwater and our drinking water," Poutre said.

"I encourage everyone interested in learning more about the wellhead protection plan to come to the Feb. 19 public hearing to express your views on the WHPP. If you have questions before then, feel free to contact me by phone at (402) 375-2896, or by e-mail at [eldist@cityofwayne.org](mailto:eldist@cityofwayne.org)," Poutre said.

"Groundwater provides approximately 85 percent of the water used for human consumption in Nebraska. Our job is to ensure that when the citizens of Wayne turn on the

faucet to get a drink of water, the water is safe. This document provides us with a plan so we can learn and prepare for the future," Poutre said.

The proposed wellhead protection plan is available for inspection at Wayne City Hall, or on the city's website.

## Drinking Water Protection



Have you seen this sign along the highway? It's new and you may have wondered why they're there. These signs mark the boundary of our Drinking Water Protection Area, aka Wellhead Protection Area (WHPA). The WHPA is an area identified by the Nebraska Department of Environmental Quality as the surface and subsurface land around our public water supply wells that could potentially affect the quality of our water supply. This area is identified by using Environmental Protection Agency (EPA) groundwater modeling software and logs from existing wells in the area to determine the direction of groundwater flow to our municipal wells.

Lately you may have seen our public notices in the newspaper to inform both rural and community residents that the City of Wayne has developed a Wellhead Protection Plan (WHPP). All Wayne residents get their drinking water from the City's municipal wells and this plan has been developed to insure the future quality of the groundwater that is so vitally important to our community.

The WHPP is structured with the following items.

1. Identify the Wellhead Protection Area (WHPA).
2. Inventory potential sources of contamination.
3. Manage potential contaminant sources.
4. Develop emergency and contingency plans and long term water system planning.
5. Educate and involve the public.

All of these tasks have been completed and the WHPP is waiting for the approval of the City Council, following a public hearing that will take place at the regular City Council meeting at 5:30 PM on Tuesday, February 19<sup>th</sup>. This meeting will be held at the Wayne Senior Center. For those interested in learning more about the WHPP, there is a review copy available at City Hall, or the entire plan can be reviewed on the City of Wayne website, along with an NDEQ document called Wellhead Protection 101 that gives good, basic information about the process.

Like us, 85% of Nebraskans get their water from groundwater. It is one of our most important natural resources and this plan is created to help us protect it.

Please plan to come to the above mentioned public hearing to express your views on the WHPP. If you have questions before then, feel free to contact me by phone at (402) 375-2896, or by email at [eldist@cityofwayne.org](mailto:eldist@cityofwayne.org).

## Looking Ahead in Wayne

City Council Meetings: Regular City Council meetings are at 5:30pm on the first and third Tuesdays of each month in city hall at 3<sup>rd</sup> and Pearl Streets.

### Going Long

In the 1980's Wayne placed a large bet on the long term quality and quantity of ground water 5 miles north of Wayne when they spent several million to purchase the right to pump water from private land and install wells and a 15 inch water main back to Wayne. There are three wells there now and two wells closer to Wayne.

To date this has proven to be a good long term investment. As a part of our due diligence for our drinking water customers, we need to pay attention to the areas around the wells. We have just completed a thorough look at these areas and at the ground water there. As expected, except for one marginal well close to town which we monitor closely, we found the areas to be very clean, continually well managed by the landowners and the water to be good.

The city council has scheduled a public hearing at the 5:30 pm Feb 19<sup>th</sup> city council meeting to adopt a permanent long term Well Head Protection Plan to provide a long process to monitor our drinking water source areas over time. This meeting will be held at the Sr. Center and we invite Wayne and Wayne County residents to attend. The purpose of our Well Head Protection Plan is to

1. Identify the Wellhead Protection Areas
2. Inventory potential sources of contamination
3. Manage potential contaminant sources
4. Develop emergency and contingency plans and long term water system planning
5. Educate and involve the public

"The first responsibility of every citizen is to question the government" - Ben Franklin

Questions or comments? Call Lowell Johnson, City Administrator at 375-1733 or email me at [cityadmin@cityofwayne.org](mailto:cityadmin@cityofwayne.org).



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## Decision tabled on wellhead protection plan

By CLARA OSTEN  
Of the Herald

Published:  
Wednesday, February 20, 2013 9:33 AM CST

After more than two hours of discussion and information, the Wayne City Council voted to table making any decision on the implementation of a wellhead protection plan for the city.

A large crowd was on hand at the Wayne Senior Center, the site of Tuesday's meeting to voice opinions, both in favor of and against the proposed plan.

Garry Poutre, Public Works Superintendent, first gave the background on the process of establishing a plan, including the formation of a committee of 12 local citizens approximately two years ago. The committee was made up of city officials and employees, local landowners and concerned citizens.

Poutre also told the audience that since the 1980's the local Natural Resource Districts have been working to ensure an adequate supply of safe drinking water to everyone in the state.

He also noted that having a wellhead protection plan in place for the city of Wayne would "not change our regulatory authority. We have always had jurisdiction two miles outside the city limits and that won't change."

Shari Dunklau, who lives nine miles northwest of Wayne, told the council and those in attendance that her family has been farming in the same area for over 100 years and said she was worried passage of the plan would "permanently affect my livelihood. We want the water to be safe and all of us take care of the water. We use precision agronomy and soil testing in our farming practices and have never had any water issues."

David Domina, an attorney from Omaha, spoke on behalf of a number of farmers and presented the history of federal and state statutes aimed at protecting drinking water, including the 1974 Safe Drinking Water Act.

He questioned whether the wellhead protection plan was needed and asked the council, "what are you getting and what are you giving up with this plan? You will have no more authority and no more control. The DEQ (Department of Environmental Quality) will be able to tell you what to do and the people in the community will get no benefits."

Dave Shelton, with the University of Nebraska-Lincoln, who works at the Haskell Ag Lab at Concord, told the council he appreciates all the work that has been done on establishing



Garry Poutre, Public Works Superintendent, spoke during Tuesday's City Council meeting on the proposed Wellhead Protection Plan. (Photo by Clara Osten)

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Council, told the council he appreciates all the work that has been done on establishing the plan and noted that many of the actions taken by the council don't impact all residents of the community, but, "safe water impacts all citizens and it is critical to have an adequate quantity of quality water. I have reviewed the plan and see nothing that would adversely affect landowners and operators. The plan would benefit the city if a clean up situation would ever be needed. I encourage you to look ahead seven generations and protect our future."

After the public hearing was closed the council discussed options in regard to passage of the plan and the deadline in regard to grant funding received for the work done to put the plan together.

Council member Jim VanDelden made a motion to approve the plan. However, no second was received on the motion, so it did not move forward.

Council member Jennifer Sievers then made a motion to table making a decision until the council's next meeting (March 5). That motion was approved.

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### Article Rating

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### Reader Comments

The following are comments from the readers. In no way do they represent the view of mywaynews.com.

**The Dude** wrote on Feb 20, 2013 9:41 AM:

"With the NRD irrigation hearings recently held, some farmers said if you have problems with your wells then move to town. Now the town is trying to protect its water supply, and getting now here. Come on city council, your constituents are City of Wayne residents, not people who live in the country. Stick up for who you represent!"

**Non-Farmer** wrote on Feb 20, 2013 10:08 AM:

"Shari Dunklau's "livelihood" is not the concern of the city of Wayne. Just as many farmers showed that domestic wells going dry due to over irrigation was not their concern.

Safe and plentiful water for human consumption is most important. The enhancement of the livelihood of farmers needs to drop off the priority list!"

**I was at the meeting** wrote on Feb 20, 2013 11:27 AM:

"Most of these guys in the crowd have no clue about what is going on and are just fear-mongering. I doubt they even read the Wellhead Protection Plan. It DOES NOT add any regulations onto their farming operations. The area affected is already in an established Wellhead Protection Area, which does have regulations and has been in place now for years.

And it seemed like everyone that got up to speak last night did nothing but contradict themselves. You had one farmer who said he didn't want the plan to pass because he didn't want any new regulations (there aren't any in this WHPP), then the next farmer said he didn't want it to pass because the plan was too vague and had no regulations in it. Cmon now, that is pretty funny.

Then you had an attorney that spoke out of both sides of his mouth without even realizing it saying that Wellhead Protection Plan is a good thing, but Wayne doesn't need it.

You had a smart alec try to raise the issue of "who pays for all these grants that brings about these studies and programs", to bring up the fact that the farmers help pay for these things with their tax dollars (which they do.) Of course don't try to talk to them about the subsidies many of them receive that are paid by non-farming tax payers to help their businesses operate.

It was a rather entertaining meeting last night. The council will pass this plan in two weeks. It will bring no additional regulations or harm to the farmers who fear it so badly. And it will help set a course and a plan for what Wayne will need to do in the event of a contamination or disruption of clean, dependable drinking water. "

**reader** wrote on Feb 20, 2013 12:16 PM:

"to non-farmer - Shari Dunklau's livelihood and the livelihood of all farmers and producers in the area should be a concern for the city of Wayne b/c if they are not able to operate and have to spend more time and \$\$ of following regulations and fees that is less \$ they have to spend in the City of Wayne on groceries, entertainment, fuel and even their seed and feed that they probably buy in Wayne which helps the business owners of the City of Wayne and the sales tax for the city of Wayne. So yes the farmers livelihoods should be a concern for the city council because it will in turn have an effect on the city "

**Meeting** wrote on Feb 20, 2013 12:44 PM:

"Yes, the livelihood of the farmers should be looked out for and protected, just as the livelihood of Wayne State College and other businesses in Wayne if we want to keep the entire area strong and attractive.

However, this Protection Plan DOES NOT put any regulations on the farmers or landowners in the already established Wellhead Protection Area. Last night was nothing but grandstanding and fear-mongering. "

**Water drinker** wrote on Feb 20, 2013 5:17 PM:

"I was at the meeting. Although I strongly support insuring a safe water supply and preventing future contamination that would result in a costly cleanup operation, I was disappointed that the supporters of the plan did not clearly articulate how this wellhead protection plan would actually accomplish this for our city. With the landowners strenuously objecting and Mr. Domina persuasively arguing that the plan adds nothing to the lengthy list of existing federal regulations, I was left wondering the fact that the plan must do SOMETHING or the landowners would not be

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...regulations, I'm not denying the fact that the plan must be CONSIDERED as the best plan we could not do so forcefully against it. I think the supporters of the plan need to show HOW this plan will accomplish the goal of a safe future water supply for Wayne citizens. "

**water drinker 2** wrote on Feb 20, 2013 6:45 PM:

" The farmers couldn't give one reason why they were opposed to the plan and Mr. Domina spoke out the other side of his mouth when he said wellhead protection is a good thing for the city.

What this plan does is help the city to identify ahead of time possible future sources of contamination so plans can be made for contingencies should something ultimately happen.

Its just a plan to map things out. It adds no regulations (that is what the already established Wellhead Protection Area is for) and it adds no burdens.

These landowners will have you believe this plan will completely ruin their way of life when in fact it won't change it a single bit, especially if they are all treating the natural resources the way they should be and claim to be. "

**H2o** wrote on Feb 21, 2013 9:21 PM:

" Clean and safe water for future generations is non-negotiable. No one likes excessive governmental regulation, if that is what farmers fear, but sometimes it's required to make sure individuals comply with what's best for all, not just one group. We all give up a certain amount of individual rights in order to live in a civilized (and safe) society. The city has had to modify their energy plant numerous times in order to comply with federal mandates regarding clean air. Why would the desire for clean water be any different? One of nature's most important gifts to mankind is after all...water!"

### Submit a Comment

We encourage your feedback and dialog, all comments will be reviewed by our Web staff before appearing on the Web site.

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## Wellhead Protection Program

### Overview

A Wellhead Protection Program is a voluntary program which assists communities and other public water suppliers in preventing contamination of their water supplies.

The Wellhead Protection Program (WHP) originated from the 1986 amendments to the Safe Water Drinking Act. Congress directed each state to enact a program to prevent the contamination of ground water used by public water supply wells. The United States Environmental Protection Agency received Nebraska's proposed program in 1989 and approved the program in June 1991.

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

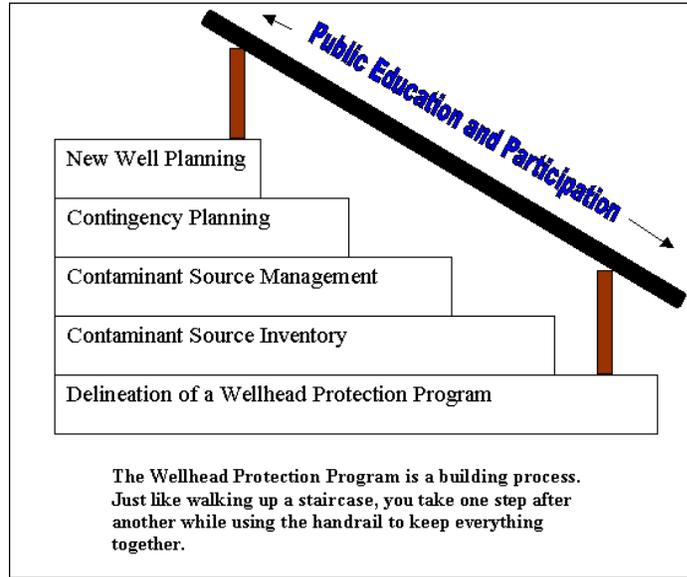
### Developing a Local Wellhead Protection Plan

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

### Features of the Wellhead Protection Program

1. **Delineation** - A Wellhead Protection area is calculated from information such as the geologic material the well is drilled into and the annual pumpage of the well. Computer-generated flow lines depict the approximate path groundwater, or a contaminant in groundwater, will take to reach a well. Flow lines are then associated with estimated times-of-travel and a boundary is drawn on property lines enclosing all 20-year-flow lines. The Nebraska Department of Environmental Quality (NDEQ) provides these maps at no charge.
2. **Potential Contaminant Source Inventory** - The purpose of a contaminant source inventory is to identify potential contaminants that may pollute drinking water. Inventories should be compiled from existing databases and on-the-ground observations. Contact the NDEQ Wellhead Protection Program for shapefiles/maps and spreadsheets from existing databases. Common potential contaminants that are recorded are: Agricultural (fuel storage, grain storage, water well, chemigation, livestock), Commerical/Light Industry (auto repair, dry cleaners, fuel stations, machine shops, rail yards), Industry (manufacturing, gas/oil wells, junk yards, landfills, sewage treatment facilities) and Other (cemeteries, golf courses, highway maintenance yards, transporation corridors).
3. **Contaminant Source Management** - Management of a groundwater supply by local communities can involve a number of possible steps. These may include the enactment of sanitary and water ordinances, public nuisance laws, and zoning restrictions on specific land uses; the purchase of land or conservation easements; cooperative efforts with local NRDs; or voluntary actions. Best Management Practices should be encouraged throughout the Wellhead Protection Area. Some water systems subsidize or even completely fund these practices.
4. **Emergency, Contingency and Long-Term Planning** - A plan is developed to provide a replacement source of drinking water in the event of: (a) shutdown of a well due to contamination, (b) a natural disaster that impacts wells (i.e. flood, tornado, drought, ice storm, etc.), (c) major mechanical or a physical breakdown of the pump, water tower or distribution system, and (d) vandalism to the well, water tower/storage or supply source. The main requierments here are to include a reference copy of your emergency plan, identify a safe short-term, temporary source of drinking water and to identify options for obtaining a new long-term source of water (i.e. possible locations for new wells, or identifying other public water systems to purchase water from).
5. **Public Participation and Education** - Throughout the entire process of wellhead protection, the public is the key component for success. The public's understanding, support and

comments make conducting the local WHP Program easier. The Wellhead Protection Plan should be available at least 30 days prior to the meeting where public comment on the plan will be recorded. The governing body should take comments at a regularly scheduled meeting of the controlling entity (village board, city council, RWD board, etc.), there should be public notice of both of the above referenced meetings and proof of such public meetings and notices shall be provided.



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## 2012 Wellhead Protection Plan

### What is Wellhead Protection?

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

The Wellhead Protection 101 link gives a brief overview of makeup of a Wellhead Protection Plan:

Link: [Wellhead Protection 101](#)

Below is a copy of the Wellhead Protection Plan that is being discussed for adoption by the City Council.

### 2012 Wellhead Protection Plan (Draft)

All files are in [PDF](#) format.

(Note: Some of these files are quite large and may take some time to download, depending upon the speed of your Internet connection and computer.)

#### COMPLETE FILE

Link: [2012 Wellhead Protection Plan - Complete File](#)  
(54 MB - 279 pages)

=====

#### FILES BROKEN UP INTO SECTIONS

Link: [2012 Wellhead Protection Plan](#)  
(16 MB - 41 pages)

Link: [Appendix A - Documentation of Public Involvement](#)  
(2 MB - 21 pages)

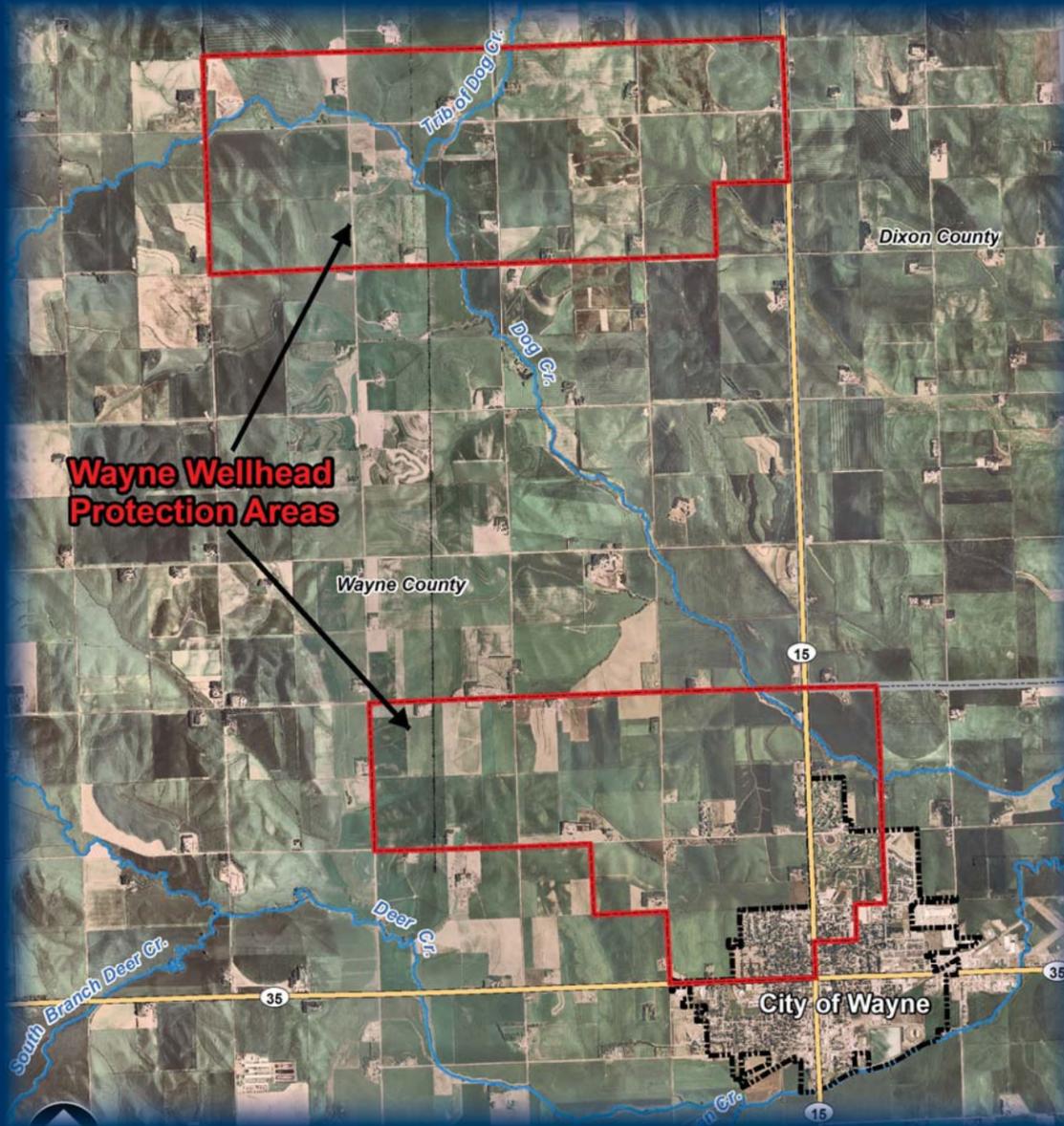
Link: [Appendix B - 2009 Water System Master Plan](#)  
(3 MB - 63 pages)

Link: [Appendix C - Current Ordinances and Municipal Code](#)  
(30 MB - 55 pages)

Link: [Appendix D - Annual Water Quality Report and Survey](#)  
(4 MB - 50 pages)

Link: [Appendix E - Emergency Response Plan](#)  
(1 MB - 49 pages)

# DRINKING WATER PROTECTION PUBLIC WORKSHOP



Come learn how to help protect your drinking water sources and gain valuable information on the Wellhead Protection Area, drinking water quality, and pollution prevention!

Wayne Drinking Water Protection  
Public Workshop  
(Presented by UNL-Extension)

June 2nd, 2011

7:00pm  
Firehall Meeting Room  
510 Tomar Drive

#### Contact Information

Garry Poutre  
Superintendent of Utilities and Public Works  
(402) 375-2896  
eldist@cityofwayne.org

Adam Rupe, JEO  
(402) 435-3080  
arupe@jeo.com

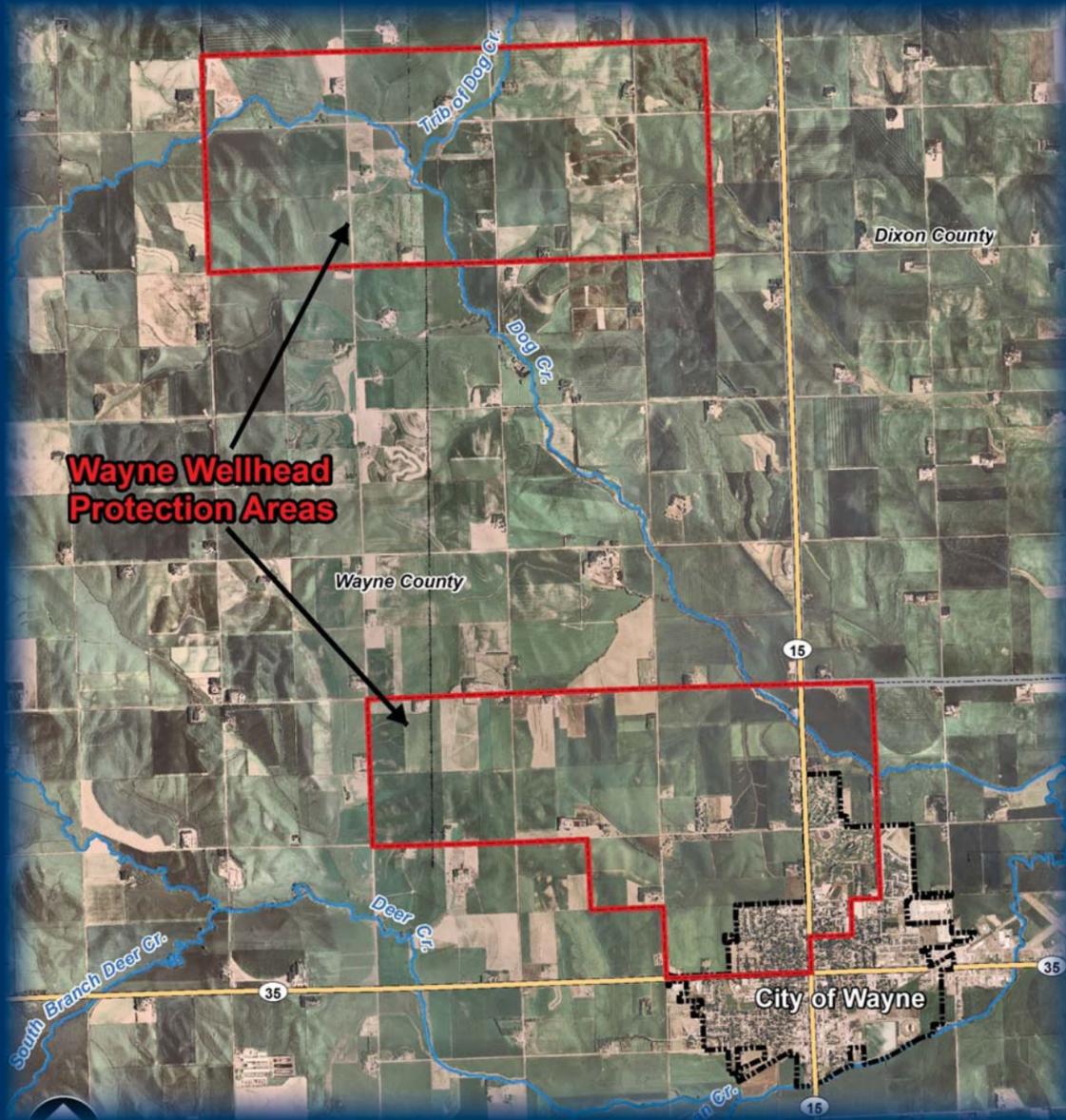


Lower Elkhorn  
Natural Resources District

CITY OF  
**Wayne**  
NEBRASKA

 **JEO**  
Consulting Group, Inc.

# DRINKING WATER PROTECTION PUBLIC OPEN HOUSE



You are invited to a public open house meeting to provide comments and input on Wayne's new Wellhead Protection Plan and to learn about protecting your drinking water!



Wayne Drinking Water Protection  
Public Open House

September 13<sup>th</sup>, 2011

7:30pm  
North Meeting Room  
City Auditorium  
220 Pearl Street

#### Contact Information

Garry Poutre  
Superintendent of Utilities and Public Works  
(402) 375-2896  
eldist@cityofwayne.org

Adam Rupe, JEO  
(402) 435-3080  
arupe@jeo.com



Lower Elkhorn  
Natural Resources District

CITY OF  
**Wayne**  
NEBRASKA

**JEO**  
Consulting Group, Inc.

Wayne Source Water Protection Project  
 "UNL Extension Educational Workshop"  
 Wayne, NE - Thursday, June 2, 2011, 7:00 PM  
 PLEASE PRINT CLEARLY- THANK YOU!



NAME	TITLE	JURISDICTION Represented	ADDRESS Street Number, Street Name, City, Zip	PHONE	EMAIL
Scott Brummond			113 Maple St Wayne	402-375-0147	52Grammond@unl.edu
Doug E. Henning			209 Douglas	375-2321	
Chen Chmer			5788 260 Rd	402-929-0404	ghed@heritage
Lois Skelton			402 Douglas Wayne	375-1278	lshelton@ikeybraska.com
Wes Sims			Wayne	369-3698	

Wayne Source Water Protection Project  
 "UNL Extension Educational Workshop"  
 Wayne, NE - Thursday, June 2, 2011, 7:00 PM  
 PLEASE PRINT CLEARLY- THANK YOU!



NAME	TITLE	JURISDICTION Represented	ADDRESS Street Number, Street Name, City, Zip	PHONE	EMAIL
Dee Nelson	Member	NW Wayne	86264 573rd Wayne	402-375-4086	
Don Nelson	Committee Member	Wayne	86215/575 Ave Wayne	402-369-0352	nelsonk@hometel.net
Casey Truck	city water	City of Wayne	Wayne	402-369-0303	cjtruck@cityofwayne.org
Jane Brady	City water	City	204 S. Windsor Wayne	402-375-5350	jbrady@cityofwayne.org
Joel Hanson	Zoning Administrator	City of Wayne	57337 861 Rd Wayne NE	402-369-3765	jhanson@cityofwayne.org

Wayne Source Water Protection Project  
 "UNL Extension Educational Workshop"  
 Wayne, NE - Thursday, June 2, 2011, 7:00 PM  
 PLEASE PRINT CLEARLY- THANK YOU!



NAME	TITLE	JURISDICTION Represented	ADDRESS Street Number, Street Name, City, Zip	PHONE	EMAIL
Fran Fretwell	Council	City of Wayne	Wayne NE	402-375-1450	bfrussse@jeko.com
Dave Sivers	Committee member		Wayne NE	402-325-2238	
Ronald	committee member		Wayne NE	402-256-3041	
David Lewis	committee member		Wayne NE	(402) 369-1049	
Gary Poutre			City, Wayne		

Wayne Source Water Protection Project  
 "Planning Committee Meeting #1"  
 Wayne, NE - Thursday, June 2, 2011, 6:00 PM  
 PLEASE PRINT CLEARLY- THANK YOU!



NAME	TITLE	JURISDICTION Represented	ADDRESS Street Number, Street Name, City, Zip	PHONE	EMAIL
Adam Ruppel	Natural Resources Specialist	JEO	Lincoln, NE	402-474-3080	aruppel@jco.com
Joel Hansen	Zoning Administrator	City of Wayne	Wayne NE	402-369-3765	jhansen@cityofwayne.org
Brian Frevert	Council	City of Wayne	Wayne	402-375-1450	bfrevert@cityofwayne.org
Cathy Truick	City	City of Wayne	Wayne	402-369-0303	cjtrick@cityofwayne.org
Ron LUNDALL			LAUREL	402-256-3041	rlundall@qbb-nebraska.com
Paul Furr			Wayne	402-369-1040	ih1066@nate.net
Don Nelson	Permitting		Wayne	402-369-0352	nelsonk@hntb.com
Lowell Thusa	City of Wayne		Wayne	402-375-1733	CityAdmin@cityofwayne.org
Scott Brunmond		City	Wayne	375-0747	sabrunmond@

Wayne Source Water Protection Project  
 "Planning Committee Meeting #1"  
 Wayne, NE - Thursday, June 2, 2011, 6:00 PM  
 PLEASE PRINT CLEARLY- THANK YOU!



NAME	TITLE	JURISDICTION Represented	ADDRESS Street Number, Street Name, City, Zip	PHONE	EMAIL
Dave Siders			1010 Adams Davenport	402 375 2298	
Garry Poutre		City Wayne	412 Oak Dr. Wayne	375-2896	elbst@cityofwayne.org
JEFF BRADY		City	204 S. WINDOM	375-5250	jbrady@cityofwayne.org
Tan Hygnstrom		UNL-Extension	247 Chase, Lincoln, NE 68583-0726	402-472-9614	JHygnstrom1@unl.edu
Sharon Skipton		UNL-Extension	Lucy, NE 105 Mass ch, 68583	402-472-3662	sskipton1@unl.edu
Doug Nelson		Farm	86264 573 AV	402 375 4086	

**Wellhead Protection Committee  
Meeting: July 25, 2011  
Sign-In Sheet**

1. Warry Poutre
2. Casey Junk
3. Brian Bruckner
4. John J. J. J.
5. Dave Sievers
6. Dave F. J. J.
7. Doug Nelson
8. Joel Hansen
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_

Wayne Source Water Protection Project  
 "Planning Committee Meeting #3"

Wayne, NE - Tuesday, September 13<sup>th</sup>, 2011, 6:00 PM  
 PLEASE PRINT CLEARLY- THANK YOU!



NAME	TITLE	JURISDICTION Represented	ADDRESS Street Number, Street Name, City, Zip	PHONE	EMAIL
Ken Jozel	Woodward Board	WAYNE WOOD	Founded Me 68745	402-375-8115	
Jeff Brady	WATER WATERWATER	GM	WAYNE NE 68787	375-7733	jbrady@ctofw.org
Joel Hansen	City Planner	City	Wayne NE 68787	375-1733	j.hansen@cityofwayne.org
Doug Echtenkamp	Wayne Water Dept	City	Wayne NE 68787	375-1733	doug@cityofwayne.org
Dave Sievers		Wayne City	Wayne Rd	325 2238	
Dave Steer		Wayne City	Wayne	369 1040	
Cassie Funk	Water / Custodian	City	Wayne	369-0303	cfunk@cityofwayne.org
Erin Foutre	Wt. Supt	City	Wayne	365-1997	erinf@cityofwayne.org
Adam Rupp	Project manager	CEO	Lincoln	402-435-3080	amr@jco.com
Doug Nelson	Member		Wayne	375 4086	
Don Nelson	member		Wayne	375-3572	nelson@chunTel.com
Steve Nelson	WATER		Wayne	375-1450	bnelson@chunTel.com
Brian Brunken	LENRD	SELF / NRD	416 W 9th Wayne	833-5488	
Dana Oster		Wayne Wood	5189 859th Pl		

Wayne

**Wayne Source Water Protection Project  
Wellhead Protection Committee  
Minutes - Committee Meeting #1**

**When:** June 2<sup>nd</sup>, 2011  
**Where:** Wayne, NE  
**JEO Project No:** 100661

**Meeting Attendees:**

NAME	TITLE	JURISDICTION
Joel Hansen	Zoning Administrator	City of Wayne
Brian Frevert	City Council Member	City of Wayne
Casey Janek	Water/Wastewater Operator	City of Wayne
Ron Lundahl	Landowner	N/A
David Fouss	Landowner	N/A
Don Nelson	Landowner	N/A
Lowell Johnson	City Administrator	City of Wayne
Dave Sievers	Landowner	N/A
Garry Poutre	Superintendent of Utilities and Public Works	City of Wayne
Jeff Brady	Water/Wastewater Foreman	City of Wayne
Jan Hygnstrom	Project Manager	UNL Extension
Sharon Skipton	Water Quality Educator	UNL Extension
Doug Nelson	Landowner	N/A
Adam Rupe	Natural Resources Specialist	JEO Consulting Group, Inc.

**MINUTES**

The City of Wayne continued work on the 2011 Source Water Protection Project when the Wellhead Protection Committee met for the first time as a group at the Wayne Fire Hall in Wayne, on Thursday, June 2nd, 2011. A total of 14 people were in attendance to discuss the following agenda items:

1. Introductions
2. Project Background
3. General Project Goals
4. General Project Schedule
5. Responsibilities of WHP Committee
6. Current Progress
7. Other Questions, Concerns, Anticipated Challenges, or Comments

Below are notes of the meeting based upon agenda items listed above:

## 1. Introduction

- The Wellhead Protection Committee is made up of representatives of various jurisdictions, including the City, landowners whom reside in or near one of the wellhead protection areas, and the Lewis and Clark NRD.
- Adam Rupe, JEO, is the Project Coordinator and will be working on the project on a day-to-day basis and be in steady contact with the Gary Poutre, City of Wayne, to complete the plan.
- Garry Poutre is leading the effort for the City and is the primary point of contact locally.
- Jan Hygnstrom, UNL, and Sharon Skipton, UNL, were both present at the meeting to give an educational presentation on source water protection and pollution preventions at a public workshop immediately following the Committee meeting

## 2. Project Background

Garry gave a brief background into the start of the project

- Wayne's south well field has had problems with water quality in the past, primarily nitrates
- The City started using the north well field in the 1980s, and wants to make sure the ground water maintains a high quality through proactive planning
- Garry pointed out that landowners should be a part of this process because they have been on the land and in the area, longer than the City, therefore they should know the historical use of the land above the City's source water and what potential contaminants may have been there in the past

## 3. General Project Goals

Adam reviewed and discussed the project goals with the committee:

- Establish an updated NDEQ Wellhead Protection Plan
- Establish a Wellhead Protection Ordinance
- Conduct Community Educational Efforts
- Implementation and Encouragement of On-the-Ground Activities

## 4. General Project Schedule

Adam went over the project schedule:

- January 2011 – Project Kickoff
- June 2011 – Public Workshop/Planning Committee #1
- Summer 2011 – Educational Bill Stuffers
- August 2011
  - Public Open House/Planning Committee #2
  - Draft plan available to city/public open house
  - Draft Ordinance Available
- September 2011 – Preliminary Draft plan to DEQ
- Winter 2011/2012
  - Final Draft approval by DEQ of Plan
  - Adoption by City/Final Planning Committee Meeting (if needed)
  - Test-Your-Well Night

## **5. Responsibilities of WHP Committee**

The purpose and responsibilities of the group were reviewed. Both Garry and Adam highlighted that most important will be their knowledge of the land, since they live and work in it, and that they provide valuable feedback on plan drafts.

## **5. Current Progress**

The project is progressing along without any problems and staying on schedule. Meetings and activities have been coordinated to avoid busy times such as planting and harvesting season, to the extent possible.

- New NDEQ Wellhead Protection Area map has been produced
- Contaminant Source Inventory completed earlier in the day
- Draft plan started

## **7. Other Questions, Concerns, Anticipated Challenges, or Comments**

Various items were mentioned or discussed:

- Doug Nelson shared with the group some of his knowledge on the north well field
  - The area has multiple layers of impermeable clay which helps to isolate the water from pollution
  - Most farmers today use only as many inputs as needed due to costs
- Adam will be sending the Garry a draft copy of the Contaminant Source Inventory for the group to review. Sources such as abandoned wells or old feedlots are the kind of items that he wasn't able to collect in the field and will need the Committee to mark.
- There were questions about the where exactly the new wellhead protection area will be, because it appeared that Well #11 was not located correctly on the map. Adam will be contacting NDEQ to clarify and make sure the map is correct.

**Wayne Source Water Protection Project  
Wellhead Protection Committee  
Minutes - Committee Meeting #3**

**When:** September 13<sup>th</sup>, 2011  
**Where:** Wayne, NE  
**JEO Project No:** 100661

**Meeting Attendees:**

NAME	TITLE	JURISDICTION
Joel Hansen	Zoning Administrator	City of Wayne
Brian Frevert	City Council Member	City of Wayne
Casey Janek	Water/Wastewater Operator	City of Wayne
Ron Lundahl	Landowner	N/A
David Fouss	Landowner	N/A
Don Nelson	Landowner	N/A
Dave Sievers	Landowner	N/A
Garry Poutre	Superintendent of Utilities and Public Works	City of Wayne
Jeff Brady	Water/Wastewater Foreman	City of Wayne
Doug Echtenkamp	Water/Wastewater Operator	City of Wayne
Brian Bruckner	Groundwater Management Area Specialist	Lower Elkhorn NRD
Doug Nelson	Landowner	N/A
Adam Rupe	Natural Resources Specialist	JEO Consulting Group, Inc.

**MINUTES**

The City of Wayne continued work on the 2011 Source Water Protection Project when the Wellhead Protection Committee met for the third time as a group at the City Auditorium in Wayne, on Tuesday, September 13<sup>th</sup> 2011. This day was nationally recognized as “Protect Your Groundwater Day”. A total of 13 people were in attendance to discuss the following agenda items:

1. Introductions
2. General Project Goals
3. Current Project Status
4. Draft Plan Review
5. Draft Ordinance Review
6. Other Questions, Concerns, and Action Items

Below are notes of the meeting based upon agenda items listed above:

**1. Introduction**

- The Wellhead Protection Committee is made up of representatives of various jurisdictions, including the City, landowners whom reside in or near one of the wellhead protection areas, and the Lewis and Clark NRD.
- Adam Rupe, JEO, is the Project Coordinator and will be working on the project on a day-to-day basis and be in steady contact with the Gary Poutre, City of Wayne, to complete the plan.

- Garry Poutre is leading the effort for the City and is the primary point of contact locally.
- Brian Bruckner, Lower Elkhorn NRD, was the only member of the team attending whom hadn't been at a previous meeting; however, he was up-to-date on the latest happening in the project.

## 2. General Project Goals

The committee briefly reviewed the goals in order to evaluate the progress on each:

- Establish an updated NDEQ Wellhead Protection Plan
- Establish a Wellhead Protection Ordinance
- Conduct Community Educational Efforts
- Implementation and Encouragement of On-the-Ground Activities

## 3. Current Project Status

- First DRAFT of plan – ready for review
- New WHPA map – fixed by NDEQ and dated June 2011
  - This will need to be adopted by city
- Potential Contaminant Source Inventory – Finalized after comments from last meeting
- First DRAFT of ordinances/overlay – available for discussion
  - Adam noted that the current version was basically a “shotgun” approach and includes everything, even ideas that likely won't be implemented, in an effort to ensure all options are looked at
- Bill Stuffer – went out in July
- Community Open House – followed Planning Committee Meeting #3
- Test Your Well Night – to be held in Spring 2012
- GIS User interface – delivered after completion of plan

## 4. Draft Plan Review

Garry and Adam went over the key portions of the draft plan. There was few comments, and the discussion migrated to the draft ordinances.

- A request to change the symbology in the contaminant source inventory was made, in order to make it easier to quickly see the type of point on the map
- The differences in land use and potential contaminant sources were made evident through field work and land use mapping. These results were discussed with interest.
- The ETJ is still needed for some the maps. Joel Hanson will be able to provide this.
- The Lower Elkhorn NRD's Groundwater Management Plan is still needed. Brian Bruckner will be able to provide this.
- The committee thought it would help the plan if it included a discussion on the NRDs role in groundwater management and a map of the district.
- Brian Bruckner helped to explain the NRDs role and support in the project and plan, including its interest in protecting groundwater supplies - particularly in light of a common inability of many public water supplies to meet the MCL for nitrate.

## 5. Draft Ordinance Review

The first DRAFT of the proposed ordinances/overlay was available for discussion

- Adam noted that the current version was basically a “shotgun” approach and includes everything, even ideas that likely won’t be implemented, in an effort to ensure all options are looked at
- Adam explained that the ability to extend any ordinances and zoning control to the north wellfield, which is outside the City’s ETJ, would be reliant on Nebraska Revised Statute 17-536 (the 15-mile statute), which can extend communities ability to protect it’s water source up to 15 miles away.
  - \*Note – it was discovered (after this meeting) that this rule is not applicable to Wayne, because the population is over 5,000.
- Doug Nelson shared with the group some of his knowledge on the north well field
  - The area has multiple layers of impermeable clay which helps to isolate the groundwater from pollution
  - Most farmers today, try to use only as many inputs as needed due to costs
- After much deliberation, the committee came to a general conclusion that any “regulations” or “land use” controls in the north well field, would be limited to the typical setbacks established around municipal drinking water wells
- In the south well field, the committee was surprised to see as many ordinances already in place, but because the area is much more urban in nature, it was concluded that made sense
- Garry stated that the City would begin to review in detail the current ordinances in the winter
- Adam recommended that whatever future ordinances or proposed changes came out of the project, they should have the support of the committee and the City’s attorney should review them

## 7. Other Questions, Concerns, and Action Items

Various items were mentioned or discussed:

- Committee to review and comment on next draft plan and ordinance
- JEO to obtain missing items in plan (ETJ map, Groundwater Plan, etc)
- City to promote cost-share incentives
  - May need some enhanced advertising or campaign to reach landowners
  - Letter/public notification to find illegal wells for decommissioning
  - Promote land owners to sign up for soil sampling
- City to adopt map of WHPA – JEO provide ordinances



Wayne Source Water Protection Project  
**“Public Open House”**  
 Wayne, Nebraska – Tuesday, September 13, 2011 – 7:30 pm



## Input and Comment Form

Your thoughts are important to us. Please take a few minutes to complete.

Feel free to comment on the following:

- The draft Wayne Wellhead Protection Plan
- Wayne’s efforts to protect its source of drinking water
- Public outreach for this project
- If you would like to receive a copy of the draft plan for review
- Any other thoughts, ideas, or comments relating to this project or Wayne’s drinking water program

If you want a personal response, be sure to include your name and how you want to be contacted by giving us your mailing address, phone number, or email address. When you’re done, please put it in the “comment box”. *Please write clearly.* Thank you!

This input or comment is for

The Planning Committee  
 The City of Wayne  
 JEO Consulting Group, Inc.  
 NE Department of Environmental Quality

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Please complete the following if you would like a personal reply:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

**Thank you very much!**

June 4, 2012

City of Wayne  
Mayor Ken Chamberlain/Wayne City Council  
306 N. Pearl  
Wayne, NE 68787

**Written Testimony In Support of Wellhead Protection Plan**

To whom it may concern:

My name is Brian Bruckner and I reside (along with my wife Traci and son Sam) at 416 West 9<sup>th</sup> Street here in Wayne. Traci and I have resided in Wayne since January of 2006 and have owned our home at our current address since July of 2006.

My comments today are in support of the Wellhead Protection Plan as presented and recommend for approval by the council for submission to the Nebraska Department of Environmental Quality.

I personally wish to extend my gratitude to the city administration, city employees and to you our elected representatives for taking a proactive approach in protection of our groundwater resource. I'm sure you're all aware of the challenges faced by residents of other Nebraska communities and the global population in general in regards to access to safe drinking water.

I have also been a member of the advisory committee for the Wellhead Protection Plan. As you are already aware I am a resident of the community and I also work with groundwater management at the local level through my employment with the Lower Elkhorn NRD in Norfolk. I also grew up on a diversified farm northeast of Osmond and actively farmed for 20 years. My older brother is currently operating the farm which consists of irrigated and dry cropland as well as a beef cattle operation. Hence I feel my life experience coupled with my professional experience at the district help me understand both the importance and challenges associated with groundwater management.

I was personally responsible for some of the data collection that has been integrated into the refinement of this plan. The city contacted the district and requested some assistance in obtaining both static water level data to refine the recharge area and quality sampling to quantify groundwater quality in the local vicinity of the north wellfield. Groundwater quantity and quality are excellent for the north wellfield at this time and let's hope that doesn't change.

Some may use this as justification for not adopting the plan but I respectfully disagree. I feel we have a moral responsibility to do everything within our means to provide future generations with the same access to safe, plentiful drinking water as we have had the opportunity to experience in our own lifetimes. This plan is a step in the right direction in addressing that responsibility and does not create undue burden upon those who earn their livelihood off of the land.

I appreciate the opportunity to provide these comments.

Respectfully submitted,

Brian Bruckner

February 19, 2013

To: Wayne City Council Members

From: David Shelton

RE: PROPOSED WELLHEAD PROTECTION PLAN

I have always believed that the primary purpose of the City Council is to look out for the safety, health, and general well-being of the citizens of Wayne. This is done through ordinances, resolutions, budgeting, etc. Many Council actions do not necessarily impact all Wayne residents, yet they are considered to be important for the safety, health, and/or well-being of the residents, and as such receive support - typically through the expenditure of tax or other funds. For example, not all residents use the Library, Senior Center, or Activities Center; hopefully no resident will need the services of the Wayne Fire or Police Departments; and many never set foot in one of our many wonderful parks. Yet all of these services and amenities are provided.

In contrast, a safe and adequate supply of municipal water has an impact on every individual who lives or works in the City of Wayne, from before the time of their birth until their death. As such, it is critical that actions be taken to ensure that the water supply is not compromised – either in quantity or quality. The Lower Elkhorn NRD recently took a significant step toward helping to assure adequate water quantity by approving a Groundwater Management Plan. You have the opportunity to help assure future water quality by approving this Wellhead Protection Plan.

One of the arguments raised against this plan is that it will adversely affect the landowners in the protected area. In reviewing the outlined Management Strategies, I see nothing that would have an adverse impact on a landowner/operator. In fact, many of the strategies are proven practices that can reduce input costs. Others, such as additional cost-share for well decommissioning and deep soil sampling increase the amount that an individual would be reimbursed for adopting a practice that should be done regardless.

Having an approved Wellhead Protection Plan would be critical should contamination of a well (or wells) occur and clean-up or other assistance was requested from Lower Elkhorn NRD, Nebraska Department of Environmental Quality, and/or EPA. Without an approved plan in place, the City likely would be solely responsible for costs associated with the clean-up or other remediation, rather than some of the burden being borne at the State or National level.

There is a Native American philosophy that says to not look one or two generations into the future, but instead look ahead to seven generations. I hope you will do that in regard to protecting Wayne's municipal water supply.

Thank you.

pc: Mayor Ken Chamberlain

February 18, 2013

Garry Poutre  
Lowell Johnson  
Wayne City Council

Dear Wayne Officials:

I was asked by Mr. Poutre to attend the February 19 public meeting on the City of Wayne, Nebraska Wellhead Protection Plan Public Review Draft December 2012. I will be out of town and not be able to attend. Instead I agreed to write a letter and comment on the plan. This is not an 'official' review or the policy of the University of Nebraska. The comments will be mine as an Extension Specialist and Professor of Agronomy and Horticulture. I have been at the Haskell Agricultural Lab since 1984 and have lived in Wayne all that time. My comments will be based on my experience doing research in nitrogen management in row crop production in northeast Nebraska. I will focus on Section Five: Management Strategies, p. 25-27.

Before commenting on specific Best Management Practices (BMP), I should say that the BMPs are developed to be cost effective and at worse neutral in terms of profitability. The specific areas that I have knowledge about are the deep soil sampling, vadose zone sampling, CRP, and Agricultural BMP Incentive sections of the report:

**Deep Soil Sampling:** This is a proven recommendation: it is based on the idea of accounting for the nitrate that is already in the soil before applying more. Deep sampling is conducted because corn roots remove nitrogen from as deep as they grow. If the roots are active they will utilize soil water, and if there are nitrates in the water, they will utilize them as well. We have research papers documenting this and several tools that help interpret the soil test results.

**Vadose Zone Sampling:** There are several research uses for this, but not too many agricultural uses. The main use in agriculture is to demonstrate that nitrogen not used by a crop can 'get away' from the root zone and move to the groundwater. What is usually done is sample an agricultural field and an adjacent windbreak, fence row or pasture to the water table or other depth. Agricultural fields tend to have areas of higher nitrates than the corresponding non-farmed area. These areas sometimes can be correlated to years of excessive rainfall.

**Conservation Reserve Program:** Having permanent grass cover is an excellent way to minimize the potential leaching of nitrogen beyond the root zone for a number of reasons:

- roots of some grasses are deep and can 'catch' nitrogen that otherwise would escape
- cover is on the land all year, and with a good mix of plants there is something growing from early spring to late fall
- while pasture and hay ground is fertilized, CRP is not, so the plants scavenge all N released from the soil to be used for regrowth

**Agricultural Best Management Practices:** The important concept to promote from the nitrogen and other crop nutrients perspective is:

- a. knowing what is already in the soil, or will become available, and
- b. supplementing with the needed nutrients in the most effective manner possible. For nitrogen that means giving credit for:
  - deep nitrates,
  - release from organic matter,
  - nitrates in the irrigation water,
  - legume credits, and
  - from any manure that was applied

These credits, combined with a realistic yield expectation and applying as close to crop needs as possible, improve nitrogen use efficiency. The goal is to apply the N that the crop needs, when it needs it, and have as little as possible left over at the end of the season.

While we are always learning how to do this better, there are many NebGuides and other tools that go into detail on how to implement these strategies. Below are a few questions a producer might have about the nitrogen recommendations in our NebGuides:

1. Are they based on profit or the environment? We have a corn nitrogen Excel spreadsheet that gives a 'standard' recommendation based on agronomic response to nitrogen. It also gives an 'adjusted' recommendation based on the price of corn, price of nitrogen, and time of application. *Neither are primarily environmental, but both are profitable.*
2. Do they fit my land and farming method? We label them recommendations and realize that conditions change. For example in Holt County there are fields that may have only 2 ft of soil over gravel, and under those conditions, the nutrient management system will have to change.
3. Do they increase my risk of yield reductions? One of the major producer explanations for over fertilization with nitrogen is for risk reduction. That over-application of nitrogen covers potential errors in sampling, application, or unusual weather. The counter point is that an extra 50 lbs of N to cover this is an expensive way to guard against these perceived risks. Some of the other BMPs were developed to provide the producer tools to either avoid or respond to these risks. Not all risks can be countered, and there may need to be some additional programs to completely address this concern.
4. Are they practical to implement? It is true that it may be easier to apply all the nitrogen the crop might need at one time, maybe in the fall, and other practices like split application add cost; but here the balance needs to be made between higher rates to cover losses, and the cost of applying nitrogen when the crop needs it.

As the technology improves, nitrogen management decisions will be based on sensing either the soil or the growing crop, or a combination of both and applying nitrogen as needed. These technologies are in their infancy, and will improve.

In conclusion, there is nothing in the management strategy section that is not consistent with current accepted crop management. All industries are expected to be conducted in a manner that minimizes the impact to the environment; many have incurred great cost to reduce their environmental impacts. Agriculture is not an exception to this trend. Implementation of these strategies may take a higher level of management, and some increased costs but will help reduce nitrate leaching beyond the root zone and may even increase profitability for the producer.

Sincerely,

Charles A. Shapiro  
Professor of Agronomy and Horticulture  
Soil Science – Plant Nutrition



# LOWER ELKHORN NATURAL RESOURCES DISTRICT

Lifelong Learning Center • 601 East Benjamin Avenue • P.O. Box 1204  
(402) 371-7313 FAX: (402) 371-0653 [www.lenrd.org](http://www.lenrd.org) NORFOLK, NE 68702-1204

February 19, 2013

City of Wayne, Nebraska  
c/o Mayor Ken Chamberlain  
306 North Pearl St.  
Wayne, NE 68787

Dear Mr. Chamberlain and City Council Members,

The Lower Elkhorn Natural Resource District would like to commend the City of Wayne on their efforts to develop a Wellhead Protection Plan. This letter is sent in support of the plan and we would encourage the council to vote in favor of adoption of the plan as submitted.

Numerous Nebraska communities face water quality challenges in regards to their public water supply systems. Many times their efforts are focused on reaction to a problem rather than focusing resources on prevention of a problem. We congratulate the City of Wayne for taking a proactive approach in maintaining its water supply and view the adoption of the plan as a step in the right direction. The City of Wayne promises a bright future to its residents with a diverse mix of agricultural, industrial and educational opportunities. Wayne is a bright spot both in our state and our in country. Ensuring a safe, reliable source of drinking water will help to secure the long term viability of your community.

As many of you are probably aware, the Lower Elkhorn NRD has a variety of programs available to assist landowners in prevention of groundwater contamination. These programs will complement the goals of the plan and we encourage landowners to take advantage of that opportunity.

Respectfully submitted,

Stan Staab  
General Manager  
Lower Elkhorn NRD

STATE OF NEBRASKA  
WAYNE COUNTY

} ss.

I, .....Kevin Peterson....., of said County, being first duly sworn, do despose and say that I am .....Publisher..... of THE WAYNE HERALD, which is a legal weekly newspaper, wholly printed and published in its office in Wayne, Wayne County, Nebraska, for more than fifty-two consecutive weeks prior to the first publication of the annexed notice and the present time; that said newspaper now has and during all of that time had an actual bona fide circulation of more than three hundred copies weekly within said Wayne County, and that the notice hereto attached has been published weekly for .....one..... consecutive week(s), in said paper, commencing on the .3rd. day of .....May....., 2012....., and ending on the ..... day of ....., 20....., and further deponent sayeth not.

*Kevin Peterson*

Subscribed and sworn to before me this .....3..... day of *May*, 20.....12.....

*Linda Granfield*

Notary Public

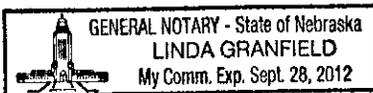
**PUBLIC NOTICE**  
**April 27, 2012**

Wellhead Protection Plan for Wayne Available for review.

The proposed Wellhead Protection Plan for Wayne is available for review at the City Clerk's Office in City Hall during regular business hours. It will be available from April 30, 2012, until June 5, 2012.

On June 5, 2012, comments and testimony on the Plan will be taken at the regular City Council Meeting, 5:30 P.M. at the City Hall. Written or oral comments are acceptable. For further information, contact Garry Poutre, Superintendent of Utilities and Public Works, at 402-375-2896.

(Publ. May 3, 2012)



STATE OF NEBRASKA  
WAYNE COUNTY

} ss.

I, .....Kevin Peterson....., of said County, being first duly sworn, do depose and say that I am .....Publisher..... of THE WAYNE HERALD, which is a legal weekly newspaper, wholly printed and published in its office in Wayne, Wayne County, Nebraska, for more than fifty-two consecutive weeks prior to the first publication of the annexed notice and the present time; that said newspaper now has and during all of that time had an actual bona fide circulation of more than three hundred copies weekly within said Wayne County, and that the notice hereto attached has been published weekly for .....five..... consecutive week(s), in said paper, commencing on the ..10<sup>th</sup> day of .....January....., 2013....., and ending on the ..7<sup>th</sup>..... day of .....February....., 2013....., and further deponent sayeth not.

.....Kevin Peterson.....

Subscribed and sworn to before me this ...7... day of ...February..., 20...13.

*Linda Granfield*



**PUBLIC NOTICE**  
**NOTICE OF 30-DAY**  
**PUBLIC REVIEW AVAILABILITY**  
**WAYNE WELLHEAD PROTECTION PLAN**  
NOTICE IS HEREBY GIVEN that starting on Thursday, January 10, 2013, the City of Wayne Wellhead Protection Plan will be available for public review for a period of 30 days leading to the February 19, 2013, City Council Meeting. At that meeting, the City Council will accept verbal and/or written public comments on the draft plan at a public hearing. A copy of the plan is available at the City Clerk's Office in City Hall, 306 Pearl Street, during regular business hours.  
This plan is part of an ongoing Source Water Protection Project partially funded by the Nebraska Department of Environmental Quality.  
For more information, please contact Garry Rourke, Superintendent of Public Works & Utilities at 402-375-2896.  
(Publ. Jan. 10, 17, 24, 31, Feb. 7, 2013) ZNEZ

# Public Notice

## NOTICE OF 30-DAY PUBLIC REVIEW AVAILABILITY WAYNE WELLHEAD PROTECTION PLAN

NOTICE IS HEREBY GIVEN that starting on **Thursday, January 10, 2013**, the City of Wayne Wellhead Protection Plan will be available for public review for a period of 30 days leading to the February 19, 2013, City Council Meeting. At that meeting, the City Council will accept verbal and/or written public comments on the draft plan at a public hearing. A copy of the plan is available at the City Clerk's Office in City Hall, 306 Pearl Street, during regular business hours.

This plan is part of an ongoing Source Water Protection Project partially funded by the Nebraska Department of Environmental Quality.

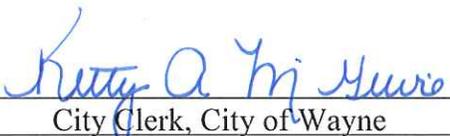
For more information, please contact Garry Poutre, Superintendent of Public Works & Utilities at 402.375.2896.

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### POSTING AFFIDAVIT

I, Betty A. McGuire, City Clerk of the City of Wayne, Nebraska, do hereby certify that I posted the above Public Review Availability Notice on January 10, 2013 in the following locations:

1. City Hall
2. Library
3. City Auditorium

Signed:   
Title: City Clerk, City of Wayne  
Date: March 6, 2013

June 5, 2012

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

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on May 24, 2012, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Sturm made a motion, which was seconded by Councilmember Haase, whereas the Clerk has prepared copies of the Minutes of the meeting of May 15, 2012, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

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

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMAZON.COM, SU, 193.15; AMERICAN BROADBAND, SE, 5075.10; AMERITAS, SE, 2973.23; APPEARA, SE, 79.18; ARNIE'S FORD-MERCURY, SE, 1126.19; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 240.00; CITY EMPLOYEE, RE, 40.24; BLACK HILLS ENERGY, SE, 641.39; BOMGAARS, SU, 125.95; CITY EMPLOYEE, SU, 31.94; CITY EMPLOYEE, RE, 136.41; BRIAN BOWERS, RE, 35000.00; BSN SPORTS, SU, 90.80; CENTURYLINK, SE, 308.89; CITY OF NORFOLK, SE, 780.48; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, PY, 124165.22; CITY OF WAYNE, RE, 25.00; CITY OF WAYNE, RE, 50.00; CITY OF WAYNE, RE, 2164.05; CLAUSSEN, HEATHER, SE, 200.00; COMMUNITY

HEALTH, RE, 6.00; CREDIT BUREAU SERVICES, RE, 762.68; CURTIS REESE, SE, 115.00; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEMCO, SU, 93.11; DUTTON-LAINSON, SU, 696.15; ECHO GROUP, SU, 608.48; EGAN SUPPLY, SU, 98.82; ELECTRIC FIXTURE, SU, 84.60; ELKHORN PAVING, SE, 142480.53; ELLIS PLUMBING, SE, 2713.79; FIRST CONCORD GROUP, SE, 3261.03; FLOOR MAINTENANCE, SU, 56.18; FORT DEARBORN LIFE, SE, 134.16; FOURTH GENERATION FAMILY, RE, 175000.00; GERHOLD CONCRETE, SU, 1808.77; GLEN'S AUTO BODY, SE, 32.44; CITY EMPLOYEE, RE, 52.18; HAWKINS, SU, 575.84; HD SUPPLY WATERWORKS, SU, 1502.52; CITY EMPLOYEE, RE, 284.06; HELENA CHEMICAL, SU, 256.00; HOUCHEN BINDERY, SU, 98.55; ICMA, SE, 10585.42; IRS, TX, 40555.61; JEO CONSULTING GROUP, SE, 10763.22; KEN PROKOP, RE, 466.57; KLEIN ELECTRIC, SE, 15820.61; KRIZ-DAVIS, SU, 2248.70; L.G. EVERIST, SU, 3497.64; LIBRARY LANDSCAPING, SE, 200.00; MCGUIRE & NORBY, SE, 2887.37; MERCY MEDICAL CLINICS, SE, 29.00; MICROFILM IMAGING SYSTEMS, SE, 497.04; MIDWEST OFFICE AUTOMATION, SU, 184.15; MSC INDUSTRIAL, SU, 97.49; N.E. NEB ECONOMIC DEV DIS, FE, 7018.40; CITY EMPLOYEE, RE, 620.72; NE DEPT OF ENVIRONMENTAL, SE, 188501.04; NE DEPT OF LABOR, SE, 92.00; NE DEPT OF REVENUE, TX, 6172.47; NE SAFETY COUNCIL, SE, 183.55; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 6391.56; NWEA, FE, 60.00; OLSSON ASSOCIATES, SE, 11144.85; OTTE CONSTRUCTION COMPANY, SE, 50.00; CITY EMPLOYEE, RE, 85.82; CITY EMPLOYEE, RE, 8.50; CITY EMPLOYEE, RE, 174.70; QUILL, SU, 164.89; ROBERTSON IMPLEMENT, SU, 90.02; SCHULZ, VERN H, RE, 20.00; SGP SERVICES, SE, 79.88; STADIUM SPORTING GOODS, SE, 574.50; STATE NATIONAL BANK, RE, 207.52; SUN RIDGE SYSTEMS, SE, 2600.00; THE PENWORTHY COMPANY, SU, 367.30; THE RADAR SHOP, SE, 348.00; TURFWERKS, SU, 87.14; TYLER TECHNOLOGIES, SE, 1959.14; UNITED WAY, RE, 10.00; US BANK, SU, 1588.10; VAKOC BUILDER'S RESOURCE, SU, 1365.62; VAN DIEST SUPPLY, SU, 2162.13; VERIZON, SE, 222.75; VIAERO, SE, 169.65; WAED, RE, 1000.00; WAYNE COMMUNITY SCHOOLS, RE, 5845.75; WESCO, SU, 4278.11; WIGMAN COMPANY, SU, 4327.73; YOUNG, BILL, SE, 205.00; ZEE MEDICAL SERVICE, SU, 71.78; ADVANCED CONSULTING, SE, 400.00; APPEARA, SE, 102.35; ARC-HEALTH & SAFETY, S,E 140.00; B & D DIAMOND PRO, SU, 2440.00; CITY OF WAYNE, RE, 90.06; BROWN SUPPLY, SU, 2810.83; CITY OF NORFOLK, SE, 183.54; CITY OF WAYNE, SU, 59.42; CITY OF WAYNE, RE, 118.89; CITY OF WAYNE, RE, 25.00; CITY OF WAYNE, RE, 933.12; CITY VFD, RE, 2308.98; COMBINED POOL AND SPA, SU, 879.80; COPY WRITE PUBLISHING, SE, 170.20; DCL AMERICA, SU, 33324.00; DINKLAGE MEDICAL, SE, 276.00; DUTTON-LAINSON, SU, 319.50; EAKES OFFICE PLUS, SE, 26.56; EASYPERMIT POSTAGE, SU, 1696.44; FREDRICKSON OIL, SU, 12.00; GERHOLD CONCRETE, SU, 99.35; GILL HAULING, SE, 155.00; GLEN'S AUTO BODY, SE, 412.00; GROSSENBURG IMPLEMENT, SE, 1050.90; HAMPTON INN KEARNEY, SE, 159.90; HEIKES AUTOMOTIVE, SE, 509.58; HOWARD JOHNSON RIVERSIDE, SE, 1548.00; JACK'S UNIFORMS, SU, 243.55; JASON CAROLLO, SE, 175.00; JEO CONSULTING GROUP, SE, 739.55; JOHN'S WELDING AND TOOL, SE, 16.80;

February 19, 2013

The Wayne City Council met in regular session at the Wayne Senior Center on Tuesday, February 19, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jim Van Delden, Jon Haase, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 7, 2013, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Van Delden made a motion, which was seconded by Councilmember Brodersen, whereas, the Clerk has prepared copies of the Minutes of the meeting of February 5, 2013, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMERICAN PUBLIC POWER, FE, 1075.43; AMERITAS, SE, 2053.27; APPEARA, SE, 159.77; BAKER & TAYLOR BOOKS, SU, 512.43; BANK FIRST, FE, 150.00; CITY EMPLOYEE, RE, 54.81; CITY EMPLOYEE, RE, 427.97; CAPSTONE PRESS, SU, 24.99; CITY OF WAYNE, PY, 58708.98; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, RE, 3800.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE PUBLISHING, SE, 85.34; DAVE'S UNIFORM CLEANING, SE, 81.00; DEARBORN NATIONAL LIFE, SE, 1714.27; DOESCHER APPLIANCE, SU, 89.00; ECHO GROUP, SE, 21.81; ED. M FELD EQUIPMENT, SU, 408.34; ELECTRIC

FIXTURE & SUPPLY, SU, 50.24; EMERITUS, RE, 240.00; FIRST CONCORD GROUP, SE, 400.00; FLOOR MAINTENANCE, SU, 191.50; G-NEIL, SU, 599.90; GEMPLER'S, SU, 50.25; GODFATHERS, SU, 28.00; GROSSENBURG IMPLEMENT, SU, 388.33; CITY EMPLOYEE, RE, 34.34; HARDING & SHULTZ, SE, 208.71; HHS REGULATION & LICENSURE, FE, 115.00; HOLIDAY INN, SE, 154.00; ICMA, SE, 5741.46; INGRAM BOOK COMPANY, SU, 930.35; IRS, TX, 20951.47; JOHNSON HARDWARE, SU, 72.62; KEPCO, SU, 4.35; MATT NELSON, RE, 318.40; MAXIMUM SOLUTIONS, SU, 4900.00; MID-STATES ENERGY WORKS, SE, 15092.45; MIDWEST LABORATORIES, SE, 724.50; MSC INDUSTRIAL, SU, 170.79; N.E. NEB ECONOMIC DEV DIS, SE, 787.90; CITY EMPLOYEE, RE, 2383.21; NE CODE OFFICIAL ASSOC, FE, 150.00; NE DEPT OF REVENUE, TX, 2878.29; NE LAW ENFORCEMENT, FE, 168.00; NE LIBRARY COMMISSION, SU, 950.00; NE PUBLIC HEALTH, SE, 98.00; NNPPD, SE, 13024.70; ONE CALL CONCEPTS, SE, 8.90; CITY EMPLOYEE, RE, 48.01; PEPSI-COLA, SU, 265.00; PRESTO X, SE, 144.64; PUSH-PEDAL-PULL, SE, 1900.00; QUALITY 1 GRAPHICS, SU, 100.00; RANDOM HOUSE, SU, 132.75; SGP SERVICES, SE, 79.88; SPARKLING KLEAN, SE, 1289.43; STADIUM SPORTING GOODS, SU, 65.25; ULINE, SU, 95.22; UNITED COMMUNICATIONS CORP, SU, 124.79; UTILITY EQUIPMENT, SU, 365.16; WAED, FE, 70.00; WAYNE AUTO PARTS, SU, 563.50; WAYNE HERALD, SE, 395.00; WAPA, SE, 32567.22; CITY EMPLOYEE, RE, 362.44; CENTURION TECHNOLOGIES, SU, 231.00; CLEAN ENERGY, FE, 500.00; CREDIT BUREAU, RE, 183.24; DE LAGE LANDEN FINANCIAL, SE, 394.00; ED. M FELD EQUIPMENT, SE, 487.00; FLOOR MAINTENANCE, SU, 202.56; FRY & ASSOCIATES, SU, 31950.00; GROSSENBURG IMPLEMENT, SU, 117.51; KRIZ-DAVIS, SU, 1508.04; CITY EMPLOYEE, RE, 808.79; MARCO, SE, 1304.00; MOONLIGHT TOWING, SE, 287.55; CITY EMPLOYEE, RE, 337.58; NE PUBLIC HEALTH, SE, 196.00; NPPD, SE, 309453.35; OLSSON ASSOCIATES, SE, 3076.06; OPTIMUM DATA, SU, 595.00; CITY EMPLOYEE, RE, 288.31; PITNEY BOWES, SE, 648.00; PROGRESSIVE PROPERTIES, RE, 34000.00; PROVIDENCE MEDICAL CENTER, SE, 117.00; QUILL, SU, 148.41; CITY EMPLOYEE, RE, 1053.95; UTILITIES SECTION, FE, 225.00; VERIZON, SE, 222.05

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

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located in the Wayne Public Library 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.

Mayor Chamberlain declared the time was at hand for the public hearing regarding the Wellhead Protection Plan.

Garry Poutre, Superintendent of Public Works, provided some history on the process that took place in developing the Wellhead Protection Plan.

In the summer of 2010, Council approved applying for a grant that the NDEQ had for the City to take on the task of creating a “wellhead protection plan” and updating our wellhead protection area. At that time, JEO Consulting Group was hired as the engineer on the project and helped us through that process. The City was granted funds in the amount of \$21,000 from NDEQ. The Council then approved spending \$15,000 from the Water Department Fund as a match for that grant, along with around an in-kind match from the NRD in the amount of \$5,000. A committee was then selected to develop the “wellhead protection plan.” Knowing the area that the wellhead protection area would encompass, Mr. Poutre sought to get those landowners and people that owned and managed land inside the wellhead protection area to be representatives on the committee, as well as citizens of the community and city employees and a member of the City Council. Those landowners on the committee were: Doug Nelson, Don Nelson, and Dave Fouss, (property owners in the north wellhead protection area), and Dave Sievers and Ron Lundahl (property owners in the south wellhead protection area). The committee met several different times and public education meetings were held. In January, 2012, the Council approved the wellhead protection map/area.

On June 5, 2012, there was a public hearing on the Wellhead Protection Plan. At that time, there were several landowners, some of which were on the committee, who objected to the plan. They felt that the passage of this plan would put a bullseye on the area and increase the traffic by the EPA/DEQ. They also felt that the City would then become the EPA/DEQ's new watchdog. The Council then tabled action on the Resolution until they could do more research and obtain more information on the matter.

The goal of Nebraska's Wellhead Protection Program is to protect the land and groundwater surrounding public drinking water supply wells from contamination. Since approximately 85% of Nebraskans receive their drinking water from groundwater, preventing groundwater contamination is vital. A public water system is any water system that provides water to 25 or more people or 15 or more service connections.

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

The reason for putting a wellhead protection plan in place is because the plan, from NDEQ's standpoint, shows that the City has gone through all of the necessary steps to protect and insure the protection of the City's water supply.

Mr. Poutre stated there are approximately 96 wellhead protection plans in the State of Nebraska. The wellhead protection area was first delineated in 2001 and then updated in 2011.

It was noted that the NDEQ designates the “wellhead protection area” not the City, and this plan is recognizing the efforts the City has done so far.

Mr. Poutre stated this is important for the community -- we have 5600 plus residents that rely on us, as employees and appointed officials, to protect this natural resource on their behalf. It’s always cheaper to protect your resource than later have to clean it up.

Those that spoke against approving the plan were: Sheri Dunklau, Dave Domina (representing Don Nelson, Doug Nelson, David Fouss and Ron Lundahl), Kevin Koenig, Lisa Nelson, Scott Sievers, and Jon Temme.

Those that spoke in favor of the approving the plan were: Brian Reetz with the Nebraska Groundwater Foundation, David Shelton, Brian Bruckner, Joel Hansen, Harold Reynolds, and Rich Koenig of Health & Human Services.

BJ Woehler spoke in favor of and against the plan.

Letters in support of passing the Wellhead Protection Plan were also received from Charles Shapiro, Extension Specialist and Professor of Agronomy and Horticulture, Stan Staab, General Manager of the Lower Elkhorn NRD, and David Shelton.

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

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

Councilmember Van Delden introduced Resolution 2013-9 and moved for its approval.

Mr. Poutre stated the deadline for submitting the plan to DEQ is April 1<sup>st</sup>, but he believed the City could get a 60-day extension if need be.

Said motion died for lack of a second.

Councilmember Sievers then made a motion to table action on Resolution No. 2013-9 until the next Council meeting; Councilmember Giese seconded. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Irene Fletcher, Assistant Executive Director of WAED, was present and advised the Council that the LB840 Sales Tax Advisory Committee met and reviewed two applications to Wayne's Economic Development Program Fund.

The Committee recommended approving a request by Angel Village, Inc. (Lou Benscoter) for \$240,000 in funds to develop and construct Angel Village, a 20-unit senior living complex with commons building. The terms include a \$240,000 performance based loan over 20 years paid back at 25% of loan if 6-11 units are sold and at 50% of loan if 12 or more units are sold. The Committee recommended a fund disbursement plan as build out occurs to be determined by the City.

Lou Benscoter was present to answer questions.

Councilmember Brodersen made a motion, which was seconded by Councilmember Van Delden approving the recommendation from the LB840 Sales Tax Advisory Committee to approve \$240,000 in funds to develop and construct Angel Village, a 20-unit senior living complex with commons building, with the terms being:

- A \$240,000 performance based loan over 20 years paid back at 25% of loan if 6-11 units are sold and at 50% of loan if 12 or more units are sold; and
- A fund disbursement plan as build out occurs to be determined by the City.

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

Irene Fletcher, Assistant Executive Director of WAED, stated the LB840 Sales Tax Advisory Committee also recommended approving a request by Wriedt Properties, Inc. (Bob Wriedt) for \$33,000 in funds to develop its current trailer court into market rate apartments. The terms include a \$33,000 performance based loan, with 1/6 of the funds being reimbursed to the developer as each trailer is moved from the development site.

Bob Wriedt was present to answer questions.

Councilmember Sievers made a motion, which was seconded by Councilmember Ley approving the recommendation from the LB840 Sales Tax Advisory Committee to approve \$33,000 in funds for Wriedt Properties, Inc., to develop its current trailer court into market rate apartments, with the terms being:

- A \$33,000 performance based loan, with 1/6 of the funds being reimbursed to the developer as each trailer is moved from the development site.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to rezoning Lots 2 and 4, Benscoter Addition PUD Replat 1 from B-1 Highway Business to R-4 Residential. The Applicant is Windom Ridge.

The Planning Commission reviewed the rezoning request at their public hearing on February 4, 2013, and forwarded a recommendation to approve the same subject to the following “Findings of Fact”:

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Lou Benscoter was present to answer questions.

Councilmember Sievers introduced Ordinance 2013-12, and moved for approval thereof; Councilmember Van Delden seconded.

#### ORDINANCE NO. 2013-12

AN ORDINANCE AMENDING THE ZONING MAP AND CHANGING THE ZONING OF LOTS 2 AND 4, BENSCOTER ADDITION PUD REPLAT 1 FROM B-1 HIGHWAY BUSINESS TO R-4 RESIDENTIAL.

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

Councilmember Sievers made a motion and Councilmember Van Delden seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent and Councilmember Giese who voted Nay, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2013-12. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the replat of Lot 5, Western Ridge Third Addition.

The Planning Commission held a public hearing on this matter and recommended approval thereof, with the correction of ownership and subject to the following "Findings of Fact":

- Staff's recommendation; and
- The replat is consistent with the comprehensive plan and the current and future land use map.

Brent Pick was present to answer questions.

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

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

Councilmember Sievers introduced Resolution No. 2013-10 and moved for its approval; Councilmember Brodersen seconded.

#### RESOLUTION NO. 2013-10

A RESOLUTION APPROVING THE REPLAT OF LOT 5, WESTERN RIDGE THIRD ADDITION.

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

Councilmember Muir introduced Ordinance 2013-8 and moved for approval of the second reading thereof; Councilmember Haase seconded.

#### ORDINANCE NO. 2013-8

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74 SUBDIVISIONS, ARTICLE VIII - DEDICATION OF LAND FOR PARK, RECREATIONAL FACILITIES OR OPEN SPACES, SECTIONS 74-291 DEDICATION AND 74-295 USE OF PROCEEDS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE

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

Councilmember Muir made a motion and Councilmember Giese seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Giese seconded to move for final approval of Ordinance No. 2013-8. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution and Ordinance pertain to the sale of the South 90.75' of Lot 2, Longe's Addition to the City of Wayne, Wayne County, Nebraska, to Benscoter, Inc., for the sum of \$10,000. This is approximately a ½ acre area.

Councilmember Van Delden introduced Resolution No. 2013-11 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2013-11

A RESOLUTION AUTHORIZING THE SALE OF THE SOUTH 90.75' OF LOT 2, LONGE'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BENSCOTER, INC.

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

Councilmember Muir introduced Ordinance 2013-13, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2013-13

AN ORDINANCE DIRECTING THE SALE OF THE SOUTH 90.75' OF LOT 2, LONGE'S ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO BENSCOTER, INC.

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

Councilmember Muir made a motion and Councilmember Van Delden seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Muir made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-13. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance 2013-9 and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-9

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE ST. PATRICK'S DAY ACTIVITIES.

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

Councilmember Giese introduced Ordinance 2013-10 and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-10

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE HIGH SCHOOL ALUMNI ACTIVITIES.

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

Ken Jorgensen was present requesting Council consideration to amending Sec. 6-18 Hours of Sale of Alcoholic Liquor to mirror State Statute. This would change the time of closing from 1:00 a.m. to 2:00 a.m.

Councilmember Sievers had concerns regarding this amendment to the ordinance.

A suggestion was to amend the ordinance, but do so on a trial basis (e.g. for a period of one year).

Councilmember Brodersen opined she thought the 2:00 a.m. closings had already been on a trial basis.

Councilmember Giese introduced Ordinance 2013-14 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-710 Parking Regulations of the Wayne Municipal Code. The Applicant, the City of Wayne, wishes to amend the parking requirement for retail stores.

The proposed amendment would change Retail Sales Establishment from one space per 200 square feet of gross floor area to 1 space per 200 square feet of sales floor area.

The Planning Commission reviewed the rezoning request at their public hearing on February 4, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Councilmember Brodersen introduced Ordinance 2013-11, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2013-11

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, BY AMENDING SECTION 90-710 PARKING REGULATIONS BY AMENDING THE SPACE REQUIREMENT FOR RETAIL SALES ESTABLISHMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Ley made a motion and Councilmember Van Delden seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Ley made a motion and Councilmember Muir seconded to move for final approval of Ordinance No. 2013-11. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Joel Hansen, City Planner, stated that the following three ordinances address one of Council retreat goals – clarifying what are nuisances outdoors on private properties in the city limits and what the City can require to be removed or cleaned up. The primary change is the addition of “furniture or appliances designed and intended for interior use only. Such items may include, but are not limited to, stoves, refrigerators, microwaves, televisions, electronic equipment, computer equipment, sofas, recliners and upholstered chairs.” The Problem Resolution Team reviewed these changes to the code and recommended approval of the same.

Councilmember Sievers introduced Ordinance 2013-15 and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2013-15

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-32 SPECIFIC ENUMERATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Sievers introduced Ordinance 2013-16 and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-39 NUISANCE; DUTY OF OWNER OR OCCUPANT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Giese introduced Ordinance 2013-17 and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-40 ABATEMENT OF NUISANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING

ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Police Chief Marlen Chinn presented the job description for “Police Sergeant” and requested Council consideration to approving the same. The Civil Service Commission has been directed to start the process to create an eligibility list for this position. In the process, staff found that the job description needed updating. The Commission has reviewed this and recommends approval thereof.

Councilmember Brodersen made a motion and Councilmember Ley seconded approving the job description for Police Sergeant. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Marci Thomas to the Civil Service Commission – 3 year term.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley, approving the reappointment of Marci Thomas to the Civil Service Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander

who was absent, the Mayor declared the motion carried and the meeting adjourned at 9:25 p.m.

CITY EMPLOYEE, RE, 68.97; MATT NELSON, RE, 238.03; MIDSTATES ERECTORS, SE, 21000.00; CITY EMPLOYEE, RE, 57.44; NE CRIME COMMISSION, SU, 15.00; NE NEB INS AGENCY, SE, 1551.00; NET-TECH, SU, 640.87; NORTHWEST ELECTRIC, SU, 1468.86; PAMIDA, SU, 219.54; PIEPER & MILLER, SE, 3019.00; RANSOM, ROMAN, SE, 2000.00; SD MEYERS, SE, 2788.00; SOLBERG MANUFACTURING, SE, 7800.00; STANLEY SECURITY SOLUTION, SU, 19.06; WAED, RE, 7537.99; WAYNE COUNTY CLERK, SE, 186.00; WAYNE GREENHOUSE, SU, 849.87; WAYNE HERALD, SE, 1906.43; WAYNE STATE COLLEGE, SE, 441.67; WAYNE VETERINARY CLINIC, SE, 35.00; ZACH HEATING & COOLING, SE, 773.80; ZACH OIL, SU, 5142.33

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

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

Marlen Chinn, Interim Police Chief, introduced new police officers Josh Jacobi, Cory Moeller, and Dylan Jensen.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, to enter into executive session to discuss potential litigation concerning an LB840 loan, and to allow Kate Jorgensen, Attorney, Attorney Miller, Administrator Johnson and City Clerk McGuire to be in attendance. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 5:35 p.m.

Mayor Chamberlain again stated that the matter to be discussed in execution session relates to potential litigation concerning an LB840 Loan.

Councilmember Van Delden made a motion, which was seconded by Councilmember Sturm, to resume open session. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 5:50 p.m.

Mayor Chamberlain declared the time was at hand for the public hearing on the Annexation Plan for the NorthStar Services property located on East 14<sup>th</sup> Street, legally described as:

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

NorthStar Services has requested that the property upon which their main office is located be annexed. The property is served by all city services. Annexation will avoid double water and sewer rates.

City Clerk McGuire had not received any comments, either written or verbal, for or against the public hearing.

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

Councilmember Ley introduced Ordinance No. 2012-15, and moved for its approval; Councilmember Van Delden seconded the motion.

#### ORDINANCE NO. 2012-15

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

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

Mayor Chamberlain stated the time was at hand for the public hearing regarding the application for a Retail Class I Liquor License for Wayne Hospitality Group, LLC, d/b/a “Cobblestone Hotel I-98321.”

Kent Franzen, managing member of the Wayne Hospitality Group, was present to answer questions.

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

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

Councilmember Van Delden introduced Resolution No. 2012-42 and moved for its approval; Councilmember Sturm seconded.

#### RESOLUTION NO. 2012-42

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS I LIQUOR LICENSE — WAYNE HOSPITALITY GROUP, LLC, D/B/A “COBBLESTONE HOTEL I-98321.”

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending Section 90-10 Definitions, by adding “Dwelling Boarding” and amending the definition of “Family.”

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 7, 2012, and forwarded a recommendation to approve the same subject to the following “Findings of Fact”:

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

This zoning amendment comes as a result of a request from a property owner that owns a six bedroom house on a large corner lot. She would like to be able to occupy all six of those bedrooms. The proposed new definition of “family” was proposed by RDG who revised the Comp Plan and is now in the process of revising the zoning code to match that Comp Plan. This new definition – “Dwelling Boarding” would create a new class of dwelling:

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

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

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

Mr. Hansen’s recommendation, however, was to replace the word “dwelling” in the definition of Boarding Dwelling with “building” in order to remain consistent with the current definitions of other types of dwellings already listed in the code.

One of the conditions, whether it be a conditional use permit or use by exception permit is that parking will need to be addressed.

Councilmember Sturm opined he would like to have the property owner provide interior parking, rather than terrace parking.

Mr. Hansen responded this would be a problem for corner lots. Most of the rental units, as they have become rental units, have added terrace parking rather than interior parking. Mr. Hansen noted he was only aware of one terrace parking complaint.

Mr. Hansen then explained the difference between a conditional use and a use by exception.

Councilmember Sturm preferred the property owners having to obtain a use by exception permit, which requires public hearings by both the Planning Commission and the City Council, rather than a conditional use permit, which is approved by staff.

Mr. Hansen advised the Council that they cannot deny a use by exception permit; they can only put additional conditions on it.

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

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

Councilmember Ley introduced Ordinance 2012-16, and moved for approval thereof; Councilmember Van Delden seconded.

#### ORDINANCE NO. 2012-16

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-204 Permitted Conditional Uses in the R-1 Residential District by adding (3) Boarding Dwelling.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 7, 2012, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

3. Staff recommendation; and
4. Consistency with the Comprehensive Plan and the current and future land use maps.

Mr. Hansen advised the Council that should they wish to have this as a "use by exception" rather than a "conditional use", the Council would need to not pass all of these amendments, and send the matter back to the Planning Commission to amend the sections of the code that pertain to use by exceptions.

Discussion took place on whether or not these changes should be for all residential zoning districts, and that more time might be needed by the Council to review the zoning map to make that determination.

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

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

Councilmember Brodersen made a motion to table action on Ordinance 2012-17, and Councilmember Haase seconded.

ORDINANCE NO. 2012-17

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-234 Permitted Conditional Uses in the R-2 Residential District by adding (3) Boarding Dwelling.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 7, 2012, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

5. Staff recommendation; and
6. Consistency with the Comprehensive Plan and the current and future land use maps.

Mr. Hansen stated this change is the same, with the exception that it pertains to the R-2 Zoning District.

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

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

Councilmember Frevert made a motion to table action on Ordinance 2012-18, and Councilmember Sturm seconded.

ORDINANCE NO. 2012-18

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-264 Permitted Conditional Uses in the R-3 Residential District by adding (3) Boarding Dwelling.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 7, 2012, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

7. Staff recommendation; and
8. Consistency with the Comprehensive Plan and the current and future land use maps.

Mr. Hansen stated this change is the same, with the exception that it pertains to the R-3 Zoning District.

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

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

Councilmember Frevert made a motion to table action on Ordinance 2012-19, and Councilmember Brodersen seconded.

ORDINANCE NO. 2012-19

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-294 Permitted Conditional Uses in the R-4 Residential District by adding (3) Boarding Dwelling.

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 7, 2012, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

9. Staff recommendation; and
10. Consistency with the Comprehensive Plan and the current and future land use maps.

Mr. Hansen stated this change is the same, with the exception that it pertains to the R-4 Zoning District.

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

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

Councilmember Sturm introduced Ordinance 2012-20, and moved for approval thereof; Councilmember Frevert seconded.

ORDINANCE NO. 2012-20

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

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

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-710 Parking Regulations by adding Residential Structures (Boarding Dwelling).

Joel Hansen, Zoning Administrator, stated the Planning Commission reviewed the information at their public hearing on May 7, 2012, and forwarded a recommendation to approve the same by adding the following:

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

subject to the following "Findings of Fact":

11. Staff recommendation; and
12. Consistency with the Comprehensive Plan and the current and future land use maps.

Mr. Hansen noted his recommendation to Council is to change the number of spaces per occupant from 1.00 to 1.25. If Council wishes, they can stipulate that the parking spaces have to be located on the property and not on the terrace.

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

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

Councilmember Sturm introduced Ordinance 2012-21, and moved for approval thereof, and changing the parking spaces per occupant from 1.00 to 1.25; Councilmember Frevert seconded.

#### ORDINANCE NO. 2012-21

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

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

Mayor Chamberlain declared the time was at hand for the public hearing regarding the Wellhead Protection Plan.

Garry Poutre, Superintendent of Public Works, provided some history on the process that took place in developing the Wellhead Protection Plan. In the summer of 2010, Council approved applying for a grant that the NDEQ had the City to take on the task of creating a “wellhead protection plan” and updating our wellhead protection area. At that time, JEO Consulting Group was hired as the engineer on the project and helped us through that process. The City was granted funds in the amount of \$21,000 from NDEQ. The Council then approved spending \$15,000 from the Water Department Fund as a match for that grant, along with around an in-kind match of \$7,000. A committee

was then selected to develop the “wellhead protection plan.” Knowing the area that the wellhead protection area would encompass, Mr. Poutre sought to get those landowners and people that owned and managed the land inside the wellhead protection area to be representatives of the committee. Those landowners on the committee were: Doug Nelson, Don Nelson, Dave Fouss, Dave Sievers, and Ron Lundahl. The committee met several different times and public education meetings were held. In January, 2012, the Council approved the wellhead protection map/area. The Committee did a “test your well night”, where people brought samples of their well water in to be tested.

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

The State of Nebraska already stipulates a setback area. Setback areas are listed in the plan. It indicates the distance that different practices have to be kept away from a public service well. Those differences are mandated. The plan does not make any of those distances any more stringent than what is already in place. In addition, there are not any more restrictions than there currently are in this wellhead protection area. The reason for putting a wellhead protection plan in place is because the plan, from NDEQ’s standpoint, shows that we have gone through all of the necessary steps to protect and insure the protection of the City’s water supply.

Mr. Poutre stated there are currently around 100 wellhead protection plans in the State of Nebraska.

It was noted that the NDEQ designates the “wellhead protection area” not the City, and this plan is recognizing the efforts the City has done so far.

Adam Rupe, JEO Project Manager, was present to answer questions.

Scott Sievers, Doug Nelson, Don Nelson, Jon Temme, Doug Temme, and Kevin Koenig had concerns about the Council passing the Wellhead Protection Plan. Some felt the passage of this plan will put a bullseye on the area and increase the traffic by the EPA/DEQ. In addition, they felt the City was now their (the EPA/DEQ) new watchdog. Another concern was “best management practices” and who sets these.

Brian Bruckner from the Lower Elkhorn NRD, who was also a member of the Committee, spoke in favor of the plan. He stated this plan is a step in the right direction and does not create undue burden upon those who earn their livelihood off of the land. He worked with the City of Norfolk, approximately four years ago, in adopting a wellhead protection plan. To this date, he has had no knowledge of the DEQ or EPA ramping up oversight within the wellhead protection area of the City of Norfolk. Wayne’s plan is very basic in structure, and in his opinion, does nothing to change the way anybody does business out on the land.

Joel Hansen, who lives out in the area that is delineated and who also serves on the Lower Elkhorn NRD Board of Directors, stated the NRD establishes state statutes to protect groundwater. That is one of the twelve responsibilities given to the NRD’s. If there becomes an issue with nitrates in the general area in the delineated area, the NRD is going to be the one who is going to correct the management area and establish the best management practices.

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 Chamberlain closed the public hearing.

Councilmember Ley made a motion to table Resolution No. 2012-43 until more information is obtained on the matter; Councilmember Berry seconded. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance 2012-12, and moved for approval of the second reading thereof; Councilmember Frevert seconded.

#### ORDINANCE NO. 2012-12

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

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

Mayor Chamberlain stated the following Resolution would approve the “Third Amendment to Communication Tower and Real Estate Lease Agreement” with Verizon.

Attorney Miller advised the Council that she has reviewed the agreement and approves the same.

Councilmember Sturm introduced Resolution No. 2012-44 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-44

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

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

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, approving payment of the invoice in an amount up to \$71,000 to Verizon for the City's share of the tower reinforcement project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated the following Resolution would accept the proposal and approve the contract with Gill Hauling, Inc., for the transfer station operation. One proposal was received. The new agreement is for a 36-month period, with an option to renew for an additional two years. Gill Hauling will pay \$1,000 per month.

Councilmember Sturm introduced Resolution No. 2012-45 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2012-45

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

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

Mayor Chamberlain stated the following Resolution would adopt the City Administrator's employment contract.

Councilmember Ley introduced Resolution No. 2012-46 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2012-46

A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

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

Councilmember Sturm made a motion, which was seconded by Councilmember Brodersen, approving Change Order No. 1 on the Benscoter Paving Improvement Project in the amount of \$27,428.15. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, approving Certificate of Payment No. 1 to Sioux City Engineering Company in the amount of \$135,616.41 for the Benscoter Paving Improvement Project. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a temporary transfer of \$160,000 in electric reserve funds to the Wayne Community Development Agency to establish a temporary revolving loan fund for the Housing Construction Loan Incentive Program. This is the same program with a different funding source.

Councilmember Sturm introduced Resolution No. 2012-47 and moved for its approval; Councilmember Berry seconded.

RESOLUTION NO. 2012-47

A RESOLUTION APPROVING TEMPORARY TRANSFER OF \$160,000 IN ELECTRIC RESERVE FUNDS TO THE WAYNE COMMUNITY DEVELOPMENT AGENCY TO ESTABLISH A TEMPORARY REVOLVING LOAN FUND FOR THE HOUSING CONSTRUCTION LOAN INCENTIVE PROGRAM.

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

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

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

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

The next item on the CDA agenda was to approve the minutes of the May 1, 2012, meeting.

Member Frevert made a motion and Member Van Delden seconded approving the minutes of the May 1, 2012, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Chair Haase stated the next item on the agenda is to consider a request for a third extension (December 31, 2012) on the closing date regarding the purchase of Lot 2A, Replat of Kardell Industrial Park, a subdivision by Wayne NG Cars, LLC.

Member Chamberlain thought Council should also have discussion on the Offer to Purchase Lots 2A and 2B in the Kardell Industrial Park Subdivision submitted by Robert Woehler & Sons Construction.

Attorney Miller advised the CDA that they have a reasonable time to accept the second offer that was submitted. Therefore, if Council wanted to table the agenda item to take action on the third closing date extension request to purchase Lot 2A by Wayne NG Cars until the next meeting so that they could review the new offer that came in, they could do that. She also advised the CDA that the actual purchase agreement with Wayne NG Cars has expired. The CDA could, at the next meeting, make a determination not to accept the new offer that came in. They could also reject that offer or make a counteroffer, or go back and enter into a new agreement with the original offer.

The new offer from Robert Woehler & Sons Construction is essentially the same offer as Wayne NG Cars.

Administrator Johnson stated a lot of time has been put into the Wayne NG Cars package to make this happen in Wayne. They went out and sought investors for this project. He understood that there are options to look at, but he thought there was some obligation to let them know the CDA was going to keep moving forward on this.

Member Chamberlain didn't think they (Wayne NG Cars) would be taking the City down this road and asking for extensions if they didn't truly believe it was going to happen.

Dan Rose, representing Wayne NG Cars, stated, to date, they have spent \$16,000 on this project, \$10,000 of which was on the site preparation. They have five individual investors, and they do have the capital to make this work. Their enthusiasm was pretty high at first and some of that was based on a market they thought was open in the Caribbean. The next market they are looking at is domestic - Canada. He visited with Gene Davis who said this project will happen before the end of the year.

Administrator Johnson stated we have unwittingly put these two companies on a collision course for the same property. There is a proposal coming to the Planning Commission to put an end time on the Woehler's location for crushing concrete. If they are going to stay in business, they have three choices:

- This is the only lot left that is zoned correctly that allows them to move their plant;
- They can move out to the country which is outside our zoning; or
- We can add crushing concrete to an I-1 (Light Industrial) District.

The Planning Commission, however, can elect to change nothing or extend the date (e.g. three or five years) to allow them to continue crushing concrete.

When asked if the 10 acres could be split between the two companies, BJ Woehler, advised that when they went out and looked at the site, they determined if they were going to move the plant, they wanted all 10 acres. Right now, they have five acres.

Councilmember Berry opined she is all for new businesses coming in, but she thought they needed to be there for the businesses that are already here and been here awhile.

Mr. Woehler stated in his proposal, he asked the Council not to block, but just delay any action so that everyone can sit down and discuss the matter and see if there are any other solutions.

Member Chamberlain stated because the purchase agreement has lapsed, he thought this agenda item needed to be tabled because there is not a purchase agreement to extend.

Member Chamberlain made a motion and Member Sturm seconded to table action on the Request for a third extension (December 31, 2012) on the closing date regarding the purchase of Lot 2A, Replat of Kardell Industrial Park, a subdivision, by Wayne NG Cars, LLC.

Administrator Johnson requested the CDA to commit to finding another parcel of land then for Wayne NG Cars, LLC.

Member Chamberlain stated if the CDA, between now and the next meeting, cannot find another place for Wayne NG Cars, LLC, he would vote to extend their offer until the end of the year.

In addition, it was noted that the Council can amend any recommendation from the Planning Commission (e.g. extend deadline for crushing concrete).

Chair Haase stated the motion, and the result of roll call being four Nays (Members Sturm, Chamberlain, Ley and Haase), and four Yeas (Members Frevert, Van Delden, Berry and Brodersen), the Chair declared that the motion did not pass.

Member Chamberlain then made a motion and Member Ley seconded accepting a new purchase agreement with the same terms and approving an ending date of December 31, 2012, regarding the purchase of Lot 2A, Replat of Kardell Industrial Park, a subdivision, by Wayne NG Cars, LLC.

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

Administrator Johnson stated we have received the first application for the housing construction incentive program which was approved in April and provides short-term zero percent interest construction loans of \$20,000 per single-family structure for homes built and sold to households with annual incomes of 150% of the Wayne County median income or less. This request from Kelby Herman is for \$40,000 for two market rate homes, which are being built as town homes on two individual lots in Western Ridge.

Member Chamberlain made a motion and Member Ley seconded approving the Housing Construction Incentive Application (\$40,000) of Kelby Herman for Lots 1 and 2, Western Ridge II Subdivision. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Member Sturm made a motion and Member Frevert seconded to reject the offer to purchase Lots 2A and 2B in the Kardell Industrial Park Subdivision by Robert Woehler & Sons Construction, with the stipulation that if there is such a time that Wayne NG Cars, LLC, does not purchase the property, that Robert Woehler & Sons Construction be given the first option to purchase said property. Chair Haase stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

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

Mayor Chamberlain requested Council consideration to the following appointment: Randy Lutt to the Wayne Housing Authority Board (fill the vacancy of John Melena).

Councilmember Frevert made a motion and seconded by Councilmember Brodersen approving the appointment of Randy Lutt to the Wayne Housing Authority Board. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to the following reappointment: Darrell Miller to the Sales Tax Advisory Committee.

Councilmember Frevert made a motion and seconded by Councilmember Ley approving the reappointment of Darrel Miller to the Sales Tax Advisory Committee. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Frevert made a motion, which was seconded by Councilmember Haase, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 9:17 p.m.

March 5, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, March 5, 2013, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Jim Van Delden, Jon Haase, Nick Muir, Kaki Ley, Jennifer Sievers and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Dale Alexander.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on February 21, 2013, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of February 19, 2013, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** CITY EMPLOYEE, RE, 121.00; AMAZON, SU, 401.44; AMERICAN BROADBAND, SE, 2428.25; AMERICAN LEGAL, SE, 855.00; AMERITAS, SE, 2013.53; APPEARA, SE, 214.36; ARNIE'S FORD-MERCURY, SU, 16.21; BANK FIRST, FE, 150.00; BLACK HILLS ENERGY, SE, 1711.35; BLUE CROSS BLUE SHIELD, SE, 24234.52; BOMGAARS, SU, 913.45; CARHART LUMBER, SU, 823.56; CENTURYLINK, SE, 310.97; CHEMQUEST, SE, 595.00; CITY OF NORFOLK, SE, 204.21; CITY OF WAYNE, RE, 700.00; CITY OF WAYNE, PY, 63973.09; CITY OF WAYNE, RE, 225.00; COLONIAL RESEARCH, SU, 181.08;

COMMUNITY HEALTH, RE, 4.00; CONSOLIDATED MANAGEMENT, RE, 32.75; DAKOTA BUSINESS SYSTEMS, SE, 103.50; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 106.64; ECHO GROUP, SU, 510.50; ELECTRIC FIXTURE & SUPPLY, SU, 127.69; ENVIROTECH SERVICES, SU, 5218.84; FASTENAL, SU, 89.76; FIRST CONCORD GROUP, SE, 3701.94; FLOOR MAINTENANCE, SU, 108.30; FREDRICKSON OIL, SU, 1656.60; GLEN'S AUTO BODY, SE, 180.79; GP GFOA, FE, 85.00; GROSSENBURG IMPLEMENT, SU, 232.07; HOLIDAY INN, SE, 259.90; HOUCHEN BINDERY, SU, 53.75; ICMA, SE, 5734.26; INDUSTRIAL TOOL, SU, 172.01; IRS, TX, 22262.59; CITY EMPLOYEE, RE, 1135.16; KTCH, SE, 88.00; LERNER PUBLISHING GROUP, SU, 284.50; LIVING HERE, SU, 27.00; LYDELL HEGGEMEYER, RE, 214.64; MAIN STREET AUTO CARE, SU, 1169.70; MARCO, SE, 970.46; MENARDS, SU, 227.11; CITY EMPLOYEE, RE, 3608.42; NE DEPT OF HEALTH, FE, 80.00; NE DEPT OF REVENUE, TX, 2951.49; NE PUBLIC HEALTH, SE, 963.00; NORFOLK DAILY NEWS, SE, 59.42; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 5189.00; QUILL, SU, 202.33; CITY EMPLOYEE, RE, 206.00; SHARON M HUGHES, RE, 500.00; STATE FARM INSURANCE, SE, 563.00; STATE NATIONAL BANK, RE, 105.89; TASTE OF HOME BOOKS, SU, 31.98; TRANS-IOWA EQUIPMENT, SU, 163.51; TRI AIR TESTING, SE, 458.00; UNITED WAY, RE, 12.40; VAKOC CONSTRUCTION, SU, 31.99; VIAERO, SE, 206.03; VOSS LIGHTING, SU, 224.10; WAKEFIELD REPUBLICAN, SU, 27.00; WAYNE COUNTRY CLUB, RE, 6425.00; WAYNE COUNTY COURT, RE, 150.00; WESCO, SU, 402.57; AS CENTRAL SERVICES, SE, 448.00; BARONE SECURITY SYSTEMS, SE, 138.00; CITY EMPLOYEE, RE, 23.78; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 259.37; CONSOLIDATED MANAGEMENT, RE, 97.25; COPY WRITE, SE, 635.90; CITY EMPLOYEE, RE, 173.24; DAVE'S DRY CLEANING, SE, 60.00; EAKES OFFICE PLUS, SE, 40.55; EASYPERMIT POSTAGE, SU, 1712.66; CITY EMPLOYEE, RE, 1139.98; ED. M FELD EQUIPMENT, SU, 280.00; FASTENAL CO, SU, 34.85; FLOOR MAINTENANCE, SU, 73.10; GEMPLER'S, SU, 188.50; GILL HAULING, SE, 155.00; HEIKES AUTOMOTIVE, SE, 47.93; INTERSTATE ALL BATTERY, SU, 271.60; KLEIN ELECTRIC, SE, 2007.00; KNOEPFLER CHEVROLET, SU, 303.36; KRIZ-DAVIS, SU, 340.80; LEAGUE OF NEBRASKA, FE, 3751.00; CITY EMPLOYEE, RE, 274.36; MIDLAND COMPUTER, SE, 2236.50; MISS MOLLY'S COFFEE, SU, 53.25; NE RURAL WATER, FE, 1500.00; ONE CALL CONCEPTS, SE, 16.95; PAC N SAVE, SU, 125.64; PIEPER & MILLER, SE, 10994.35; PLUNKETT'S PEST CONTROL, SE, 43.26; QUILL, SU, 693.84; RAINBOW WORLD, RE, 500.00; SHOPKO, SU, 89.95; STATE NATIONAL BANK, SE, 59.60; UNITED COMMUNICATIONS, SE, 111.04; US BANK, SU, 12152.16; VERIZON, SE, 101.93; WAED, RE, 7383.33; WAYNE COMMUNITY HOUSING, SE, 575.00; WAYNE COUNTY CLERK, SE, 188.00; WAYNE HERALD, SE, 1438.35; WAYNE VETERINARY CLINIC, SE, 350.00; ZACH OIL, SU, 5858.81

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, to approve the claims. Mayor Chamberlain stated the motion,

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

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

Mayor Chamberlain stated the following Resolution regarding the adoption of the Wellhead Protection Plan was tabled at the last meeting, so that Councilmembers could do some fact finding and get answers to any questions that they may have. Since a public hearing was held on this matter at the last council meeting, Mayor Chamberlain advised those in attendance that he would not be taking public comments on this matter this evening.

Councilmember Van Delden introduced Resolution No. 2013-9 and moved for its approval; Councilmember Sievers seconded.

#### RESOLUTION NO. 2013-9

##### A RESOLUTION ADOPTING A WELLHEAD PROTECTION PLAN.

Councilmember Ley stated recently a community member approached the City attorney stating that they believed she had a conflict of interest with this Wellhead Protection Plan vote. She believed they were referring to her connection with State National Bank and the perceived conflict it has created. Out of respect for the City and

the Bank, she advised the Mayor and Council that she would be abstaining from voting this evening.

Councilmember Brodersen stated she would like to see the city limits of Wayne included in the wellhead protection area.

Councilmember Giese stated that DEQ is going to take more measurements in the upcoming months, and a new map will be provided at no cost.

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

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Benscoter Addition PUD Replat 2. The Applicant is Windom Ridge, Inc.

Joel Hansen, Zoning Administrator, stated at the last Planning Commission meeting, a plat came before the Commission to re-plat some of the Benscoter Addition PUD; however, due to a number of errors and omissions on the re-plat, it was tabled. The errors have now been corrected, and the re-plat now includes the entire addition rather than just some of the lots.

The Planning Commission reviewed the Replat at their public hearing on March 4, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Lou Benscoter was present to answer questions.

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

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

Councilmember Brodersen introduced Resolution 2013-12, and moved for approval thereof; Councilmember Ley seconded.

#### RESOLUTION NO. 2013-12

A RESOLUTION APPROVING THE REPLAT OF THE BENSCOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 2.

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

Joel Hansen, Zoning Administrator, stated the following Ordinance would release and abandon all of the easements in the Angel Acres Subdivision. New easements will be established and drawn on the new plats.

Councilmember Van Delden introduced Ordinance 2013-18 and moved for approval thereof; Councilmember Giese seconded.

#### ORDINANCE NO. 2013-18

AN ORDINANCE AUTHORIZING THE RELEASE AND ABANDONMENT OF ALL UTILITY EASEMENTS IN ANGEL ACRES ADDITION.

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

Councilmember Van Delden made a motion and Councilmember Giese seconded to suspend the statutory rules requiring ordinances to be read by title on three different

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

Councilmember Van Delden made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-18. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Preliminary and Final Plats for Angel Acres Addition. The Applicant is Windom Ridge, Inc.

The Planning Commission reviewed the preliminary and final plats at their public hearing on March 4, 2013, and forwarded a recommendation to approve the same subject to the following "Findings of Fact":

1. Staff recommendation; and
2. Consistency with the Comprehensive Plan and the current and future land use maps.

Lou and Mandy Bencoter were present to answer questions.

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

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

Councilmember Muir introduced Resolution 2013-13, and moved for approval thereof; Councilmember Ley seconded.

RESOLUTION NO. 2013-13

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLATS AND SUBDIVISION AGREEMENT FOR ANGEL ACRES, AND AUTHORIZING THE EXECUTION OF THE SUBDIVISION AGREEMENT.

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

Mayor Chamberlain stated that the Planning Commission held a public hearing on the rezoning request of Windom Ridge, Inc., to rezone Angel Acres Addition from R-1 Residential to R-2 Residential. The Planning Commission tabled the rezoning matter until their next regular meeting. Therefore, he was not going to open the scheduled public hearing, but was going to table the same until after the Planning Commission meets in April and forwards a recommendation to them on this matter.

The public hearing on the rezoning of Angel Acres Addition was tabled until the April 2<sup>nd</sup> Council meeting.

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

Chair Haase called the meeting of the Community Development Agency to order. Those in attendance were: Members Cale Giese, Jim Van Delden, Ken Chamberlain, Nick Muir, Kaki Ley, Jennifer Sievers, and Jill Brodersen; City Attorney Amy Miller;

City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Dale Alexander.

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

Member Van Delden made a motion, which was seconded by Member Chamberlain, to approve the minutes of the January 15, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

The next item on the agenda was to approve the CDA Claims:

Kelby Herman Progressive Properties (incentive loan) - \$10,000

Kelby Herman (incentive loan) - \$20,000

Wayne County Treasurer (taxes on Kardell Industrial and Western Ridge) - \$4,998.31.

Member Chamberlain made a motion, which was seconded by Member Giese, to approve the CDA claims. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of a Redevelopment Plan Amendment for the Boyle's First Addition, Lot 2; Boyle's Second Addition, Lots 1, 2, 3, 4; and Lot 1, Admin Subdivision of Boyle's Outlot to the City of Wayne, Wayne, County, Nebraska (Angel Acres).

Administrator Johnson stated this involves the Tax Increment Financing Agreement regarding Angel Acres.

Questions had been raised regarding TIF and how they were disbursed. Nancy Braden, Finance Director, stated that those questions have been answered. The City

Attorney's office will advise staff on how to go about the paving of the subdivision. If the TIF dollars are not used for the water and sewer projects, it was the opinion of the City's Attorney, Mike Bacon, that this does not have to be bid, per subsection 4 of Sec. 16-321.

BJ Woehler was present and asked Council to table all of the TIF issues. He was the one who brought these questions up on Monday. In his opinion, the City's attorney and staff have not clearly answered his questions. He reviewed the applications today. The dates in these application of when the projects should be done (February 23, 2013) are expired. He would ask the Council to sit back and look at the money they are giving away to these developers. He is not against TIF, but wants to make sure it is done right and properly. In addition, he stated he had questions regarding fair bidding practices, along with not fully completed applications.

Mr. Woehler wanted any tax dollars used to follow the fair bidding practices. He also indicated he was going to start looking at the LB840 funds. As long as things follow State Statute, he does not have any problem with it. He wants to make sure the City is using these funds properly. He is also on the pool committee, and they found that TIF can go towards that project. He wanted to see included in these TIF agreements a 10 or 20% stipend to go towards the pool project.

Administrator Johnson stated Attorney Mike Bacon advised staff that the application forms are not legal documents. Therefore, the dates are insignificant. What is a legal document is the Redevelopment Contracts before them this evening. The wrong dates in the applications were not a legal issue for him. We are required to show that TIF

funds were used for an approved project that was built or started after the TIF was approved.

Attorney Miller stated Mike Bacon is the City's TIF Attorney. She thought tabling the matter might not be a bad idea, which would give her office more time to look at Mr. Woehler's concerns.

Lou Benschoter advised the Council that these are time sensitive projects. He has a \$400,000 grant riding on these documents getting approved this evening. They have houses sold in Angel Acres – they need to get going. If the Council tables this, it will cost him a lot of money.

Member Chamberlain introduced CDA Resolution 2013-1 and moved for its approval, with the requirement that any work being done using TIF funds be bid out; Member Sievers seconded.

#### CDA RESOLUTION NO. 2013-1

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN FOR THE ANGEL ACRES RESIDENTIAL DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent and Member Ley who voted Nay, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for Lot 4 of Benschoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska (Angel Village).

Louis and Mandy Benschoter were present to answer questions. This is their senior village project that will be built on Lot 4, which is southwest of the Cobblestone Hotel.

Member Chamberlain introduced CDA Resolution 2013-2 and moved for its approval, with the requirement that any work being done using TIF funds be bid out; Member Van Delden seconded.

#### CDA RESOLUTION NO. 2013-2

A RESOLUTION RECOMMENDING APPROVAL OF A REDEVELOPMENT CONTRACT AND PLAN FOR THE ANGEL VILLAGE RESIDENTIAL DEVELOPMENT PROJECT IN THE CITY OF WAYNE, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Chair Haase stated the following CDA Resolution would recommend approval of Redevelopment Plan Amendment for Lots 3 and 25 of Benscoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska.

Nancy Braden, Finance Director, advised the CDA that the Redevelopment Contract will only relate to Lot 3. Lot 25 needs to be removed. This action is just amending the existing Redevelopment Plan. In regard to allocating a percentage to the pool, Ms. Braden thought that language would have to be in the Redevelopment Plan, but that question should be deferred to Attorney Mike Bacon.

Member Van Delden introduced CDA Resolution 2013-3 and moved for its approval, with the proviso that it relate only to Lot 3; Member Giese seconded.

#### CDA RESOLUTION NO. 2013-3

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

Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

Member Van Delden made a motion and Member Giese seconded to adjourn as the Community Development Agency and reconvene as Council. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Member Alexander who was absent, the Chair declared the motion carried.

The Mayor 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 amendment 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”) — Boyle’s First Addition, Lot 2, Boyle’s Second Addition, Lots 1, 2, 3, 4, and Lot 1, Admin Subdivision of Boyle’s Outlot to the City of Wayne, Wayne County, Nebraska. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on February 21, and 28, 2013, and that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

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

Councilmember Giese then introduced Resolution No. 2013-14 and moved for its passage and approval, with the requirement that any work being done using TIF funds be bid out.

RESOLUTION NO. 2013-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS.

Councilmember Haase seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Giese, Van Delden, Haase, Muir, Sievers, and Brodersen. The following Councilmembers were absent or did not vote: Alexander (absent) and Ley (nay).

The passage of Resolution No. 2013-14 having been agreed upon by a majority of the Council, the Mayor declared Resolution No. 2013-14 passed and, in the presence of the Council, signed and approved Resolution No. 2013-14. The Clerk attested to the passage of Resolution No. 2013-14 by signing the same and affixing the seal of the City to Resolution No. 2013-14.

The Mayor 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 amendment 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”) — Lot 4 of Benscoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on February 21, and 28, 2013, and that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-

2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

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

Councilmember Muir then introduced Resolution No. 2013-15 and moved for its passage and approval, with the requirement that any work being done using TIF funds be bid out.

#### RESOLUTION NO. 2013-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS.

Councilmember Giese seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Giese, Van Delden, Haase, Muir, Ley, Sievers and Brodersen. The following Councilmembers were absent or did not vote: Alexander (absent).

The Mayor 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 amendment 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”) — Lots 3 and 25 of Benscoter Addition Planned Unit Development Replat 1 of the City of Wayne, Wayne County, Nebraska. The Clerk reported that notice of the public hearing had been published in the Wayne Herald on February 21, and 28,

2013, and that notice of the public hearing had been mailed by United States Certified Mail, return receipt requested, sufficient postage affixed, to all parties required by Section 18-2115 of the Act. The Mayor opened the public hearing and invited all interested persons to be heard.

The following appeared in person or by agent or attorney and were heard: None.

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

Councilmember Van Delden then introduced Resolution No. 2013-16 and moved for its passage and approval, with the proviso that it pertain only to Lot 3.

#### RESOLUTION NO. 2013-16

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA APPROVING A REDEVELOPMENT PLAN AMENDMENT; AND RELATED MATTERS.

Councilmember Muir seconded the motion. On roll call vote, the following Councilmembers voted in favor of the motion: Giese, Van Delden, Haase, Muir, Ley, Sievers and Brodersen. The following Councilmembers were absent or did not vote: Alexander (absent).

Councilmember Brodersen introduced Ordinance 2013-9 and moved for approval of the third and final reading thereof; Councilmember Van Delden seconded.

#### ORDINANCE NO. 2013-9

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE ST. PATRICK'S DAY ACTIVITIES.

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

Councilmember Van Delden introduced Ordinance 2013-10 and moved for approval of the third and final reading thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-10

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE HIGH SCHOOL ALUMNI ACTIVITIES.

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

Councilmember Ley introduced Ordinance 2013-14 and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 6 ALCOHOLIC BEVERAGES, SECTION 6-18 HOURS OF SALE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Giese made a motion and Councilmember Van Delden seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Brodersen made a motion and Councilmember Van Delden seconded to move for final approval of Ordinance No. 2013-14. Mayor Chamberlain

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

No action was taken on Agenda Item No. 21 – Ordinance 2013-20 extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Friday, April 5<sup>th</sup>, and Saturday, April 6<sup>th</sup>, for the Wayne Rugby Tournaments.

Councilmember Sievers introduced Ordinance 2013-15 and moved for approval of the second reading thereof; Councilmember Ley seconded.

#### ORDINANCE NO. 2013-15

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-32 SPECIFIC ENUMERATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Sievers made a motion and Councilmember Ley seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Ley seconded to move for final approval of Ordinance No. 2013-15. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance 2013-16 and moved for approval of the second reading thereof; Councilmember Van Delden seconded.

ORDINANCE NO. 2013-16

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-39 NUISANCE; DUTY OF OWNER OR OCCUPANT; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Discussion took place regarding the fines, amounts, caps, etc.

BJ Woehler suggested that the first step in this process might be for Councilmembers to contact or reach out to those property owners to mow their lawns, etc.

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

Councilmember Giese introduced Ordinance 2013-17 and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2013-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 34 ENVIRONMENT, ARTICLE II NUISANCES, SECTION 34-40 ABATEMENT OF NUISANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Administrator Johnson stated that four bids were received on the 10<sup>th</sup> Street, Main to Windom Improvement Project. The engineer, Eisenbraun & Associates, reviewed the same and is recommending awarding the contract to the low bidder, Steve Harris Construction, in the amount of \$504,776.06. The engineer's estimate was \$552,000.

Councilmember Haase introduced Resolution No. 2013-17 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2013-17

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "10<sup>TH</sup> STREET, MAIN TO WINDOM IMPROVEMENT PROJECT."

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

The following Resolution would approve an agreement with Lamar Companies concerning the billboard that is located on Highway 35. If the billboard is not removed, the City will not be able to build Milo Drive. The amount that will be paid to Lamar is \$7,500. That \$7,500 will then be included as a cost to the improvement district and will get assessed back to the property.

Councilmember Giese introduced Resolution No. 2013-18 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2013-18

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF WAYNE AND THE LAMAR COMPANIES REGARDING THE TERMINATION OF A LEASE FOR AN ADVERTISING STRUCTURE LOCATED IN THE WESTERN RIDGE THIRD ADDITION.

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

The following Resolution would approve an agreement with Olsson Associates for professional services regarding the “Milo Drive Paving & Utility Improvements Project” for a sum not to exceed \$37,950. This amount will also get assessed back to the property.

Councilmember Brodersen introduced Resolution No. 2013-19 and moved for its approval; Councilmember Muir seconded.

#### RESOLUTION NO. 2013-19

A RESOLUTION APPROVING LETTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF WAYNE AND OLSSON ASSOCIATES FOR THE “MILO DRIVE PAVING & UTILITY IMPROVEMENTS PROJECT.”

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

The following Ordinance will create Street Improvement District No. 2013-1 (Milo Drive). Milo Drive will go north approximately two blocks.

Councilmember Haase introduced Ordinance 2013-21 and moved for approval thereof; Councilmember Brodersen seconded.

ORDINANCE NO. 2013-21

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2013-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Councilmember Sievers made a motion and Councilmember Van Delden seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion and Councilmember Van Delden seconded to move for final approval of Ordinance No. 2013-21. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who was absent, the Mayor declared the motion carried and the meeting adjourned at 7:08 p.m.