

**AGENDA
CITY COUNCIL MEETING
September 18, 2012**

1. [Approval of Minutes – September 4, 2012](#)

2. [Approval of Claims](#)

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the City Council Chambers.

Anyone desiring to speak on an agenda item is invited to do so, and should limit themselves to three minutes. After being recognized by the Chair, proceed to the rostrum and state your name and address for the record.

The City Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

3. [Presentation of Photo Restoration Project — Wayne State College Students](#)

Background: WSC Professor Matthew Hepworth teaches ART 204. He and Joshua Piersanti and art students have worked with some historic Wayne photos provided by the Wayne Herald to restore them into a permanent display format and are giving them to the City of Wayne. They will be at the Council meeting to show some of the original and restored photos and describe the process they used.

4. [Resolution 2012-72: Accepting and Authorizing the Execution of an Agreement for Services with Northeast Nebraska Economic Development District to Conduct a Blight Study — Middle East Wayne](#)

Background: A map of the proposed area is attached. The area includes both R-3 and B-3 zoning. The neighborhood looks good and is seeing both private and city clean-up and reinvestment in properties. The cost to clear properties is often an impediment to reinvestment. Approval of the study, after public hearings by the Planning Commission and City Council, will make Tax Increment Financing incentives available to developers on a case-by-case basis. This \$2,600 contract will document the eligibility for TIF according to Nebraska Statutes.

Recommendation: The recommendation of Nancy Braden, Finance Director, and Lowell Johnson, City Administrator, is to retain Northeast Nebraska Economic Development District to complete the study.

5. [Resolution 2012-73: Accepting Bid and Awarding Contract on the “2012 Lagoon Sludge Removal and Application Project”](#)

Background: This sludge removal is required by the EPA. Two bids for this \$175,000 project were received. The bid tab is attached, and the apparent low bidder is DRT Biosolids who will remove 1,944 tons of sludge for \$175,000. This is the same company that removed the sludge last year.

6. Action on Change Order No. 6 for the 2009-2010 Wastewater Treatment Facility Improvements Project — Net Decrease of \$3
7. Action on Pay Application for Payment No. 17 in the Amount of \$59, _____ to Eriksen Construction Co. for the 2009-2010 Wastewater Treatment Facility Improvements, Phase I Project
8. Action on Request to Close off 10th Street from Providence Road to Hillside Avenue on Saturday, October 6th, from 6:30 a.m. until 5:00 p.m. for an Electric Vehicle Car Rally — Greg VanderWeil

Background: This race of hand built electric cars is a semi annual event, and the City of Wayne is a co-sponsor, along with NPPD and Omaha Public Power District.

9. Ordinance 2012-28: Amending Wayne Municipal Code Chapter 2, Article II, Council, Division 1. Generally by Adding Section 2-51 Code of Decorum (Third and Final Reading)
10. Ordinance 2012-53: Directing the Sale of Lot 4 and 8' of the Vacated Alley, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska, to Kelby R. Herman (Second Reading)
11. Ordinance 2012-54: Directing the Sale of the East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town of the City of Wayne, Wayne County, Nebraska to Kelby R. Herman (Second Reading)
12. Action to Approve Replacement of Carpet in the Community Activity Center Fitness Room with Padded Flooring — Alex Koch, Recreation Services Director

Background: The carpet in the CAC fitness room was permanently stained during its use as the youth center. Heavy usage and foot traffic around the fitness equipment is showing. Alex has been asked to find replacement options for the carpet. The attached proposal uses standard heavy duty rubber fitness room floor covering. It will outlast carpet, provide a better level of safety, and be much easier to clean.

Recommendation: The recommendation of Alex Koch, Recreation Services Director, and Lowell Johnson, City Administrator, is to replace the floor covering with the proposed material using CAC construction funds and to have it done before the 10-year anniversary open house planned in November.

13. Action to Amend the Incentive Loan Program of \$160,000 set aside from Sales Tax Funds to a \$5,000, 0% interest, 3-year loan, per Market Rate Apartment Unit or Single-Family Market Rate Home

Background: In response to housing studies and Wayne Industries and Wayne City Council strategic planning retreat goals, the Wayne LB840 Citizens Advisory group and the Council approved \$160,000 in sales tax funds to provide \$20,000 short-term construction loans at 0% interest to developers for each new market rate home built

in Wayne. Four loans have been authorized to two developers to date, and only two will be used. We have not received any more inquiries.

Recommendation: Developing incentives that interest builders is a work in progress. I'd like to try amending the \$160,000 incentive to convert \$80,000 to 3 year construction loans of \$5,000 per market rate single-family home or per apartment unit in multi-unit apartment buildings at 0% interest. This requires Council approval.

14. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

September 4, 2012

The Wayne City Council met in regular session at City Hall on Tuesday, September 4, 2012, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Jim Van Delden, Jon Haase, Dale Alexander, Kaki Ley, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Brian Frevert, Doug Sturm, and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 23, 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 Haase made a motion, which was seconded by Councilmember Van Delden, whereas, the Clerk has prepared copies of the Minutes of the meeting of August 21, 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: ADVANCED CONSULTING, SE, 1900.00; AMERICAN BROADBAND, SE, 2205.55; AMERITAS, SE, 1893.32; APPEARA, SE, 164.16; ARCADIAN MARKSMANSHIP, FE, 100.00; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, SE, 120.00; BLACK HILLS ENERGY, SE, 276.10; CITY EMPLOYEE, RE, 257.00; BOMGAARS, SU, 1232.97; CITY EMPLOYEE, RE, 3710.91; BROWN SUPPLY, SU, 556.20; BSN SPORTS, SU, 582.12; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, RE, 105.00; CITY OF WAYNE, PY, 68068.70; CITY OF WAYNE, RE, 161.08; COMMUNITY HEALTH, RE, 3.00; DIXON CO CLERK'S OFFICE, FE, 5.50; CITY EMPLOYEE, RE, 9.89; ECHO GROUP, SU, 172.68; ECOLAB, SU, 223.52; EGAN SUPPLY, SE, 6550.49; ERMA

BARKER, SE, 45.00; FASTENAL, SU, 55.36; FIRST CONCORD GROUP, SE, 3102.18; FLOOR MAINTENANCE, SU, 151.06; FREDRICKSON OIL, SU, 841.79; GROSSENBURG IMPLEMENT, SU, 923.82; CITY EMPLOYEE, RE, 80.27; CITY EMPLOYEE, RE, 394.72; HD SUPPLY WATERWORKS, SU, 4492.94; CITY EMPLOYEE, RE, 14.78; ICMA, SE, 5296.11; IRS, TX, 26261.44; JACK'S UNIFORMS, SU, 638.75; JEO CONSULTING GROUP, SE, 1708.00; JIM MITCHELL, RE, 50.00; CITY EMPLOYEE, RE, 461.30; JORGENSEN LAW OFFICE, SE, 1637.50; L.G. EVERIST, SU, 519.72; LAW ENFORCEMENT SERVICES, SE, 270.00; LOIS HALL, RE, 464.67; CITY EMPLOYEE, RE, 54.06; MATT EISCHEID, RE, 200.00; MCGUIRE & NORBY, SE, 5314.60; MERCY MEDICAL CLINIC, SE, 58.00; MICHAEL TODD & CO, SU, 446.25; MIKE TOWNE, SE, 1100.00; MOONLIGHT TOWING, SE, 111.83; CITY EMPLOYEE, RE, 5.72; NE DEPT OF REVENUE, TX, 3181.49; NE DEPT OF ROADS, SE, 4557.74; NE SAFETY COUNCIL, SE, 11.41; N.E.NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 5122.00; PIEPER & MILLER, SE, 6298.00; POSTMASTER, SU, 543.93; PUSH-PEDAL-PULL, SE, 749.70; QUILL, SU, 339.33; SOLBERG MANUFACTURING, SE, 1085.81; STADIUM SPORTING GOODS, SU, 191.50; STANLEY STEAMER, SE, 375.00; CITY EMPLOYEE, RE, 150.00; TYLER TECHNOLOGIES, SE, 14870.91; UNITED WAY, RE, 10.00; US BANK, SU, 3830.93; VERIZON, SE, 102.07; VIAERO, SE, 169.34; WAYNE AUTO PARTS, SU, 215.64; WAYNE COMMUNITY HOUSING, SE, 805.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE GREENHOUSE, RE, 108.00; WESCO, SU, 649.65; BROWN SUPPLY, SU, 615.29; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 151.90; CITY OF WAYNE, RE, 717.02; CONSOLIDATED MANAGEMENT, SE, 69.75; DE LAGE LANDEN FINANCIAL, SE, 77.00; CITY EMPLOYEE, RE, 104.46; ELLIS PLUMBING & HEATING, SE, 1528.52; FLOOR MAINTENANCE, SU, 39.90; GILL HAULING, SE, 155.00; HAWKINS, SU, 3018.93; HEIKES AUTOMOTIVE, SE, 742.50; HELENA CHEMICAL, SU, 234.00; JUDITH A. JANSSEN, SE, 605.65; KAY CONTRACTING, SE, 90.00; L.G. EVERIST, SU, 178.37; NE LAW ENFORCEMENT, FE, 80.00; NE NEB INS AGENCY, SE, 50.00; OLSSON ASSOCIATES, SE, 2707.42; PAC N SAVE, SU, 27.23; PLUNKETT'S PEST CONTROL, SE, 188.86; SIOUXLAND TURF PRODUCTS, SU, 847.00; STADIUM SPORTING GOODS, SU, 1704.00; STATE NATIONAL BANK, RE, 429.56; WASTE CONNECTIONS, SE, 58.00

Councilmember Ley made a motion and Councilmember Brodersen 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.

The following Resolution would approve the plans, specifications and estimate of cost for the "2012 Sludge Removal and Application Project". The project will be the same as last year, with the exception that the bid advertisement will be for contractors to remove \$175,000.00 worth of sludge from the lagoon. The sludge will likely be pumped directly from the lagoon to a truck that is in a field that will knife the sludge directly into the ground. Bids are to be received on September 13th at 2:00 p.m. JEO is the engineer on the project, and their engineering fees are \$27,500 (approved last May). The plan is to take out enough sludge this time to abandon the lagoon. The lagoon can be abandoned with an average of 6" of sludge left on the bottom.

Councilmember Alexander introduced Resolution No. 2012-63 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-63

A RESOLUTION APPROVING, RATIFYING AND CONFIRMING THE HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE 2012 SLUDGE REMOVAL PROJECT.

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

Councilmember Sturm arrived at 5:35 p.m.

Mayor Chamberlain stated the time was at hand for the public hearing regarding an application for a Retail Class D Liquor License for Shopko Stores Operating Co., LLC d/b/a "Shopko Hometown 670."

Dan Wibben, representing Shopko, was 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 Alexander introduced Resolution No. 2012-64 and moved for its approval; Councilmember Sturm seconded.

RESOLUTION NO. 2012-64

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS D LIQUOR LICENSE — SHOPKO STORES OPERATING CO., LLC, D/B/A “SHOPKO HOMETOWN 670”.

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 90-90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses.

Joel Hansen, Zoning Administrator, advised the Council that since they tabled amendments to the zoning code in regard to industrial uses until January, 2013, he would recommend that this item also be tabled since it pertains to concrete crushing in the I-1 District.

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 Ley made a motion, which was seconded by Councilmember Brodersen, to table action on Ordinance No. 2012-41 Amending the Wayne Municipal Code, Section 90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses, until the second Council meeting in January, 2013. 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 90-203(1) Permitted Accessory Uses and Structures in the R-1 Residential Zoning District.

Joel Hansen, Zoning Administrator, stated the following public hearings pertain to the size restriction on accessory structures in residential districts. Originally, the Council placed a limit of 1,064 square feet. It became apparent that we have some very large residential lots where larger buildings would be more acceptable, such as in Muhs Acres or other areas around the outskirts of Wayne. In 2010, the code was amended to create a cap of 7% of the lot area up to 3,000 square feet and create a use by exception that would allow up to 4,000 sq. ft. The proposed changes would remove the 3,000 sq. ft. cap and the use by exception, leaving 7% of the lot area or 1,064 sq. ft, whichever is greater, as the maximum size of all accessory structures. This means even on smaller lots, they can still build up to the 1,064 sq. ft, and on larger lots, they can exceed that up to 7% of the lot area. This topic was brought forward regarding Private Recreation Building that was proposed by Kelby Herman.

Councilmember Frevert arrived at 5:44 p.m.

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 Sturm introduced Ordinance 2012-42, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2012-42

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-203(1) PERMITTED ACCESSORY USES AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Further discussion took place on the matter. Consensus was to keep the language as is which would allow more local control over what is being built.

Mayor Chamberlain stated the motion, and the result of roll call being three Yeas (Van Delden, Haase and Brodersen), and four Nays (Frevert, Alexander, Sturm, and Ley), the Mayor declared the motion failed.

The following Ordinance would amend Wayne Municipal Code Section 2-50 Restriction on other Employment or Elective Office as follows:

- a. The mayor and members of the council shall hold no other elective or appointive office or employment with the city, except that if a current member of council obtains employment with the city, he/she may be authorized to complete his/her current term of service upon a majority vote of all other elected council members.**

This would give the Council the authority to decide whether or not a Councilmember can complete their term if they become an employee of the City. Each situation would be decided on a case-by-case basis.

Councilmember Alexander introduced Ordinance 2012-41, and moved for its approval; Councilmember Brodersen seconded.

ORDINANCE NO. 2012-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 2, ARTICLE II. COUNCIL BY AMENDING SECTION 2-50 RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE; 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 Sturm who abstained, the Mayor declared the motion carried.

Councilmember Alexander made a motion and Councilmember Frevert 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 Sturm who abstained, the Mayor declared the motion carried.

Councilmember Alexander made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-41. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who abstained, the Mayor declared the motion carried.

Councilmember Frevert made a motion, which was seconded by Councilmember Van Delden to allow Councilmember Sturm to finish his current term which ends December 4, 2012. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sturm who abstained and Councilmember Haase who voted Nay, the Mayor declared the motion carried.

In regard to the agenda item to accept the resignation of Councilmember Sturm (First Ward), the same died for lack of a motion.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-205(12) Exceptions in the R-1 Residential Zoning District.

Joel Hansen, Zoning Administrator, stated since the Council did not pass the previous Ordinance, his recommendation was to not amend this section of the code as recommended by the Planning Commission. Mr. Hansen also advised the Council that in Nebraska, if someone requests a use by exception, the same cannot be denied. Conditions could be placed on the use, but it cannot be denied. Adjoining neighbors can come and voice their opinion at a meeting, but it does not give the Council the authority to reject that permit.

If the Council would approve this ordinance, it would take away the ability to apply for a use by exception permit.

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 Sturm introduced Ordinance 2012-43, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-43

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-205(12) EXCEPTIONS; 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 Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-233(1) Permitted Accessory Uses and Structures in the R-2 Residential Zoning District.

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 Ley introduced Ordinance 2012-44, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-44

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-233(1) PERMITTED ACCESSORY USES AND STRUCTURES; 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 Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-235(8) Exceptions in the R-2 Residential Zoning District.

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 Sturm introduced Ordinance 2012-45, and moved for its approval; Councilmember Frevert seconded.

ORDINANCE NO. 2012-45

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-235(8) EXCEPTIONS; 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 Nays, with the exception of Councilmember Van Delden who voted Yea, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-263(1) Permitted Accessory Uses and Structures in the R-3 Residential Zoning District.

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 Frevert introduced Ordinance 2012-46, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-46

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-263(1) PERMITTED ACCESSORY USES AND STRUCTURES; 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 Nays, with the exception of Councilmember Alexander who voted Yea, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-265(10) Exceptions in the R-3 Residential Zoning District.

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 Frevert introduced Ordinance 2012-47, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-47

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-265(10) EXCEPTIONS; 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 Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-293(2) Permitted Accessory Uses and Structures in the R-4 Residential Zoning District.

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 Sturm introduced Ordinance 2012-48, and moved for its approval; Councilmember Ley seconded.

ORDINANCE NO. 2012-48

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-293(2) PERMITTED ACCESSORY USES AND STRUCTURES; 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 Nays, the Mayor declared the motion failed.

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(b)(2) Permitted Conditional Uses in the R-4 Residential Zoning District.

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 Frevert introduced Ordinance 2012-49, and moved for its approval; Councilmember Haase seconded.

ORDINANCE NO. 2012-49

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV. RESIDENTIAL DISTRICTS BY AMENDING SECTION 90-294(b)(2) 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 Nays, the Mayor declared the motion failed.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-315(7) Special Exception Uses in the R-5 Residential Zoning District.

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.

Ordinance 2012-50 died for lack of a motion.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-703(e) Accessory Uses.

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.

Ordinance 2012-51 died for lack of a motion.

Mayor Chamberlain declared the time was at hand for the public hearing on the proposed FY2012-2013 budget.

The total of the FY2012-2013 budget is \$28,195,917. The property tax proposal for the General Fund operation is \$651,961, which compares to the 2011 tax asking of \$651,961. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$744,210.48 or \$.411612 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2012 is \$180,803,972, which is up \$1,148,416 from last year.

It was noted that a request has been received from Grossenburg Implement to extend sewer service to their location on E. Highway 35. The intent is also to connect the airport to the city sewer system if they cannot hook into the septic system. The costs for

these projects can either come out of reserves, or Council can make a motion to include monies for these two projects in this budget.

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

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

Councilmember Ley introduced Ordinance 2012-52, and moved for its approval; Councilmember Sturm seconded.

ORDINANCE NO. 2012-52

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

Councilmember Sturm 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, the Mayor declared the motion carried.

Councilmember Ley made a motion and Councilmember Sturm seconded to move for final approval of Ordinance No. 2012-52. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not

spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

Councilmember Sturm made a motion, which was seconded by Councilmember Ley, approving the allowable 1% increase in base limitation of the restricted funds budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Resolution 2012-65, and moved for its approval with the amendment that the sewer extension projects for the Airport and Grossenburg Implement be included in the 2012-2013 budget; Councilmember Ley seconded

RESOLUTION NO. 2012-65

A RESOLUTION TO ADOPT THE 2012-2013 BUDGET FOR THE CITY OF WAYNE.

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 regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.452963 per hundred dollars of property value is included. The levy equates to a tax request of \$818,975.52. Last year's tax levy was \$.409312 per hundred dollars of valuation; this year it is \$.411612, excluding the airport.

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

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

The following Resolution would approve the final property tax request of \$744,210.48. This Resolution does not include the airport levy.

Councilmember Sturm introduced Resolution 2012-66, and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2012-66

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY2012-2013.

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

Finance Director, Nancy Braden, distributed and reviewed a spreadsheet showing the projects and potential projects funded by the city sales tax.

Councilmember Ley made a motion, which was seconded by Councilmember Sturm, approving the capital project's city sales tax budget. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Ordinance 2012-28 which would adopt a "Code of Decorum" was brought forward for the second reading.

Lou Bencoter, representing Bencoter Development, spoke in favor of Council approving this ordinance.

Councilmember Sturm introduced Ordinance No. 2012-28 and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2012-36

AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 2, ARTICLE II. COUNCIL, DIVISION 1. GENERALLY, BY ADDING SECTION 2-51 CODE OF DECORUM; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Ley suggested the following changes:

- Having an attendance requirement for the Mayor as well as the Councilmembers.
- Changing the wording in Paragraph 9 - Councilmembers to read: Councilmembers should use best efforts to attend all regular meetings. It is expected that in a calendar year, Councilmembers shall not be absent more than (1) 8 regular meetings (one-third of the meetings), or (2) 5 consecutive meetings.
- Delete the wording “based upon authority and recognized standards” in no. 21 of Mayor.

Councilmember Sturm opined he wanted to leave the statutory language regarding 5 absences in the ordinance.

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

Councilmember Sturm introduced Ordinance No. 2012-36 and moved for approval of the second reading thereof as amended; Councilmember Frevert seconded.

ORDINANCE NO. 2012-36

AN ORDINANCE EXTENDING THE HOURS OF SALE OF ALCOHOLIC LIQUOR FOR THE WAYNE STATE COLLEGE HOMECOMING ACTIVITIES (September 27th, 28th, and 29th).

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 and Councilmember Frevert 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, the Mayor declared the motion carried.

Councilmember Sturm made a motion and Councilmember Frevert seconded to move for final approval of Ordinance No. 2012-36. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm left the meeting at 6:52 p.m.

Administrator Johnson stated the following Resolutions and Ordinances pertain to the sale of two city owned vacant lots to Kelby Herman.

Councilmember Ley introduced Resolution No. 2012-67 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2012-67

A RESOLUTION AUTHORIZING THE SALE OF LOT 4, AND 8' OF THE VACATED ALLEY, BLOCK 7, NORTH ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Councilmember Alexander introduced Ordinance 2012-53, and moved for approval thereof; Councilmember Haase seconded.

ORDINANCE NO. 2012-53

AN ORDINANCE DIRECTING THE SALE OF LOT 4, AND 8' OF THE VACATED ALLEY, BLOCK 7, NORTH ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

Administrator Johnson stated Mr. Herman had proposed a \$5,000 per apartment unit, zero percent interest, 2-year loan which was not brought before you at the last meeting. This was included in Mr. Herman's proposal that was brought to him. This is a substitute or an addition to the \$20,000 construction loan that the City has approved and

limited to two per contractor. This proposal is an alternative that could be used for both single-family homes and apartments. This might be of real value for those contractors that are on the fence about building apartments. This matter will be placed on the next agenda for Council consideration.

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.

Councilmember Frevert introduced Resolution No. 2012-68 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-68

A RESOLUTION AUTHORIZING THE SALE OF THE EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Councilmember Alexander introduced Ordinance 2012-54, and moved for approval thereof; Councilmember Frevert seconded.

ORDINANCE NO. 2012-54

AN ORDINANCE DIRECTING THE SALE OF THE EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

The following Resolutions pertain to the emergency civil defense siren grant. Because we failed to meet the deadline, we need to rescind the previous resolution that

authorized staff to make application for the grant, and then pass a new resolution authorizing staff to make application for the grant.

Councilmember Alexander introduced Resolution No. 2012-69 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2012-69

A RESOLUTION RESCINDING COUNCIL ACTION ON RESOLUTION 2012-33 REGARDING THE APPLICATION FOR ASSISTANCE FROM THE NEBRASKA EMERGENCY MANAGEMENT AGENCY – HAZARD MITIGATION GRANT PROGRAM FOR THE PURPOSE OF PURCHASING AND REPLACING THE EMERGENCY CIVIL DEFENSE SIRENS.

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

Councilmember Alexander introduced Resolution No. 2012-70 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-70

A RESOLUTION TO APPLY FOR ASSISTANCE FROM THE NEBRASKA EMERGENCY MANAGEMENT AGENCY – HAZARD MITIGATION GRANT PROGRAM FOR THE PURPOSE OF PURCHASING AND REPLACING THE EMERGENCY CIVIL DEFENSE SIRENS.

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

The following Resolution would restore two-way traffic to 4th Street between Sherman and School View Drive and to School View Drive between 4th Street and 5th Street.

Councilmember Alexander introduced Resolution No. 2012-71 and moved for its approval; Councilmember Brodersen seconded.

RESOLUTION NO. 2012-71

A RESOLUTION AMENDING ONE-WAY AND TWO-WAY TRAFFIC IN
THE CITY OF WAYNE, NEBRASKA

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

Administrator Johnson presented the job description for the Leisure Services Coordinator position. It was noted that it should state that it is a part-time position.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, approving the Leisure Services Coordinator job description, as amended. 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, authorizing the City Administrator to temporarily pay out Police Dispatcher vacation leave in the amount over the accrual limit at current wage rates. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Alexander made a motion, which was seconded by Councilmember Brodersen, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:15 p.m.

CLAIMS LISTING SEPTEMBER 18, 2012

AMERICAN LIBRARY ASSOC	MEMBERSHIP DUES	185.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,990.25
APPEARA	LINEN AND MAT SERVICE	216.25
ARNIE'S FORD-MERCURY INC	WIRE ASSEMBLY	188.32
AVENTURE	DIRECT HIRES	3,000.00
BAKER & TAYLOR BOOKS	BOOKS	989.56
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	120.00
BARONE SECURITY SYSTEMS	AUDITORIUM ANNUAL FIRE INSPECT	266.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	219.94
CARHART LUMBER COMPANY	CABLE/COVERS/SALT/AERATOR PAINT ETC	496.03
CARROLL DISTRIBUTING	SAW CART	818.84
CHARTWELLS	SENIOR CITIZEN MEALS	6,180.25
CHEMQUEST, INC.	COOLING TOWER CHEMICAL TREATMENT	4,565.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	250.00
CITY OF WAYNE	PAYROLL	59,640.46
CLAYTON ERWIN	COOLING INCENTIVE	30.00
COMMUNITY HEALTH	HEALTH CHARITIES	3.00
COPY WRITE PUBLISHING	OFFICE SUPPLIES/SHIPPING CHARGES	165.83
CITY EMPLOYEE	HEALTH REIMBURSEMENT	8.78
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	144.00
DEMCO INC	HEADPHONES/BROWSER PAK/BRUSH	111.54
DOESCHER APPLIANCE	ICEMAKER REPAIR	89.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	41.54
DUTTON-LAINSON COMPANY	LIGHT BULBS/SEALS	1,656.35
EASYPERMIT POSTAGE	POSTAGE	1,691.59
ECHO GROUP INC JESCO	STARTER/TWIRL NUT	116.87
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	42.74
ELECTRIC FIXTURE & SUPPLY	OIL HEATER/THERMAL UNITS/STRAP	2,124.91
ELLIS PLUMBING & HEATING	RICE- IRON ELBOW/UNION	238.47
FLOOR MAINTENANCE	BOWL CLEANER/DETERGENT	142.85
FORT DEARBORN LIFE	LIFE/DISABILITY INSURANCE	1,513.16
GAYLORD BROS	JACKET COVERS	143.62
GERHOLD CONCRETE CO INC.	CONCRETE	352.08
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	62.08
CITY EMPLOYEE	CLOTHING/HEALTH REIMBURSEMENTS	117.14
HARDING & SHULTZ P.C.	ATTORNEY FEES	36,017.31
HIRERIGHT SOLUTIONS INC	COLLECTION FEE	40.00
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,318.37
INGRAM BOOK COMPANY	BOOKS	699.66
IRS	FEDERAL WITHHOLDING	19,423.55
JASON CAROLLO	MOWING-LIB/SR CENTER/CH	140.00
JEO CONSULTING GROUP	SLUDGE REMOVAL	4,132.50
JOHN'S WELDING AND TOOL	BARBELL/SQUARE BAR REPAIR	47.40
JOYCE REEG	ENERGY INCENTIVE	500.00

KELLY SUPPLY COMPANY	AIR REGULATORS/PIPE FITTINGS	316.65
KTCH AM/FM RADIO	RADIO ADS	845.00
MAIN STREET AUTO CARE	TOWING FEE	90.00
MERIT MECHANICAL	CAC BOILER REPAIR	4,648.00
MIDSTATES ERECTORS INC	COOLING TOWER IMPROVEMENTS	151,160.00
MIDWEST LABORATORIES, INC	BOD TESTING	376.55
MOONLIGHT TOWING LLC	TOWING	138.45
MULTIMEDIA SALES & MARKET	CAC ADVERTISING	330.00
NE DEPT OF ENVIRONMENTAL	TS OP PERMIT	500.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,110.75
NE MAIN STREET	REGISTRATION	30.00
NE PUBLIC HEALTH	COLIFORM TESTING	882.00
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	12,408.90
OLSSON ASSOCIATES	RICE COMPLIANCE	1,065.11
PAULSON CONSTRUCTION	CONCRETE WORK-COOLING TOWER	2,489.00
PEPSI-COLA	CAC POP	93.10
PRESTO X COMPANY	PEST CONTROL	84.13
QUALIFICATION TARGETS INC	SILHOUETTE TARGET	141.60
RANDOM HOUSE	CD'S	495.73
CITY EMPLOYEE	HEALTH REIMBURSEMENT	292.70
ROBERTSON IMPLEMENT CO	CHAIN SAW	717.08
S & S WILLERS, INC.	AGGREGATE	793.79
SGP SERVICES, INC.	RADIONIC KEYPAD INSTALLATION	459.30
SIOUX CITY JOURNAL	LIBRARY SUBSCRIPTION RENEWAL	194.99
SPARKLING KLEAN	JANITORIAL SERVICES	1,202.86
STADIUM SPORTING GOODS	SHIRTS/JACKET/EMBROIDERY	234.00
STATE NATIONAL BANK	ACH FEE	59.84
STATE NATIONAL BANK	SERIES 2011 INT & PRINCIPAL	78,353.75
CITY EMPLOYEE	HEALTH REIMBURSEMENT	3,424.55
CITY EMPLOYEE	HEALTH REIMBURSEMENT	189.98
VAN DIEST SUPPLY	ABATE PELLETS	2,024.00
WAYNE COUNTY CLERK	FILING FEES	119.00
WAYNE COUNTY COURT	BOND	150.00
WAYNE GROCERY LLC	ICE	6.25
WAYNE HERALD	CAC ADS	1,613.72
WAYNE VETERINARY CLINIC	DOG IMPOUND	14.00
WESCO DISTRIBUTION INC	BOX PAD/CABLE	8,801.96
WEST DES MOINES	ILL REPLACEMENT FEE	14.99
WESTERN AREA POWER ADMIN	ELECTRICITY	32,333.96
ZACH HEATING & COOLING	FIRE HALL-DEFECTIVE SWITCH	120.00
ZACH OIL COMPANY	GASOLINE	5,123.47

RESOLUTION NO. 2012-72

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (NNEDD) TO CONDUCT A BLIGHT STUDY IN THE CITY OF WAYNE.

WHEREAS, the City of Wayne wishes to enter into an agreement for services with NNEDD to conduct a blight study for the purpose of determining eligibility of a defined area as blighted and substandard for the City of Wayne; and

WHEREAS, the City of Wayne agrees to compensate NNEDD a sum of not to exceed \$2,600 to complete the Scope of Work for said blight study.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Wayne, Nebraska, that the City enter into an Agreement for Services with NNEDD to conduct a blight study; that the terms and conditions as contained in the Agreement with NNEDD are hereby approved, and that the Mayor is hereby authorized to execute said Agreement.

PASSED AND APPROVED this 18th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT
AGREEMENT FOR SERVICES**

- A. **Parties.** This Agreement is between City of Wayne and the Northeast Nebraska Economic Development District, (NENEDD).
- B. **Purpose:** The purpose of this Agreement is to conduct a blight study for the purpose of determining eligibility of a defined area as blighted and substandard for the City of Wayne
- C. **Terms and Conditions:**
 - C1. **Scope of Work.** The scope of work is to determine if all or part of the designated Study Area shown in in attachment #1 below has deteriorated and become blighted as defined in Nebraska Statue 18-2103.
 - C2. **Compensation.** The City agrees to compensate NENEDD \$60 per hour plus mileage not to exceed \$2,600 in order to complete the Scope of Work. Reimbursement under this contract shall be based on billings, supported by appropriate documentation of costs actually incurred.
 - C3. **Office space, equipment and supplies.** NENEDD will supply its own office space, equipment and supplies.
 - C4. **Amendments and Termination.** This Agreement may be amended by mutual written agreement of the parties. This Agreement may be terminated with 30 days notice by either of the parties.
- D. **Timeframe.** The initial date of this Agreement shall be September 10, 2012 as directed by the City Administrator, Lowell Johnson. The termination date of this Agreement shall be when the Scope of Services is complete. This Agreement may be extended upon mutual agreement of the parties.
- E. **Independent Contractor.** The parties intend that NENEDD will not be considered an employee of the City but will act as an independent contractor.

The following parties agree to the terms of this Agreement.

CITY OF WAYNE NEBRASKA

BY: _____

TITLE: Mayor _____

DATE: _____

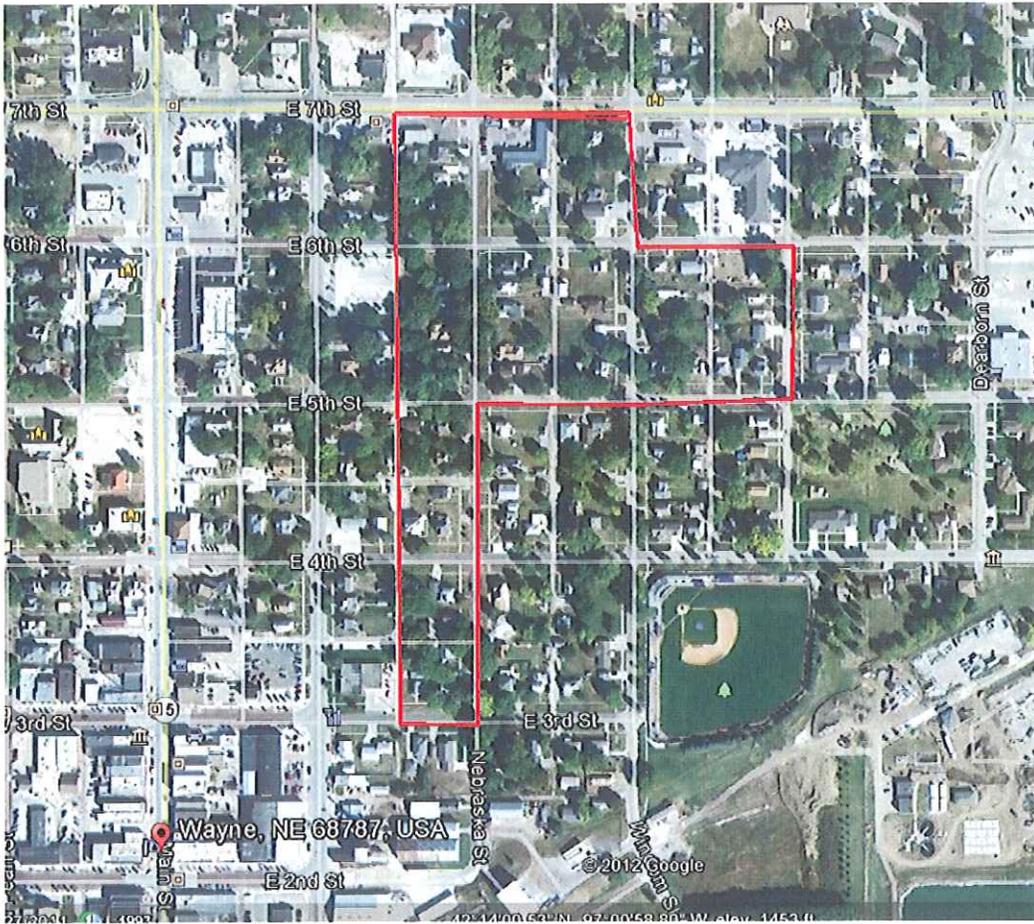
NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT

BY: _____

TITLE: Executive Director _____

DATE: _____

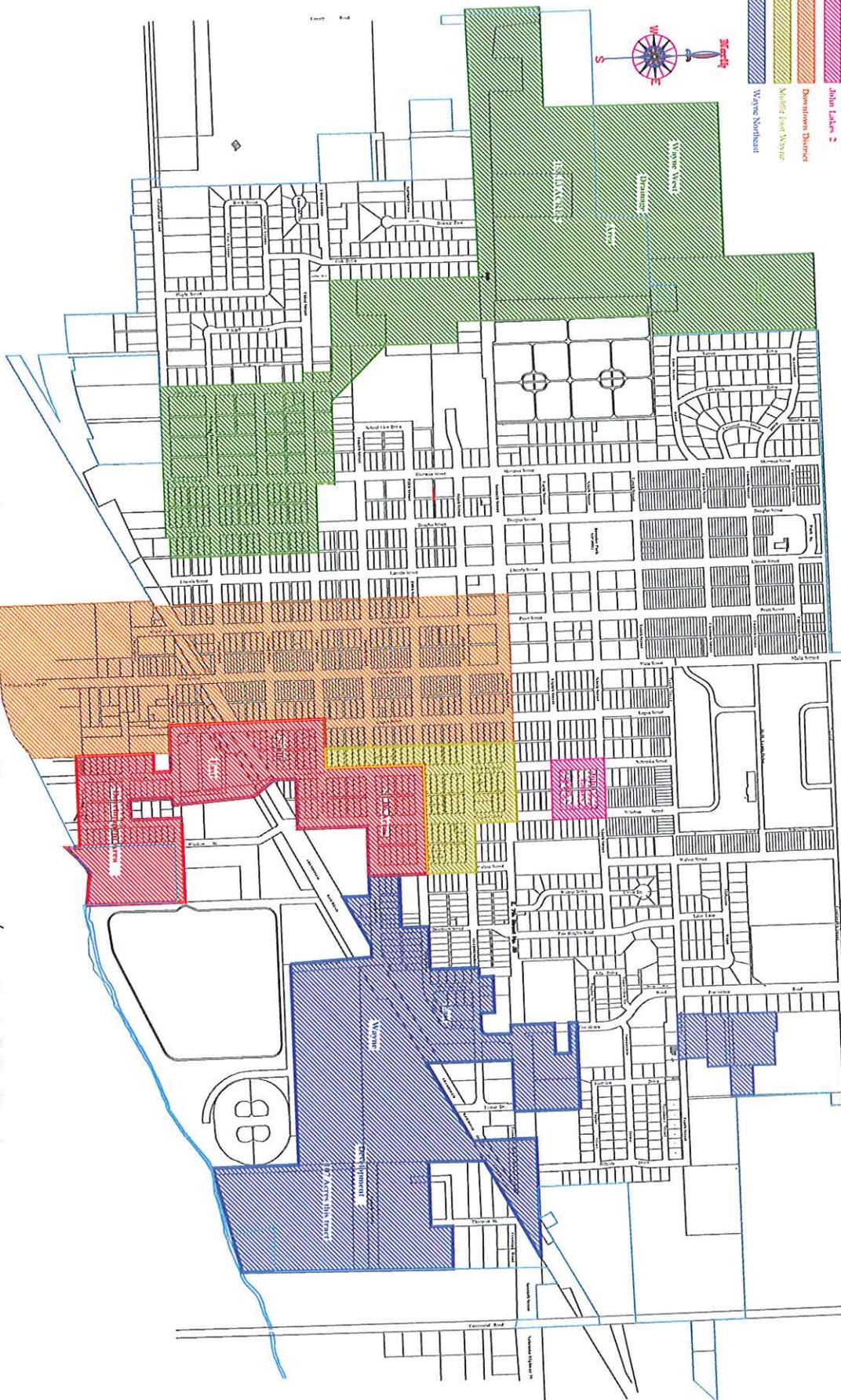
ATTACHMENT #1



Middle East Wayne Redevelopment Area

Re-Development Areas September 1, 2012

-  East Wayne Development Area
-  South East Wayne Development Area
-  Wayne West Drainage Area
-  John Laker 2
-  Downtown District
-  Middle East Wayne
-  Wayne Northeast



Area Interior City Limits = +/- 1,468.8 Acres



September 13, 2012

Mayor Ken Chamberlain and Council
City of Wayne, NE
PO Box 8
Wayne, NE 68787

RE: Wayne, NE
2012 Lagoon Sludge Removal and Application
JEO Project No. 120635

Dear Mr. Chamberlain and Council,

JEO conducted a bid opening for the 2012 Lagoon Sludge Removal and Application project for the City of Wayne on September 13th, 2011. We received, opened, and read aloud two bids for the work. The low bidder for the project is DRT Biosolids from Bloomer, Wisconsin. This is the same contractor that completed the work last year.

The bidding specifications dictated that the total cost of the project be \$175,000.00 and the contractors were bidding for the lowest unit price of dry tons to be removed. DRT Biosolids submitted a bid of \$90.00 per dry ton which is \$6.00 lower than last year. This equates to 1944.4 dry tons being removed. The results of all the bids are included in the Bid Tab attached to this letter.

It is JEO's recommendation to award the contract for the 2012 Lagoon Sludge Removal and Application to DRT Biosolids. Four copies of the Notice of Award (NOA) have been prepared for your signature should you award the project. Upon receipt of the NOA's, JEO will begin preparing and obtaining signatures for the contracts.

Please make award of the project contingent upon NDEQ acceptance of contract documents since this project is being funded by the Clean Water State Revolving Fund that has funded the entire wastewater project.

If you have any questions or comments, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Roger S. Protzman".

Roger S. Protzman
Senior Project Engineer

RSP:rsp
Enclosures

Pc: Garry Poutre, Utility Superintendent

120635LTR091312a-award.doc

JEO CONSULTING GROUP INC

Tab Sheet

PROJECT | 2012 Lagoon Sludge Removal and Application

JEO PROJECT NO. | 120635

LOCATION | Wayne, Nebraska

				DRT Biosolids	
ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	1944.44	DRY TONS	Lagoon Sludge Removal and Application	\$90.00	\$175,000.00

				DRT Biosolids	
ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	1042.53	DRY TONS	Lagoon Sludge Removal and Application	\$167.86	\$175,000.00



Bid Tab

PROJECT | 2012 Lagoon Sludge Removal and Application

JEO PROJECT NO. | 120635

LOCATION | Wayne, Nebraska

LETTING | September 13, 2012 @ 2:00 PM

OPINION OF COST | \$175,000

**** Award Pending**

Bidder	Total Group A - Dry Tons
DRT Biosolids, Inc.	1,944.44
Wulfekuhle Injection & Pumping, Inc.	1,042.53



Bid Tab

PROJECT | 2012 Lagoon Sludge Removal and Application

JEO PROJECT NO. | 120635

LOCATION | Wayne, Nebraska

LETTING | September 13, 2012 @ 2:00 PM

OPINION OF COST | \$175,000

Bidder	Total Group A
Doernemann Construction	
DRT Biosolids, Inc.	1,944 tons
Lagoon Pumping & Dredging, Inc.	
Merrell Bros.	
Nutri-Ject Systems, Inc.	
Ferra Renewals	
Wulfekuhle Injection & Pumping, Inc.	1,042.53 tons

JEO CONSULTING GROUP INC

RESOLUTION NO. 2012-73

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE "2012 LAGOON SLUDGE REMOVAL AND APPLICATION PROJECT."

WHEREAS, two bids were received on September 13, 2012, on the "2012 Lagoon Sludge Removal and Application Project"; and

WHEREAS, the bids have been reviewed by the City's engineer on the project, JEO Consulting Group, Inc.; and

WHEREAS, JEO Consulting Group, Inc., is recommending that the contract be awarded to DRT Biosolids, Inc., in the amount of \$175,000 (\$90.00 per dry ton based upon 1,944 of dry tons of sludge).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the "2012 Lagoon Sludge Removal and Application Project", as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount</u>
DRT Biosolids, Inc. Bloomer, WI	\$175,000.00

BE IT FURTHER RESOLVED, that the bid, as set forth and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor be, and he is hereby instructed and authorized to enter into a contract on behalf of the City of Wayne, Nebraska, with the contractor for the above project, and the City Administrator is authorized to approve and execute change orders in amounts not to exceed five percent of the contract amount.

PASSED AND APPROVED this 18th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

CHANGE ORDER NO. 6

DATE OF ISSUANCE:	<u>September 4, 2012</u>	EFFECTIVE DATE:	_____
OWNER:	<u>City of Wayne, NE</u>		
CONTRACTOR:	<u>Eriksen Construction Co., Inc.</u>		
Project:	<u>2009-2010 Wastewater Treatment Facility Improvements, Phase 1</u>		
JEO Project No.:	<u>617S7</u>		
ENGINEER:	<u>JEO Consulting Group, Inc.</u>		

You are directed to make the following changes in the Contract Documents:

- 1 Corrections for Change Order No. 4
- 2 Contract Adjustment for Retesting Soil Charges
- 3 Contract Adjustment for Leaving Soil for County
- 4 Contract Adjustment for Curb Damage
- 5 Change Support of Compactor

Reason for Change Order:

Attachments: Documentation of costs from Eriksen Construction

CHANGE IN CONTRACT PRICE:	
Original Contract Price	
\$	<u>5,098,770.00</u>
Net Increase (Decrease) from previous Change Orders No.: 1 to 3:	
\$	<u>76,433.58</u>
Contract Price prior to this Change Order:	
\$	<u>5,175,203.58</u>
Net increase (decrease) of this Change Order:	
\$	<u>(3,363.99)</u>
Contract Price with all approved Change Orders:	
\$	<u>5,171,839.59</u>

RECOMMENDED: JEO Consulting Group, Inc.

By: _____
ENGINEER (Authorized Signature)

Date: _____

ACCEPTED: Eriksen Construction Co., Inc.

By: _____
CONTRACTOR(Authorized Signature)

CHANGE IN CONTRACT TIMES:	
Original Contract Times:	
Operational:	<u>Aug. 5th, 2011</u>
Ready for final payment:	<u>120 days from Operation</u> (days or dates)
Net change from previous Change Orders No.: 1 to 4	
Operational:	<u>Sept. 5th, 2011</u>
Ready for final payment:	<u>120 days from Operation</u> (days)
Contract Times prior to this Change Order:	
Operational:	<u>Sept. 5th, 2011</u>
Ready for final payment:	<u>120 days from Operation</u> (days or dates)
Net increase (decrease) this Change Order:	
Operational:	<u>N/A</u>
Ready for final payment:	<u>June 1, 2012</u> (days or dates)
Contract Times with all approved Change Orders:	
Operational:	<u>N/A</u>
Ready for final payment:	<u>June 1, 2012</u> (days or dates)

APPROVED: City of Wayne, Nebraska

By: _____
OWNER (Authorized Signature)

Date: _____

2009-2010 Wastewater Treatment Facility Improvements, Phase 1
Wayne, Nebraska
Project No. 617S7

[Back to Top](#)

August 29, 2012

CHANGE ORDER NO. 6

Owner: City of Wayne, NE

Contractor: Eriksen Construction Co., Inc.

ORIGINAL CONTRACT AMOUNT:			\$ 5,098,770.00
Change Order No. 1	\$	3,810.83	
Change Order No. 2	\$	4,226.63	
Change Order No. 3	\$	55,887.03	
Change Order No. 4	\$	4,528.41	
Change Order No. 5	\$	7,980.68	
Subtotal Change Orders			\$ 76,433.58

ITEM NO.	QTY	UNIT	DESCRIPTION	UNIT PRICE	ADD	DEDUCT
1	1	LS	Adjustment for Change Order No. 4	\$ 4,528.41		\$ 4,528.41
1	1	LS	Change Order No. 4 - CMU for Screen Bldg.		\$ 2,221.47	
2	1	LS	Retests Backcharge for Soil Tests			\$ 504.00
3	1	LS	Leave Excess Soil for County			\$ 1,000.00
4	1	LS	Damage to Curb Onsite			\$ 500.00
5	1	LS	Modify Compactor		\$ 946.95	
Net Increase / Decrease This Change Order					\$	(3,363.99)
Original Contract Amount					\$	5,098,770.00
Previous Change Orders Net Increase / Decrease					\$	76,433.58
NEW CONTRACT AMOUNT					\$	5,171,839.59

APPLICATION FOR PAYMENT NO. 18 (Final)

To: City of Wayne, Nebraska
 From: Eriksen Construction Company, Inc.
 Contract For: 2009 - 2010 Wastewater Treatment Facility Improvements, Phase I
 ENGINEER's Project No. 090621 (617S7)
 For Work accomplished through the date of: 6/30/2012

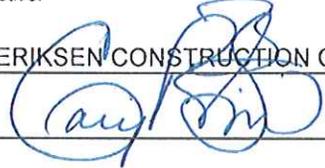
1. Original Contract Price:	\$ 5,098,770.00
2. Net change by Change Orders and Written Amendments (+ or -):	\$ 73,069.59
3. Current Contract Price (1 plus 2):	\$ 5,171,839.59
4. Total completed and stored to date:	\$ 5,171,839.59
5. Percent of Project Completed <u>100%</u>	
6. Retainage (per agreement):	
<u>0%</u> of completed Work and Stored Materials: \$ _____	
(10% of the first 50% of work completed & stored)	
Total Retainage:	\$ _____
7. Total completed and stored to date less retainage (4 minus 6):	\$ 5,171,839.59
8. Less previous Application for Payments:	\$ 5,112,694.49
9. DUE THIS APPLICATION (7 MINUS 8):	\$ 59,145.10

Accompanying Documentation:

CONTRACTOR'S Certification:

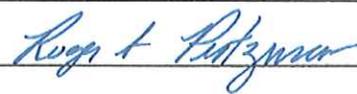
The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 17 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated: 9/10/12 _____ ERIKSEN CONSTRUCTION COMPANY, INC.

By:  _____

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated: 9/13/12 _____ JEO CONSULTING GROUP, INC.

By:  _____

APPLICATION APPROVED BY:

By: _____

Title: _____

Date: _____

ATTEST:

By: _____

Title: _____

CONSTRUCTION CO., INC.

tion Sheet

ation and Certificate for Payment, containing Contractor's signed certification is
ned. In tabulations below, amounts are stated to the nearest Dollar.

Application Number: 18

Application Date: 9/10/2012

Period From: 1/30/2012

Period To: 6/30/2012

Eng. Project No.: 617S7

se Column 1 on Contracts where variable retainage for line items may apply.

Retainage: 10%

A No.	B Description of Work	C Scheduled Value	E Work Completed			G Total Completed and Stored to Date D+E+F	H % G/C	I C-G	Retainage
			D Previous Applications	E Work In Place	F Stored Materials				
1	Bonds and Insurance	75,000.00	75,000.00	-	0.00	75000.00	100%	-	-
2	Mobilization	68,680.00	68,680.00	-	0.00	68680.00	100%	-	-
3	Site Clearing	85,360.00	85,360.00	-	0.00	85360.00	100%	-	-
4	Grading	25,660.00	24,383.00	1,277.00	0.00	25660.00	100%	-	-
5	Excavation	50,724.00	50,724.00	-	0.00	50724.00	100%	-	-
6	Aquarius Tank Rock Base & Sub	39,780.00	39,780.00	-	0.00	39780.00	100%	-	-
7	Fill	9,780.00	9,780.00	-	0.00	9780.00	100%	-	-
8	Backfill	80,126.00	80,126.00	-	0.00	80126.00	100%	-	-
9	Surcharge	19,375.00	19,375.00	-	0.00	19375.00	100%	-	-
10	Staging Area	34,607.00	34,607.00	-	0.00	34607.00	100%	-	-
11	Demolition	2,120.00	2,120.00	-	0.00	2120.00	100%	-	-
12	Rock Around Lift Station	2,163.00	2,163.00	-	0.00	2163.00	100%	-	-
13	Erosion Control	15,000.00	15,000.00	-	0.00	15000.00	100%	-	-
14	Fence	40,783.00	21,000.00	19,783.00	0.00	40783.00	100%	-	-
15	Seeding	5,000.00	-	5,000.00	0.00	5000.00	100%	-	-
16	Pavement	32,000.00	32,000.00	-	0.00	32000.00	100%	-	-
17	Concrete	294,000.00	294,000.00	-	0.00	294000.00	100%	-	-
18	Rebar	196,100.00	196,100.00	-	0.00	196100.00	100%	-	-
19	Hollow Core	2,500.00	2,500.00	-	0.00	2500.00	100%	-	-
20	Masonry	151,450.00	151,450.00	-	0.00	151450.00	100%	-	-
21	Misc. Metals	65,000.00	65,000.00	-	0.00	65000.00	100%	-	-
22	Handrails/Stairs/Grating	21,000.00	21,000.00	-	0.00	21000.00	100%	-	-
23	Final Clarifier Demo	4,400.00	4,400.00	-	0.00	4400.00	100%	-	-
24	Flat Covers	250,000.00	250,000.00	-	0.00	250000.00	100%	-	-
25	Carpeting	28,500.00	28,500.00	-	0.00	28500.00	100%	-	-
26	Trusses	10,500.00	10,500.00	-	0.00	10500.00	100%	-	-
27	Water Repellants	3,500.00	3,500.00	-	0.00	3500.00	100%	-	-
28	Insulation	1,000.00	1,000.00	-	0.00	1000.00	100%	-	-
29	Gutters	3,000.00	3,000.00	-	0.00	3000.00	100%	-	-
30	Joint Sealants	8,000.00	8,000.00	-	0.00	8000.00	100%	-	-
31	Doors & Hardware	7,800.00	7,800.00	-	0.00	7800.00	100%	-	-
32	Overhead Doors	12,000.00	12,000.00	-	0.00	12000.00	100%	-	-
33	Drywall	1,000.00	1,000.00	-	0.00	1000.00	100%	-	-
34	Painting	45,000.00	45,000.00	-	0.00	45000.00	100%	-	-
35	Toilet Accessories	4,700.00	4,700.00	-	0.00	4700.00	100%	-	-
36	Grit and Screw Classifier System	200,000.00	200,000.00	-	0.00	200000.00	100%	-	-
37	Submersible Lift Station Pumps	33,000.00	33,000.00	-	0.00	33000.00	100%	-	-
38	Rotary Lobe Pumps	4,800.00	4,800.00	-	0.00	4800.00	100%	-	-
39	Scraper Clarifiers	165,000.00	165,000.00	-	0.00	165000.00	100%	-	-
40	Verticle Fine Screen	98,000.00	98,000.00	-	0.00	98000.00	100%	-	-
41	Interially Fed Drum Screen & Comp	142,500.00	142,500.00	-	0.00	142500.00	100%	-	-
42	Gates	14,000.00	14,000.00	-	0.00	14000.00	100%	-	-
43	Aquarius MSABP	1,326,600.00	1,326,600.00	-	0.00	1326600.00	100%	-	-
44	Positive Displacement Blower	64,050.00	64,050.00	-	0.00	64050.00	100%	-	-
45	Casework/Counter Top	11,865.00	11,865.00	-	0.00	11865.00	100%	-	-
46	Hoist/Trolley/Crane	13,650.00	13,650.00	-	0.00	13650.00	100%	-	-
47	Valves	117,600.00	117,600.00	-	0.00	117600.00	100%	-	-
48	Yard Piping	238,975.00	238,975.00	-	0.00	238975.00	100%	-	-
49	Manholes	174,900.00	174,900.00	-	0.00	174900.00	100%	-	-

Application and Certificate for Payment, containing Contractor's signed certification is
 ned. In tabulations below, amounts are stated to the nearest Dollar.

Application Number: 18
 Application Date: 9/10/2012
 Period From: 1/30/2012
 Period To: 6/30/2012
 Eng. Project No.: 81757

Use Column 1 on Contracts where variable retainage for line items may apply.

Retainage: 10%

A No.	B Description of Work	C Scheduled Value	E Work Completed			G Total Completed and Stored to Date D+E+F	H %	I Retainage
			D Previous Applications	E Work In Place	F Stored Materials			
50	Process Piping	98,322.00	98,322.00	-	0.00	98322.00	100%	-
51	Mechanical	86,000.00	86,000.00	-	0.00	86000.00	100%	-
52	Electrical	613,900.00	613,900.00	-	0.00	613900.00	100%	-
53		0.00	-	-	0.00	0.00	0%	-
		5,098,770.00	5,072,710.00	26,060.00	0.00	5098770.00	100%	-
CHANGE ORDERS								
CO1	Change Order No. 1	3,810.83	3,810.83	-	0.00	3810.83	100%	-
CO2	Change Order No. 2	4,226.63	4,226.63	-	0.00	4226.63	100%	-
CO3	Change Order No. 3	55,887.03	55,887.03	-	0.00	55887.03	100%	-
CO4	Change Order No. 4	4,528.41	-	4,528.41	0.00	4528.41	100%	-
CO5	Change Order No. 5	7,980.68	-	7,980.68	0.00	7980.68	100%	-
CO6	Change Order No. 6	-3,363.99	-	(3,363.99)	0.00	-3363.99	100%	-
		5,171,839.59	63,924.49	9,145.10	-	5,171,839.59	100%	-

ORDINANCE NO. 2012-28

AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 2, ARTICLE II, COUNCIL, DIVISION 1. GENERALLY, BY ADDING SECTION 2-51 CODE OF DECORUM; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Chapter 2, Article II, Division 1 of the Municipal Code is amended by adding Sec. 2-51 as follows:

Sec. 2-51. Code of Decorum.

It is the policy of the City of Wayne that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of conduct for all city officials and employees is adopted. The City Council may adopt, amend, and/or rescind this code. If any portion of this Code of Conduct is found to conflict with City Ordinance or State Law, the provisions of City Ordinance or State Law shall be followed.

MAYOR:

1. Presides at all the meetings of the City Council.
2. May debate any matter coming before the City Council.
3. Votes when his/her vote shall be decisive and the City Council is equally divided on any pending matter.
4. Has superintending control of all officers and affairs of the Municipality and shall take care that the State and Municipal law are complied with.
5. Has the power to approve or veto any ordinance, order, by-law, resolution, award of contract, or allowance of a claim passed by the City Council.
6. Demonstrates respect, kindness, consideration, and courtesy to others.
7. Prepares in advance of City Council meetings and becomes familiar with agenda items.
8. Will not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain.
9. Shall communicate to the City Council such information and recommend such measures as in the Mayor's opinion may tend to improve the municipality.
10. May call for a special meeting.
11. Makes judgment calls on proclamations and similar situations.
12. Recognized as spokesperson for the City. The Mayor may designate another.
13. Selects substitute for City representation when unable to attend events.
14. Recommends subcommittees and names for appointment to Committees for City Council confirmation.
15. Leads the City Council into an effective, cohesive working team.
16. Signs documents on behalf of the City.
17. Serves as official delegate of the City at events and conferences.
18. Provides advance notice to City Hall if he/she is unable to attend any called meeting.
19. Demonstrates honesty and integrity in every action and statement.

20. Inspires public confidence in Wayne City government.
21. Will treat all people fairly. ~~based upon authority and recognized standards.~~
22. **Use best efforts to attend all regular meetings. It is expected that, in a year (December 1 to December 1), the Mayor shall not be absent more than (1) eight regular meetings, or (2) five consecutive meetings.**

COUNCIL PRESIDENT:

1. Chairs Council meetings in the absence of the Mayor.
2. May debate any matter coming before the City Council and may move, second, debate and vote from the chair, subject only to such limitations of debate as are imposed by these rules on all members, and shall not be deprived of any rights and privileges of a Councilmember by reason of his/her acting as presiding officer.
3. Performs the duties of the Mayor if the Mayor is absent or disabled.
4. Represents City at ceremonial functions at the request of the Mayor.

COUNCILMEMBERS:

All members of the City Council have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. The Council is the policymaker of Wayne City Government, and therefore the City Council should feel free to ask for, and receive thorough answers to reasonable questions. It is their responsibility to make good policy by understanding the form of government and the role they play in that form. The Council shall make all decisions in the City of Wayne's best interest.

Councilmembers should:

1. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
2. Prepare in advance of City Council meetings and be familiar with agenda items.
3. Not willfully and knowingly use confidential information acquired in the course of and by reason of their official duties for personal gain, including confidentiality in executive session.
4. Represent the City at ceremonial functions at the request of the Mayor.
5. Apply knowledge and expertise to the assigned activity and to the interpersonal relationships that are part of the job in a consistent, confident, and competent manner.
6. Serve as a model of leadership and civility to the employees of the City and the citizens of the community.
7. Inspire public confidence in Wayne City government.
8. Provide advance notice to City Hall whenever possible if he/she is unable to attend any called meeting.
9. **Use best efforts to attend all regular meetings. It is expected that, in a year (December 1 to December 1), a Councilmember shall not be absent more than (1) eight regular meetings, or (2) five consecutive meetings.**
10. Demonstrate honesty and integrity in every action and statement.

MEETING PROCEDURES:

Regular City of Wayne Council meetings are held on the first (1st) and third (3rd) Tuesdays of every month. The Mayor or four (4) Councilmembers can call for a special meeting, the object of which shall be submitted to the City Council in writing.

In chairing official meetings of the City Council, the Mayor, or Council President shall:

1. Maintain order, decorum, and the fair and equitable treatment of all speakers.
2. Keep discussion and questions focused on specific agenda items under consideration.
3. Open public hearings at the designated time(s) and inform those in attendance that each person addressing the City Council shall step up to the podium, state their name and address for the record, and unless further time is granted by the City Council, limit their remarks to three (3) minutes in length.

~~**ELECTED OFFICIALS CONDUCT IN PUBLIC MEETINGS:**~~

- ~~1. Every Councilmember desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.~~
- ~~2. A member, once recognized, shall not be interrupted when speaking, unless the presiding officer is required to call the member to order or as otherwise provided in this article. If a member, while speaking, is called to order, they shall cease speaking until the question of order is determined, and if in order, the member shall be permitted to proceed.~~
- ~~3. A member having the floor shall yield the same for a point of order addressed to the chair, a question of personal privilege raised by any member and an inquiry for information addressed to the chair. The member may, upon request of any other member, temporarily yield the floor for a question or a statement by any member, at the conclusion of which they will again be entitled to the floor.~~
- ~~4. The City Council may limit debate or discussion on any matter, by "calling the question" on a motion. "Calling the question" requires a second and must pass by a two-thirds vote.~~
- ~~5. A Councilmember may request, through the Mayor, the privilege of having a transcript of their statement on any subject under consideration of the Council entered in the minutes.~~

ELECTED OFFICIALS CONDUCT WITH CITY STAFF:

1. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Rude or boorish behavior towards staff is not acceptable.
2. Questions of City staff should be directed only to the City Administrator, City Attorney, City Clerk, or Department Heads. All requests for information concerning staff should be copied to the City Administrator. Requests for follow-up or directions to staff should be made only through the Mayor or City Administrator when appropriate and should be in writing so there is no confusion on the request. When in doubt about what staff contact is appropriate, Councilmembers should contact the Mayor or City Administrator for direction.
3. Materials supplied to a Councilmember in response to a request will be made available to all members of the City Council so that all have equal access to information.
4. Councilmembers should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should only be made to the Mayor or City Administrator through private correspondence or conversation.
5. Councilmembers should not attempt to influence City staff in their daily work or in the granting of City licenses and permits.

ELECTED OFFICIALS CONDUCT WITH CONSULTANTS/ENGINEERS AND THE PUBLIC:

1. Making individual presenters feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident. Every effort should be made to be fair and impartial in listening to testimony that is presented.
2. It is disconcerting to speakers to have Councilmembers not look at them when they are speaking. It is acceptable to look down at documents or to make notes, but continual visiting, reading or gazing around gives the appearance of disinterest.
3. All speakers should be allowed the privilege of making an appropriate presentation without interruption. If a speaker becomes flustered or defensive by questions, it is the responsibility of the Chair to stay calm, focus the speaker, and maintain the order and decorum of the meeting.
4. Questions directed to the public/consultants/engineers should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

ELECTED OFFICIALS CONDUCT WITH OTHER AGENCIES, BOARDS AND COMMISSIONS:

1. If an elected official appears before another governmental agency, legislative hearing or organization to give a statement on an issue, the elected official must clearly state: 1) if his/her statement reflects his/her personal opinion or if it is the official stance of the City; and 2) whether this is the majority or minority opinion of the City Council.
2. If the elected official is officially representing the City, he/she must support and advocate the official City position on an issue, and not his/her personal viewpoint.
3. Elected officials may be asked to attend a Board or Commission meeting as a liaison of the City Council. The elected official should be sensitive to the way his/her participation could be viewed as unfairly affecting the process. Any public comments by an elected official should be clearly made as individual opinion and not as representation of the feeling of the entire body unless directed to do so.
4. A primary role of Boards/Commissions is to represent the many points of view in the municipality and to provide advice to the elected officials based on a full spectrum of concerns and perspectives. Elected officials shall be fair and respectful of all citizens serving on Boards/Commissions. It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer.

ELECTED OFFICIALS CONTACT WITH THE MEDIA:

1. The best advice for dealing with the media is to never go "off the record".
2. The Mayor or his/her designee is the designated representative of the City Council to represent and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether his/her comments represent the official City position or his/her personal viewpoint.

ELECTED OFFICIALS CONDUCT IN UNOFFICIAL SETTINGS:

1. Councilmembers should make no promises on behalf of the City Council. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise City Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, etc).

2. It is acceptable for Councilmembers to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Councilmembers, their opinions or actions.

REQUIREMENT OF THE PUBLIC WHEN ADDRESSING THE CITY COUNCIL AS A BODY:

1. The presiding officer of the City Council can, but is not required by state law to, provide opportunity during City Council meetings for discussion by interested persons or their authorized representatives on any City Council agenda item prior to final action thereon; provided, that a preference shall be given to any person who, at least three (3) days prior to the meeting, shall have requested opportunity for discussion by notice directed to the City Clerk.
2. Any member of the public may direct a written communication to the City Council on any matter concerning City business by directing the communication to the City Council through the Mayor, City Administrator, or City Clerk. Any such written communication that cannot be handled administratively shall be placed on the agenda at the next regularly scheduled meeting.
3. The presiding officer shall, from time to time, make such rules as he/she may deem necessary to fulfill and carry out the intent of the provisions of this section.
4. As a general rule, each person addressing the City Council shall step up to the podium, state his/her name and address for the record, and unless further time is granted, limit his/her remarks to three (3) minutes in length. All remarks shall be addressed to the City Council as a body and not to any member thereof. No person, other than the City Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the City Council, without permission of the Mayor or Presiding Officer.
5. Nothing in this section shall prohibit any citizen from contacting a Councilmember(s) regarding an issue of concern.

SANCTIONS:

1. **A vacancy *may* exist on the City Council if a Councilmember is absent more than a third of the regular meetings (8 meetings from December 1 to December 1), and a vacancy *shall* exist on the City Council if a Councilmember is absent more than five (5) consecutive regular meetings, unless the absences are excused by a majority vote of the remaining members. This procedure, by law, requires notice and a hearing be provided to the Councilmember. (Neb. Rev. Stat. 19-3101)**
2. Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.
3. Councilmembers should refer to the Mayor or City Administrator any City staff who do not follow proper decorum in their dealings with Councilmembers, other City staff, or the public. Such employees may be disciplined in accordance with City Personnel regulations.
4. City Councilmembers who intentionally and repeatedly do not follow proper decorum may be reprimanded, formally censured by the Council, and/or lose seniority or committee assignments. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by the City Council.

5. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full City Council in a public meeting.
6. If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the Mayor who will then conduct a study on the report and take the next appropriate action.
7. These actions can be, but are not limited to: discussing and counseling the individual on violations; recommending sanction to the full City Council to consider in a public meeting; or forming a City Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for council consideration.

CHECKLIST FOR MONITORING CONDUCT:

1. Will my decision/statement/action violate the trust, rights or good will of others?
2. What are my interior motives and the spirit behind my actions?
3. If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
4. How would my conduct be evaluated by people whose integrity and character I respect?
5. Even if my conduct is not illegal or unethical, is it done at someone else's expense?
6. Is my conduct fair? Just? Morally right?
7. If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
8. Does my conduct give others reason to trust or distrust me?
9. Am I willing to take an ethical stand when it is called for?
10. Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
11. Do I exhibit the same conduct in my private life as I do in my public life?
12. Can I take legitimate pride in the way I conduct myself and the example I set?
13. Do I listen and understand the views of others?
14. Do I question and confront different points of view in a constructive manner?
15. Do I work to resolve differences and come to mutual agreement?
16. Do I support others and show respect for their ideas?
17. Will my conduct cause public embarrassment to someone else?

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 18th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-53

AN ORDINANCE DIRECTING THE SALE OF LOT FOUR, AND 8' OF THE VACATED ALLEY, BLOCK 7, NORTH ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Section 1. The Mayor and City Council are directed to convey by Warranty Deed to Kelby R. Herman the property owned by the City and legally described as Lot 4, and 8' of the vacated alley, Block 7, North Addition to the City of Wayne, Wayne County, Nebraska, for the sum of \$1.00 and other valuable consideration.

Section 2. Notice of the sale and the terms contained in Section 1 shall be published for three consecutive weeks in the Wayne Herald, provided that if a remonstrance against said sale signed by legal electors thereof equal in number to 30% of the electors of the City voting at the last regular municipal election held therein, be filed with the governing body within thirty days of the passage and publication of this ordinance, said property shall not then, nor within one year thereafter, be sold.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 18th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2012-54

AN ORDINANCE DIRECTING THE SALE OF THE EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN OF THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, TO KELBY R. HERMAN.

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

Section 1. The Mayor and City Council are directed to convey by Warranty Deed to Kelby R. Herman the property owned by the City and legally described as the East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town of the City of Wayne, Wayne County, Nebraska, for the sum of \$1.00 and other valuable consideration.

Section 2. Notice of the sale and the terms contained in Section 1 shall be published for three consecutive weeks in the Wayne Herald, provided that if a remonstrance against said sale signed by legal electors thereof equal in number to 30% of the electors of the City voting at the last regular municipal election held therein, be filed with the governing body within thirty days of the passage and publication of this ordinance, said property shall not then, nor within one year thereafter, be sold.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 18th day of September, 2012.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

