

(Amended: 2/01/13)

**AGENDA
CITY COUNCIL MEETING
February 5, 2013**

1. Approval of Minutes – January 15, 2013

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. Report to Council on LB840 Activity — Wes Blecke, Director of Wayne Area Economic Development

Background: This report to the public on the use of LB840 local option sales tax receipts for economic development is required every six months and requires no Council action.

4. Public Hearing: Catering Application for Retail Class C Liquor License for BaHa, Inc., d/b/a “Rain Tree Liquors” (Advertised Time: 5:30 p.m.)

5. Resolution 2013-3: Approving Catering Application for Class C Liquor License of BaHa, Inc., d/b/a “Rain Tree Liquors”

6. Public Hearing: One and Six Year Street Improvement Program (Advertised Time: 5:30 p.m.)

Background: Each year, cities and counties are allocated funds from the Nebraska Department of Roads for local street, road and bridge projects. Wayne receives about \$350,000 annually and must submit a One and Six Year Street Improvement Plan each February to receive funds the next year.

Recommendation: The proposal attached is the recommendation of Street Superintendent, Joel Hansen, and Superintendent of Public Works and Utilities, Garry Poutre.

7. Resolution 2013-4: Approving One and Six Year Street Improvement Program

8. Resolution 2013-5: Authorizing City Administrator to Apply for Nebraska Public Transportation Act Funds for Operation of the Wayne Public Transportation System

Background: This is our annual request to the Nebraska Department of Roads for cost share in the operation of the Wayne handi-van.

Recommendation: The recommendation of Penny Vollbracht, Senior Center Coordinator, and the Senior Center Board is to approve the Resolution.

9. [Action on Submission of the Senior Center's Detailed Plan of Operation and Budget for 2014 for Northeast Nebraska Area Agency on Aging](#)

Background: This is our annual request for State cost-share in the operation of the Wayne Senior Center.

Recommendation: The recommendation of Penny Vollbracht, Senior Center Coordinator, and the Senior Center Board is to approve this action.

10. [Action on the Purchase of Rainbow Turf-Bonded Surface to Place Underneath New Park Equipment in Western Ridge](#)

Background: The Council approved funding to install park equipment in 2013. The Mayor's Youth Council selected a set of playground equipment for the new Beverly Park in Western Ridge. One of the goals of the Mayor's Youth Council was to have at least one set of playground equipment be more accessible to wheelchairs. We currently use chipped wood and pea gravel to "bed" the areas around our playground equipment, and wheelchairs can't make it through that. The Mayor's Youth Council has requested that the new playground equipment being installed in 2013 have a recycled rubber pad around it that is wheelchair accessible. The approximate cost: \$8,000.

Recommendation: The recommendation of the Mayor's Youth Council is to install the wheelchair accessible rubber pad. The recommendation of staff is to have a Council discussion of the options available before making a decision.

11. [Action on Certificate of Payment No. 1 \(Final\) to Mid-States Energy Works, Inc., in the Amount of \\$15,092.45 on the Wayne RICE NESHAP Compliance Project](#)

Background: This is for work completed according to contract and approved by the project engineer. This completes the new air quality control system on our engines as required by the EPA for non-emergency operation of our power plant under our current NPPD Capacity Lease Agreement.

Recommendation: The recommendation of the project engineer is to approve the final payment.

12. [Resolution 2013-6: Reaffirming the Project Engineer and Approving plans and specs for the East 10th Street – Main Street to Windom Street Project and Authorizing Staff to Begin the Bid Process](#)

Background: This project is more than 5 years old and was originally planned as a Department of Roads' project because Tenth Street is classified as an "arterial" street and eligible for NDOR STP 80% cost-share funding. Because of projected

continued delays in the project, city staff recommended that we relinquish the 80% cost-share and use city funds, plus other state funding that is available, and take the project over ourselves. This action will approve the design and start the bidding process to build the project between May 6th and August 9th this summer.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, Garry Poutre, Superintendent of Public Works & Utilities, and Lowell Johnson, City Administrator, is to approve the plans and bid out the project with liquidated damages per day for late completion and a cash incentive per day for early completion. We are preparing the amounts per day to recommend on Tuesday night for your consideration.

13. Resolution 2013-7: Approving Proposal/Agreement with JEO Consulting Group for the “Sludge Treatment and Disposal Evaluation” for a Lump Sum Fee of \$12,500

Background: We decided to operate the new Aquarius system for awhile before making a decision on how much sludge capacity we’ll need to operate the plant long term. The amount of sludge from this plant is substantially less than the previous system.

Recommendation: The recommendation of Garry Poutre, Superintendent of Public Works and Utilities, is to approve the agreement with JEO to develop options for sludge handling.

14. Resolution 2013-8: Amending Legal Description on Exhibit “A” of Resolution 2012-74 Declaring Area Known as “Angel Acres” Blighted and Substandard

15. Ordinance 2013-8: Amending Section 74-291 Dedication (Park Land)

Background: Wayne desires a strong and widely dispersed neighborhood park system. Wayne currently requires residential developers to set aside 5% of the land being subdivided for a neighborhood park or cash equivalent. The choice is the council’s, not the developer’s. Any cash received is used for park equipment or park enhancement. We have a request to sell a 30-foot strip of parkland to improve the layout of a new subdivision, but currently believe the Council doesn’t have the authority to do so by our own code. The proposal, if approved, would give this and future councils the option to alter park arrangements, while still keeping the benefit in the same neighborhood.

Recommendation: The recommendation of Lowell Johnson, City Administrator, and Joel Hansen, City Planner, is to approve the Ordinance to allow the Council to have more options to benefit neighborhood parks.

16. Ordinance 2013-9: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Saturday, March 16th, for St. Patrick’s Day

17. Ordinance 2013-10: Extending the Hours of Sale of Alcoholic Liquor to 2:00 a.m. on Friday, March 29th, and Saturday, March 30th, for the Wayne Alumni Weekend

18. Appointment: Ellen Imdieke to the Library Board

19. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

January 15, 2013

The Wayne City Council met in regular session at City Hall on Tuesday, January 15, 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 January 3, 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 Ley made a motion, which was seconded by Councilmember Brodersen, whereas, the Clerk has prepared copies of the Minutes of the meeting of January 2, 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: AHERN CO., SE, 315.00; AMAZON.COM, SU, 119.62; AMERITAS, SE, 2121.31; APPEARA, SE, 188.89; BAKER & TAYLOR BOOKS, SU, 344.50; BANK FIRST, FE, 150.00; BIG T ENTERPRISES, SU, 104.95; BSN SPORTS, SU, 1735.69; CHARTWELLS, SE, 4321.40; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 56560.98; CITY OF WAYNE, RE, 498.95; CITY OF WAYNE, SE, 30.00; COMMUNITY HEALTH, RE, 4.00; COPY WRITE, SE, 104.38; DAVE'S UNIFORM CLEANING, SE, 60.00; DIETRICH UPHOLSTERY, SE, 98.50; CITY EMPLOYEE, RE, 191.02; DRT BIOSOLIDS, SE, 17500.00; EASYPERMIT

POSTAGE, SU, 718.78; ECHO GROUP, SU, 90.78; ELLIS PLUMBING, RE, 208.00; FASTENAL, SU, 22.88; FREDRICKSON OIL, SU, 638.50; CITY EMPLOYEE, RE, 193.62; GALE GROUP, SU, 24.79; GROSSENBERG IMPLEMENT, SU, 70.88; HARDING & SHULTZ, SE, 992.22; HIRERIGHT SOLUTIONS, SE, 20.00; ICMA, SE, 5740.86; INGRAM BOOK COMPANY, SU, 458.54; INTERSTATE ALL BATTERY, SU, 86.30; IRS, TX, 20815.68; JOHN'S WELDING AND TOOL, SU, 108.88; JOHNSTONE SUPPLY, SE, 10.22; JORGENSEN LAW OFFICE, SE, 406.25; KTCH, SE, 605.00; MIDWEST MESSENGER, SU, 32.80; MIDWEST TAPE, SU, 29.99; MSC INDUSTRIAL, SU, 94.02; N.E. NEB ECONOMIC DEV DIS, SE, 675.76; NE DEPT OF REVENUE, TX, 2909.12; NE NEB INS AGENCY, SE, 63456.00; NE PLANNING & ZONING, FE, 40.00; NE RURAL WATER, FE, 500.00; NE SAFETY COUNCIL, SE, 11.53; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 12418.90; NOVELTY MACHINE & SUPPLY, SE, 1201.31; ORIENTAL TRADING CO, SU, 74.25; PASTICARDS, SU, 430.00; PIEPER & MILLER, SE, 7648.00; PUSH-PEDAL-PULL, SU, 12210.94; QUALITY 1 GRAPHICS, SU, 150.00; RANDOM HOUSE, SU, 32.50; SIOUX CONTRACTORS, SE, 16895.00; UNITED WAY, RE, 11.20; WASTE CONNECTIONS, SE, 28.00; WATSON LABEL PRODUCTS, SU, 174.16; WAED, RE, 6000.00; WAYNE COUNTY CLERK, SE, 275.07; WAYNE COUNTY COURT, RE, 326.50; WAYNE HERALD, SE, 2404.87; WAYNE VETERINARY CLINIC, SE, 229.00; WESCO, SU, 8381.15; WAPA, SE, 35228.86; ALTEC INDUSTRIES, SU, 143.69; APPEARA, SE, 27.86; AWWA, FE, 295.00; BIG T ENTERPRISES, SU, 197.95; CITY EMPLOYEE, RE, 633.70; CALIFORNIA CONTRACTORS, SU, 205.99; CARHART LUMBER COMPANY, SU, 585.47; CITY OF WAYNE, RE, 125.00; CITY OF WAYNE, RE, 225.00; CITY OF WAYNE, RE, 612.47; CITY EMPLOYEE, RE, 25.70; DEARBORN NATIONAL LIFE, SE, 1714.27; CITY EMPLOYEE, RE, 29.47; ECHO GROUP, SU, 516.79; EMPLOYERS MUTUAL CASUALTY, RE, 80.00; FLOOR MAINTENANCE, SU, 66.64; CITY EMPLOYEE, RE, 150.00; HD SUPPLY WATERWORKS, SU, 44.91; INLAND TRUCK PARTS, SE, 273.79; MATHESON TRI-GAS, SU, 13.13; MES-MIDAM, SU, 65.56; MIDWEST LABORATORIES, SE, 1189.95; MIRIAN AGUIRRE, SE, 50.00; MOONLIGHT TOWING, SE, 58.58; MURPHY TRACTOR & EQUIPMENT, SE, 878.93; CITY EMPLOYEE, RE, 349.98; NE DEPT OF REVENUE, TX, 41.59; NE SAFETY COUNCIL, SE, 11.53; NPPD, SE, 252312.31; NEBRASKA U.C. FUND, RE, 1763.00; NOTARY PUBLIC, SE, 105.00; OLSSON ASSOCIATES, SE, 1744.86; OVERHEAD DOOR CO, SE, 504.50; PAC N SAVE, SU, 146.48; PAT GARVIN, SE, 3500.00; PEPSI-COLA, SU, 570.30; PLUNKETT'S PEST CONTROL, SE, 43.26; POSTMASTER, FE, 110.00; PRESTO X, SE, 105.01; QUILL, SU, 203.98; SHOPKO, SU, 54.91; SPARKLING KLEAN, SE, 622.25; STADIUM SPORTING GOODS, SU, 140.00; STATE NATIONAL BANK, SE, 59.28; STEFFEN, SU, 1692.92; TALL T SALES, SU, 4000.00; TOP SAFETY, SU, 170.52; TYLER TECHNOLOGIES, SE, 1138.95; UNITED COMMUNICATIONS, SU, 79.04; UNITED RENTALS, SE, 383.09; VOSS LIGHTING, SU, 87.00; WAYNE AUTO PARTS, SU, 900.56; WAYNE HERALD, SE, 719.00; WAYNE SENIOR CENTER, SE, 33.00; CITY EMPLOYEE, RE, 612.47; WESCO, SU, 622.39; CITY EMPLOYEE, RE, 12.80; ZACH OIL, SU, 5515.54; ZEE MEDICAL SERVICE, SU, 45.68

Councilmember Haase 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 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.

Phil Monahan, Fire Chief, introduced Trent Kumm and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department.

Councilmember Ley made a motion, which was seconded by Councilmember Giese, approving the membership application of Trent Kumm to the Wayne Volunteer Fire Department. 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.

Amy Haase of RDG Planning & Design presented the Housing Study. Major findings were:

- Wayne has increased its percentage of Wayne County's population from 42% in 1960 to 59% in 2010. Wayne has an aging population.
- Wayne is anticipated to continue to attract residents from both the outlying areas of Wayne County and outside the region.
- The age dynamics of the permanent resident population of Wayne suggest a naturally declining population.

- Continued migration of residents from outside the city limits is anticipated to overcome, and lead to, moderate ongoing population growth,
- Wayne's median household income is comparable to other college and regional communities.
- Despite having a greater median household income than other geographics, Wayne has a larger number of households making \$10,000 a year or less and few households earning more than \$200,000 a year, suggesting a firmly middle class population.

Housing Trends:

- Rental housing accounts for 46% of the City's occupied housing units, but only 7% of the City's construction activity in the last 10 years. A lack of multi-family construction and changes in lending practices have likely created a significant demand for new rental housing.
- While housing values and rental costs appear to be moderate, the median year of construction is over 50 years resulting in a number of units needing modern updates and more significant maintenance repairs.
- Over the next 10 years, continued population growth and replacement of lost units will create a demand of approximately 111 new units.
- Much of the City's new construction should focus on the moderately priced market and higher market rate rental units.
- Rental rates are a little bit below other communities.
- Wayne has construction capabilities, with a number of contractors in Wayne, which is a positive for the City.

Issues and Challenges:

- Housing and neighborhood revitalization. Wayne has a large stock of older housing, so we should continue to invest and strategically invest in those older parts of the community.
- Rental Costs – there is a certain mentality if I'm moving into a smaller community, I should be paying way less in rent than I would anywhere else, but it doesn't cost any less to build that or to maintain that unit than it does in some of the larger communities.
- Senior Housing. Wayne has a strong senior population. There are not a lot of choices for the seniors in Wayne, so there is some opportunity to capture some senior housing market here within the City, but also regionally to attract seniors to the community.
- Rental demand and development continues to be strong and there is a lot of interest in that.
- Demand for affordable move-up housing. This is a big struggle for families - to move up from one level house to another. The market is slim.

Strategic goals related to housing:

- Improving the overall quality of housing.
- Increasing the number of market rate rentals within the community.
- Promoting the development of existing sites and lots.
- Continuing to increase the appeal of rehab.

How to do all of this:

- Housing development partnerships
- Affordable equity housing
- Educating young people on their rights regarding lease agreements, getting a deposit back, letting landlord on their property, etc.
- Educating landlords
- Rent-to-Own
- Rental Rehab Incentive Programs – Market Rate
- Land Development

Ms. Haase advised the Council she would provide a copy of her power point presentation to them.

Mandy Benscoter, representing Benscoter Development, gave a presentation on Angel Village Development, a 20-unit retirement village with garages and basements on property located south of the Wayne Fire Hall on Tomar Drive. These will be rental and owner-occupied.

Rod Hanson of Olsson Associates was present regarding Change Order No. 2 – (\$11,033.00) for the Benscoter Addition – Phase I Paving & Utility Improvement Project. This is an adjustment for final quantities.

Councilmember Ley made a motion, which was seconded by Councilmember Brodersen, approving Change Order No. 2 – (\$11,033.00) for the Benscoter Addition – Phase 1 Paving & Utility Improvement Project.

In response to Councilmember Haase's question, Mr. Hanson stated the cost of the pipe was \$13.00 lf. The Engineer's estimate on the project was \$20.00 lf. This includes installation. The bid called for "installed pipe."

Administrator Johnson stated Bencoter bid the project throwing in much of his labor costs.

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.

In addition, Mr. Hanson presented Certificate of Payment No. 4 (Final) in the amount of \$19,680.20 to Bencoter Plumbing & Construction for the Bencoter Addition – Phase 1 Utility Project. This also includes the retainage.

Councilmember Brodersen made a motion, which was seconded by Councilmember Ley, approving Certificate of Payment No. 4 (Final) in the amount of \$19,680.20 to Bencoter Plumbing & Construction for the Bencoter Addition – Phase 1 Utility 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.

Wes Blecke, Director of Wayne Area Economic Development, stated the LB840 Sales Tax Advisory Committee met and reviewed two applications. The first application was made by Mandy Bencoter and Louis Bencoter for \$50,000 in funds as a loan to construct/buy two commercial buildings. The Committee recommended approving this request, with the terms being modified to be \$25,000 as a zero percent interest loan for 10 years, with repayment starting once the first building is leased, and a second \$25,000 zero

percent interest loan for 10 years once the shell of the second building is being erected. Repayment on the second loan would begin once the building is leased or after three years, whichever comes first. The loans would be payable in full if the building sells.

Councilmember Giese questioned the matrix that the LB840 Committee uses for these applications. He recommended eliminating the "Somewhat Meets" category so that the Committee is forced into making more decisive decisions.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving the recommendation of the LB840 Sales Tax Advisory Committee to approve the request of Mandy Benscoter and Louis Benscoter for \$50,000 in funds to construct/buy two commercial buildings, with the terms being:

- A \$25,000 zero percent interest loan for 10 years, with repayment starting once the first building is leased;
- A second \$25,000 zero percent interest loan for 10 years once the shell of the second building is being erected;
- Repayment on the second loan would begin once the building is leased or after three years, whichever comes first; and
- The loans would be payable in full if the building sells.

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 left the meeting at 6:34 p.m.

The second application was made by the City of Wayne for a sanitary sewer extension across Highway 35 for commercial development in Western Ridge II. The Committee approved the request, but modified the amount. The committee recommended 50% of the project (up to \$17,500) to be funded by LB840 funds. The committee expressed concern that the LB840 fund is capped at \$3.2 million over 15

years, while the capital improvement portion of the City's sales tax is not statutorily limited in the amount collected. Since sales tax receipts are coming in strong at this point to the City, the committee felt this was a prudent action.

The remaining \$17,500 could either be paid through the Sales Tax Capital Projects side or the Sewer Fund. TIF could also be used to cover the balance of the project costs.

Councilmember Sievers made a motion, which was seconded by Councilmember Van Delden, approving the recommendation of the LB840 Sales Tax Advisory Committee to approve the request of the City of Wayne for a sanitary sewer extension across Highway 35 for commercial development in Western Ridge III, with the modification being 50% of the project (up to \$17,500) to be funded by LB840 funds. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Ley made a motion, which was seconded by Councilmember Van Delden, 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 Councilmembers Alexander and Brodersen who were 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, and Jennifer Sievers; City Attorney Amy Miller; City

Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Members Dale Alexander and Jill Brodersen.

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 Chamberlain made a motion, which was seconded by Member Van Delden, to approve the minutes of the January 2, 2013, meeting. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Members Alexander and Brodersen who were absent, the Chair declared the motion carried.

Dan Rose updated the CDA on the status of the Wayne NG Cars, LLC, project, and their purchase of Lot 2A, Replat of Kardell Industrial Park, of which the third extension ended December 31, 2012. At this time, the project is still on hold. They don't have a timeline, so he cannot ask for another extension on the property. If the property is still available when they are ready to move forward with the project, they will come back and make a request to purchase it.

Tipton Holding, LLC, has signed a purchase agreement for Lot 1 of the Replat of Lot 5 of Western Ridge Third Addition. They are requesting tax increment financing to help with site preparation and infrastructure costs. This is a "fast start" for the developer, and the Memorandum of Understanding acknowledges both parties' intent to execute an agreement for tax increment financing. The developer proceeds at their own risk though. This is not an absolute guaranty that TIF will be done.

Member Chamberlain made a motion, which was seconded by Member Giese, approving the Memorandum of Understanding between Tipton Holding, LLC, and the Community Development Agency of Wayne to complete a tax increment financing

agreement for new construction on Lot 1 of the Replat of Lot 5 of Western Ridge Third Addition. Chair Haase stated the motion, and the result of roll call being all Yeas, with the exception of Members Alexander and Brodersen who were absent, the Chair declared the motion carried.

Member Van Delden made a motion, which was seconded by Member Giese, 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 Members Alexander and Brodersen who were absent, the Chair declared the motion carried.

Councilmember Sievers introduced Resolution No. 2013-2 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2013-2

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAYNE AND TIPTON HOLDING, LLC, TO COMPLETE A TAX INCREMENT FINANCING AGREEMENT FOR NEW CONSTRUCTION ON LOT 1 OF THE REPLAT OF LOT 5 OF WESTERN RIDGE THIRD ADDITION.

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

Councilmember Haase requested that Council table Agenda Items 12-18 for two to three months.

Joel Hansen, Zoning Administrator, stated if the Council would approve the first ordinance creating new definitions, they would have to act on the remaining ordinances

which place those definitions into the zoning districts. Otherwise, you would have some businesses that would now be considered nonconforming uses.

If these ordinances are not acted upon, we would not make anyone stop what they are doing — those businesses would be what are called a “legal nonconforming use”, which means they could not expand at their current location. They could still operate. The new definitions are meant to be inclusive so that the Zoning Administrator can make the determination as to whether or not a business would be a permitted use. Right now, the zoning code is very specific as to the uses. If a use is not specifically stated in the code, it is not a permitted use.

RDG, the firm that did the housing study and had been commissioned to review the zoning codes back in 2008, stated that Wayne needed to make things more friendly for businesses and make the codes more inclusive and easier and create less hurdles for them to jump through to get here. Some of these definitions are recommendations from RDG for industrial areas.

Mayor Chamberlain noted that these ordinances were tabled six months ago.

Attorney Miller explained “legal nonconforming.”

Mr. Hansen stated that one thing the Council needed to keep in mind was that this is not about a specific individual or business or a specific tract of land; this is about potential uses of property in certain zoning districts.

BJ Woehler, representing Robert Woehler & Sons Construction, asked the Council to defer action on these ordinances for 60 days. The reason for this request is the fact that they were asked to wait until December 31st on the proposed land purchase between the City and Wayne NG Cars. They have met with Administrator Johnson

regarding a proposed purchase agreement or offer on the land that was originally being held for Wayne NG Cars. These ordinances changes will drastically affect his business. Mr. Woehler stated he was on the original Zoning Steering Committee that wanted these kinds of definitions brought forward. In addition to changes being made to the industrial zoning districts, there were also changes recommended for both the residential and commercial zoning districts. However, none of those have been brought forward yet, so he did not think there was any drastic timeline for these amendments. He also stated he had visited with Mr. Hansen today, and was advised that the Zoning Steering Committee is, for all purposes, dead.

Councilmember Ley made a motion, which was seconded by Councilmember Van Delden, to table action on Ordinance No. 2013-1 which would amend Section 90-10 Definitions by adding Agricultural Industry, Light Industry, General Industry and Heavy Industry, for up to 60 days.

Lynn Sievers, who is an adjacent property to Mr. Woehler's concrete crushing business, stated they would like to see this business move elsewhere, and it sounds like there is a possibility that this could happen. Therefore, she did not have any problem with Council tabling these ordinances for 60 days.

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

Councilmember Ley made a motion, which was seconded by Councilmember Haase, to table action on Ordinance No. 2013-2 which would amend Section 90-114 Exceptions in the A-1 Agricultural Zone by adding (24) Heavy Industry, for up to 60

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

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to table action on Ordinance No. 2013-3 which would amend Section 90-482 Permitted Principal Uses and Structures in the I-1 Light Industrial and Manufacturing Zone by adding (46) Light Industry and (47) General Industry, for up to 60 days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Ley, to table action on Ordinance No. 2013-4 which would amend Section 90-484 Exceptions in the I-1 Light Industrial and Manufacturing Zone by adding (5) Heavy Industrial, for up to 60 days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to table action on Ordinance No. 2013-5 which would amend Section 90-512 Permitted Principal Uses and Structures in the I-2 Heavy Industrial Zone by adding (56) Agricultural Industry, (57) Light Industry, (58) General Industry and (59) Heavy Industry, for up to 60 days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to table action on Ordinance No. 2013-6 which would amend Section 90-754 Nonconforming Uses by adding (I) Heavy Industry, for up to 60 days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander and Brodersen who were absent, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Haase, to table action on Ordinance No. 2013-7 which would amend Section 90-714(b)(1) Physical Appearance, Performance Standards for Industrial Uses, for up to 60 days. Mayor Chamberlain stated the motion, with the exception of Councilmembers Alexander and Brodersen who were absent, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Haase made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Alexander and Brodersen who were absent, the Mayor declared the motion carried and the meeting adjourned at 7:27 p.m.

[Back to Top](#)

CLAIMS LISTING FEBRUARY 5, 2013

AMAZON.COM, LLC	BOOKS	419.36
AMAZON	DVI ADAPTER	45.22
AMERICAN BROADBAND	FIBER LINE LEASE/TELEPHONE CHARGES	2,206.01
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	1,975.39
APPEARA	LINEN & MAT SERVICE	159.77
ARNIE'S FORD-MERCURY INC	WINDSHIELD WIPER REPAIR	481.77
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	150.00
BENSCOTER PLUMBING	BENSCOTER ADDITION	19,680.20
BLACK HILLS ENERGY	GAS BILLS	1,603.41
BLUE CROSS BLUE SHIELD	HEALTH INSURANCE	23,614.26
BOMGAARS	FIRE HALL-FASTENERS	3.50
BROWN SUPPLY CO	CLAMP/TIEBOLT	856.26
CENTER POINT PUBLISHING	BOOKS	391.11
CENTURYLINK	TELEPHONE CHARGES	312.31
CITY EMPLOYEE	HEALTH REIMBURSEMENT	160.23
CITY OF NORFOLK	INSPECTION FEES	449.76
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	200.00
CITY OF WAYNE	PARKING TICKET REFUND	3.00
CITY OF WAYNE	PAYROLL	58,557.32
CITY OF WAYNE	REFEREEING	160.00
CITY OF WAYNE	UTILITY REFUNDS	1,054.65
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
COVENTRY HEALTH	HEALTH PREMIUM	543.96
DAKOTA BUSINESS SYSTEMS	LIBRARY COPIER EQUIPMENT LEASE	103.50
JACK'S UNIFORMS	DRUG TEST KITS	53.85
DE LAGE LANDEN FINANCIAL	COPIER EQUIPMENT LEASE	471.00
DEARBORN NATIONAL LIFE	VFD INSURANCE	106.64
DGR & ASSOCIATES CO	INSPECT RELAY/BREAKER CURCUITS	1,152.00
ECHO GROUP INC JESCO	TWIRL NUTS/CONNECTORS/STRAPS	132.85
CITY EMPLOYEE	VISION REIMBURSEMENT	100.00
ED. M FELD EQUIPMENT CO	HYDROTEST BOTTLE/COMPRESSOR REPAIR	734.67
EGAN SUPPLY CO	POLISH PADS/SCRATCH PADS	49.48
ELECTRIC FIXTURE & SUPPLY	THERMOSTAT	51.00
EMBASSY SUITE	LODGING-HOEMAN/JOHNSON/POUTRE	557.24
EMPLOYERS MUTUAL CASUALTY	LINEBACKER DEFENSE DEDUCTIBLE	3,000.00
FIRST CONCORD GROUP LLC	FLEX DEDUCTIONS	3,701.94
CITY EMPLOYEE	HEALTH REIMBURSEMENT	3,800.00
CITY OF WAYNE	BARK PARK FUND RAISER RAFFLE	1,091.39
CITY EMPLOYEE	VISION REIMBURSEMENT	52.92
GODFATHERS	PIZZA-COUNCIL RETREAT	65.50
HOLIDAY INN OF KEARNEY	LODGING-ECHTENKAMP/JUNCK	319.80
ICMA RETIREMENT TRUST-457	ICMA RETIREMENT	5,738.80
INLAND TRUCK PARTS	CLUTCH	24.66
INTERSTATE ALL BATTERY	CAC FIRE SYSTEM BATTERY	49.90
INTERSTATE ELECTRIC MOTOR	UNIT 8 GENERATOR REPAIR	1,375.36
IRS	FEDERAL WITHHOLDING	20,522.23
JEO CONSULTING GROUP	SLUDGE REMOVAL	3,905.75

JOHN'S WELDING AND TOOL	WELD BEARING SPACER	85.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	28.03
CITY EMPLOYEE	HEALTH REIMBURSEMENT	587.84
MAIN STREET AUTO CARE	TOWING CHARGE	90.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	120.02
MSC INDUSTRIAL	WRENCHES/SOCKETS	663.05
MULTIMEDIA SALES & MARKET	CAC ADVERTISING	370.50
MUNICIPAL PIPE SERVICE	FLANGE/PIPE/GASKETS	727.31
CITY EMPLOYEE	HEALTH REIMBURSEMENT	971.45
NE DEPT OF REVENUE	STATE WITHHOLDING	2,782.37
NE DEPT OF ROADS	10TH ST ACCESS CONSTRUCTION	2,000.00
NE PUBLIC HEALTH	COLIFORM TESTING	1,713.00
NE RURAL WATER	REGISTRATION-J BRADY	375.00
NMC EXCHANGE LLC	GENERATOR REPAIR WELL 10	4,193.00
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTIONS	29.62
NORTHEAST NE PUBLIC POWER	ELECTRICITY	4,106.00
NWOD	MEMBERSHIP DUES-ECHTENKAMP	10.00
OFFICE SYSTEMS COMPANY	COPIER-EL PRODUCTION	1,272.68
OLSSON ASSOCIATES	RICE COMPLIANCE	942.92
OVERHEAD DOOR COMPANY	TRANSFER STATION DOOR-GILL REIMBURSED	1,636.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	88.31
PITNEY BOWES INC	POSTAGE METER/FOLDER LEASE	648.00
PRESTO X COMPANY	PEST CONTROL	85.00
PUSH-PEDAL-PULL	FLOORING-CAC WEIGHT ROOM	12,210.94
QUILL CORPORATION	OFFICE SUPPLIES	847.38
RON'S RADIO	PAGER REPAIR	51.25
SKARSHAUG TESTING LAB INC	WORK GLOVES	76.83
STADIUM SPORTING GOODS	CAC STAFF SHIRTS	324.00
STATE NATIONAL BANK	SAFETY DEPOSIT BOX RENTAL	40.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	99.81
SUPERCIRCUITS	MONITOR	315.57
TACO'S AND MORE	COUNCIL RETREAT	24.00
THE COFFEE SHOPPE	COUNCIL RETREAT	62.82
CITY EMPLOYEE	HEALTH REIMBURSEMENT	56.47
UNITED COMMUNICATIONS	PAGER BATTERIES	212.58
UNITED WAY	PAYROLL DEDUCTIONS	6.20
UNIVERSITY OF NE-LINCOLN	REGISTRATION	90.00
UTILITIES SECTION	PUB WORKS ANNUAL CONFERENCE	935.00
VERIZON WIRELESS SERVICES	CELL PHONES	325.41
VIAERO	CELL PHONES	212.54
VICTORIA KNIESCHE	MILEAGE-BASKETBALL SCOREBOARDS	363.30
VOSS LIGHTING	LIGHTBULBS	291.94
WAHOO HERITAGE INN	LODGING- C JUNCK	299.75
WAYNE COMMUNITY HOUSING	HOUSING STUDY	1,150.00
WAYNE COUNTY TREASURER	VEHICLE REGISTRATIONS	903.00

RESOLUTION NO. 2013-3

WHEREAS, BaHa, Inc., d/b/a "Rain Tree Liquors" made application to the Nebraska Liquor Control Commission for a Retail Class CK Liquor License at 421 N. Main Street, Wayne, Wayne County, Nebraska; and

WHEREAS, said application has been forwarded to the City of Wayne for public hearing and recommendation by the City Council; and

WHEREAS, notice of hearing on said application was published in one issue of the Wayne Herald on January 24, 2013; and

WHEREAS, a hearing was held on February 5, 2013, and all persons desiring to present evidence for or against said application were heard.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the application of the license aforementioned be recommended for approval to the Nebraska Liquor Control Commission.

PASSED AND APPROVED this 5th day of February, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2012-4

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM.

BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the One and Six Year Street Improvement Program, as prepared by the Superintendent of Public Works and Utilities, Street Superintendent, and City Administrator of the City of Wayne, Nebraska, and attached hereto be approved and adopted.

PASSED AND APPROVED this 5th day of February, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

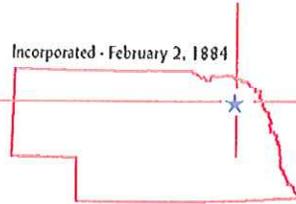
City Clerk

City of Wayne

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

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

Incorporated - February 2, 1884



PROPOSED ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM FOR THE CITY OF WAYNE, NEBRASKA

<u>Project Number</u>	<u>Project Year</u>	<u>Improvement</u>	<u>Estimated Cost</u>

M-617(92)	2013	Windom Street from 645' N of Fairground Ave to E. 7 th - 1,750' Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$590,000
M-617(80)	2013	East 10 th Street from Main St. to Windom St. - 1,225' Reconstruct Concrete Paving, Curb & Gutter, Storm Drainage	\$500,000
M-617(105)	2013	Tomar Drive & E. 4 th St. to the Summer Sports Complex - 1,800' Construct Concrete Paving	\$400,000
M-617(108)	2013	Milo Drive from W. 7 th to 420' N of W. 7 th - 420'	\$ 80,000
M-617(109)	2013	Angel Acres Subdivision - 1,500' Construct Concrete Paving, Curb & Gutter, Storm Drainage, Sidewalks	\$400,000

M-617(91)	2014	Trail & Pedestrian Underpass on W. 7 th Street Located between CAC and Oak Drive	\$566,000

M-617(89)	2015	Lage Subdivision - South of Fairgrounds Avenue - 900' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 175,000

M-617(107)	2016	Clark Street & Pearl Street . - 745' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$180,000
M-617(104)	2016	S. Lincoln Street from W. 1 st St. to 300' S. of W. 1 st St. Construct Concrete Paving, Curb & Gutter	\$ 80,000

M-617(98)	2017	Sherman Street from W. 5 th St. to W. 6 th St. - 300' Construct Concrete Paving, Curb & Gutter, Storm Drainage	\$ 80,000

	2018	Maintenance Only	

No person of the City of Wayne shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.

RESOLUTION NO. 2013-5

A RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO APPLY FOR NEBRASKA PUBLIC TRANSPORTATION ACT FUNDS.

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program; and

WHEREAS, the City of Wayne desires to apply for said funds to provide public transportation in the City of Wayne.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the City Administrator is authorized to apply for the above-mentioned funds and that said funds will be used for the City of Wayne's transportation operations in the FY 2013-2014 Application for Public Transportation Assistance.

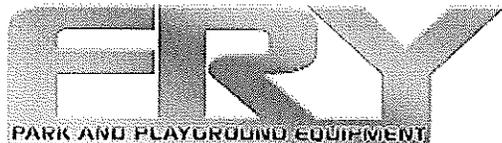
PASSED AND APPROVED this 5th day of February, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk



101 E 15th Ave, North Kansas City, MO 64116
 t. 816-221-4825 f. 816-221-4831

QUOTE

Number FRYQ53981

Date Jan 15, 2013

End User	Ship To	Bill To
City of Wayne 306 Pearl Street Wayne, NE 68787	City of Wayne PLEASE PROVIDE Wayne, NE 68787	City of Wayne 306 Pearl Street Wayne, NE 68787

Associates	P.O. Number	Ship Via	Terms
Vonne Oliver Steve Knippelmeyer		Common	Net 10

Qty	Description	Unit Price	Ext. Price
1 350-1015	350-1015 Surface Mount Post Color: Component Color: Rotomolded Plastic Color (SLIDES): Rotomolded Plastic Color (ADVENT TUBES): Rotomolded Plastic Color (STOREFRONT & CRAWL THRU): Rotomolded Plastic Color (LOLLITOP ROOFS): Sheet Plastic Color: Two-Color Sheet Plastic Color: EcoArmor Deck Color: CUSTOMER TO INSTALL	\$29,700.00	\$29,700.00
	<i>Playworld Systems</i>		
1 Freight	Freight to ship 350-1015	\$2,250.00	\$2,250.00
1,066 RTP	Rainbow Turf-Bonded Surface Color- Jungle Turf 1066 Square Feet Accommodates a 7' CFH PRICING PER USE ZONE MEASUREMENTS SHOWN! Price includes materials, delivery & installation of RTP. Customer responsible for any sub-base, concrete base & curbing around perimeter.	\$9.98	\$10,638.68
	<i>Rainbow Turf</i>		

Continued On Next Page ...

Qty	Description	Unit Price	Ext. Price
-----	-------------	------------	------------

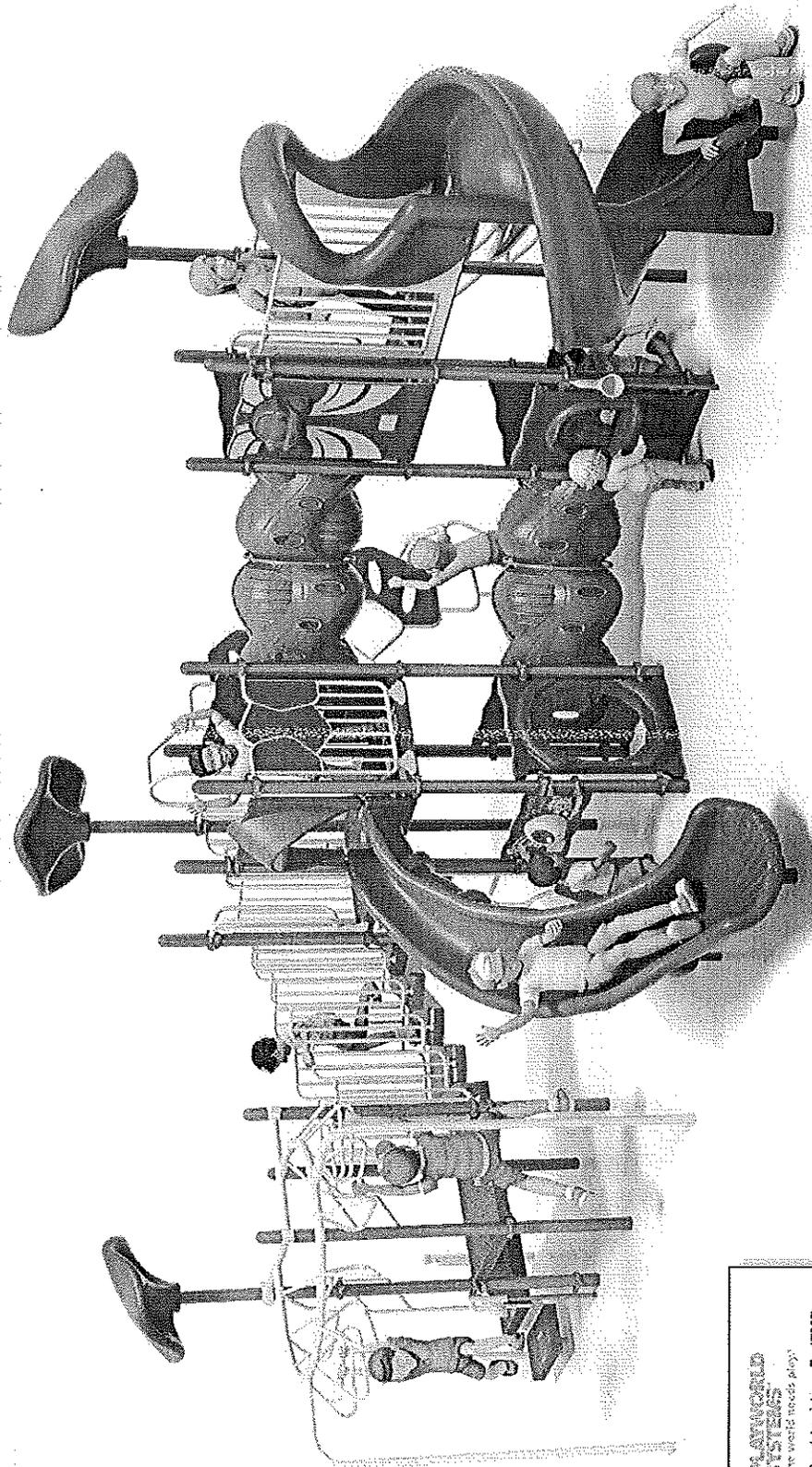
Shipping Contact: Lowell Heggemeyer
Email: lheggemeyer@cityofwayne.org

Phone: 402-375-8627
Fax:

Quote Accepted By: _____ Date: _____

Your Project Name

Your Project Location



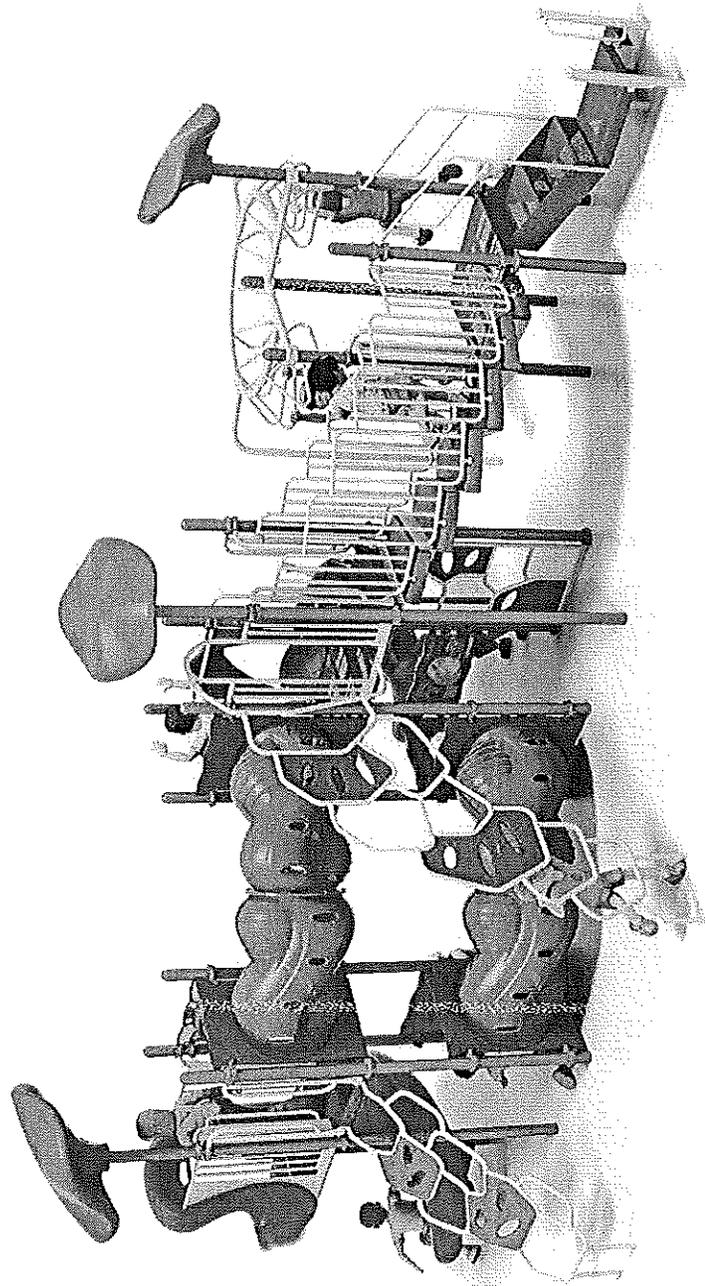
The world needs play!

1000 Buffalo Road, Lewisburg, Pa 17837

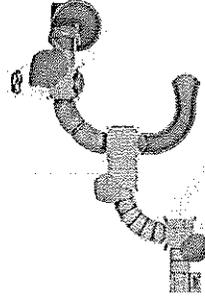
phone 570.522.9800 fax 570.522.7030 800.233.6464

www.playworldsystems.com

Your Project Name
Your Project Location



1000 Buffalo Road, Lewisburg, Pa 17837
phone 570.522.9800 - fax 570.522.3089 - 800.223.8404
www.playworldsystems.com



Design Number: 350-1015
Challengers® playcape layout per
ASTM F1487-07, CPSC 332 & CSA 2614-07

Weight:3549 lbs (1609.83 kg) Age Group:5-12 Years
Length:29'-08" (9.04 m) Use Zone L:41'-08" (12.73 m)
Width:25'-01" (7.64 m) Use Zone W:37'-01" (11.30 m)
Height:15'-00" (4.57 m) Number of Users:50
Installation Time:51 Hours Number of Play Events:14

Colors Shown:



[Back to Top](#)



1111 Lincoln Mall
Lincoln, Nebraska 68508

CERTIFICATE OF PAYMENT: 1 FINAL

Date of Issuance: 1/21/2013

Project No.: 011-1724
300-300001

Project: Wayne RICE NESHAP Compliance
City of Wayne, 306 Pearl Street, Wayne, NE 68787

Contractor: Mid-States Energy Works, Inc.
PO Box 1098
Salina, KS 67401

DETAILED ESTIMATE:

Description:	Unit Price:	Extension:
INVOICE NO. 4013 dated 1/21/2013		\$15,092.45
PLEASE REMIT PAYMENT TO: MID-STATES ENERGY WORKS, INC.		

Value of Work Completed This Request: \$ 15,092.45

Original Contract Cost: \$ 15,092.45
Approved Change Orders:

No. _____
No. _____
No. _____

Total Contract Cost: \$ 15,092.45

Total amount of completed work and materials stored to date	\$ 15,092.45
Less retainage percentage 0%	\$ -
Net amount due including this estimate	\$ 15,092.45
Less: Estimates previously approved:	

No. 1 _____
No. 2 _____
No. 3 _____
No. 4 _____

Total Previous Estimates: \$ -

NET AMOUNT DUE THIS ESTIMATE: \$ 15,092.45

The undersigned hereby certifies that the work done and materials delivered have been checked as to quantity and conformance with the plans and specifications and the Contractor, in accordance with the contract, is entitled to payment as indicated above.

cc: City of Wayne
Mid-States Energy Works, Inc.
Project File

OLSSON ASSOCIATES

BY 

Mid-States Energy Works, Inc.

PO Box 1098
Salina, KS 67401



Invoice

Bill To
Olsson Associates* PO Box 84608 Lincoln, NE 68501-4608

Ship To

P.O. No.	Terms	Date	Ship Date	Ship Via	Invoice #	S.O.#
	Net 30	1/21/2013	1/16/2013		4013	1261
Quantity	Item Code	Description	U/M	Price Each	Amount	
1	Labor - Constru...	Labor to install conduit, wire, and program 7 data loggers at Wayne, NE	hr	9,730.00	9,730.00	
1	Materials - Job	Conduit, wire, cooling adaptors, etc.	ea	2,889.31	2,889.31	T
1	Per Diem	Per Diem		1,575.00	1,575.00	
680	Mileage - Job	Mileage		1.00	680.00	
		Sales Tax		7.55%	218.14	
				Total		\$15,092.45

RESOLUTION NO. 2013-6

A RESOLUTION REAFFIRMING THE PROJECT ENGINEER AND APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA (10TH STREET, MAIN TO WINDOM IMPROVEMENTS).

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the hiring of Eisenbraun & Associates, Inc., as engineers for the construction of certain street improvements (10th Street, Main to Windom Improvements) to be constructed in the City of Wayne is hereby reaffirmed, and that the plans, specifications and estimate of cost of \$550,000.00, as prepared by the City's engineer and filed in the office of the City Clerk for the construction of said street improvements (10th Street, Main to Windom Improvements) of the City of Wayne, are hereby approved, and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City's Engineer.

PASSED AND APPROVED this 5th day of February, 2013.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2013-7

A RESOLUTION APPROVING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE CITY OF WAYNE AND JEO CONSULTING GROUP FOR A SLUDGE TREATMENT AND DISPOSAL EVALUATION.

WHEREAS, the Wayne City Council is desirous of entering into an Agreement with JEO Consulting Group for professional engineering services for a “Sludge Treatment and Disposal Evaluation”; and

WHEREAS, a proposal has been received and reviewed by staff; and

WHEREAS, staff recommendation is to accept the proposal of JEO Consulting Group for the above-named project for a lump sum fee of \$12,500 to prepare a “Sludge Treatment and Disposal Evaluation.”

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Agreement for professional engineering services between the City of Wayne and JEO Consulting Group for a “Sludge Treatment and Disposal Evaluation” be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said Agreement for the professional services on behalf of the City.

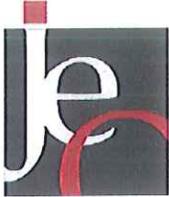
PASSED AND APPROVED this 5th day of February, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



December 21, 2012

Lowell Johnson, City Administrator
City of Wayne, NE
PO Box 8
Wayne, NE 68787

RE: Sludge Treatment and Disposal Evaluation
JEO Project No. 101310.00

Dear Lowell,

Thank you for the opportunity to submit this proposal related to providing professional services to the City of Wayne, NE (Client) by JEO Consulting Group, Inc. (Engineer) to conduct an evaluation of the sludge treatment and disposal options available to the City. We appreciate your confidence in our team to complete this project.

What follows is our understanding of the project and a scope and a fee proposal to complete the requested professional services. Please accept this letter form proposal as our understanding of the PROJECT DESCRIPTION, our proposed SCOPE OF SERVICES and TERMS AND CONDITIONS. If in your review of this proposal you find we misunderstood your needs, please feel free to contact us so we can make the appropriate modifications.

PROJECT DESCRIPTION:

The construction of the Aquarius treatment system as the City of Wayne's wastewater treatment facility has significantly reduced the sludge volume that needs to be treated by the City. However, although the volume is reduced, there is still sludge production that needs to be treated and disposed of. The current disposal method of placing the material in the existing lagoon resulted in an EPA mandated order to remove all of the sludge material from the lagoons within a two year period. This cleaning process was completed in the fall of 2012. In addition, although still feasible to continue with the existing sludge treatment, disposal, and cleaning process utilized today, the sludge volumes that are produced do not warrant the size of the existing lagoons, nor the additional expense of cleaning such a large acreage area every two years.

In discussions with the City of Wayne, various options have been considered for the treatment and disposal of the resulting sludge material. These options include digestion, which was designed but not implemented with the Aquarius facility, reed beds, a smaller aerated lagoon, and a sludge press. All of these options need to be evaluated for their cost effectiveness as well as how they impact the potential future uses of the existing lagoon site as the site has been considered for either future recreational or light industrial uses.

The evaluation presented in this proposal will summarize the various options for the treatment and disposal of the sludge, the cost effectiveness of these options, and to what impact they will have on the future use of the lagoon site. Costs to be considered in the cost effectiveness evaluation include capital cost, operation and maintenance cost, and potential property tax

JEO CONSULTING GROUP INC

11717 Burt Street | Suite 210 | Omaha, Nebraska 68154-1510 | p: 402.934.3680 | f: 402.934.3681

www.jeo.com

income from the reclaimed lagoon property. What follows is our scope of services for the completion of this evaluation:

SCOPE OF SERVICES:

1. Identification of Treatment and Disposal Options:
 - a. Identify and describe options for the treatment of the City of Wayne's sludge material. Options to include aerated lagoon, digestion, sludge press, reed beds, geo sacks, and up to two additional alternatives.
 - b. Evaluate identified treatment options for their effectiveness in treating the sludge material, the resultant end product, potential disposal methods and disposal locations of the end product, and any long term implications.
 - c. Evaluate improvements needed to implement sludge treatment process with the existing Aquarius treatment system.
 - d. Summarize the feasible sludge treatment and disposal options available to the City.
2. Evaluation of Existing Lagoon Site:
 - a. Review floodplain information from readily available FEMA data for the existing lagoon site.
 - b. Attend a meeting to assist the City in the development of a long-term use plan of the existing lagoon site including but not limited to recreational and light industrial uses.
 - c. Review findings of the City's youth committee on future uses of the lagoon site.
 - d. Identify any potential fatal flaws in the future long-term use plan.
 - e. Develop cost estimate for the construction costs to decommission the lagoon and grade to a flat developable site. If site is to be purchased "as-is", then this item will be negated.
 - f. Identify potential City revenue resulting from the development of the lagoon site.
3. Cost Effectiveness Evaluation:
 - a. Identify capital costs and operation and maintenance costs of the feasible sludge treatment and disposal options.
 - b. Develop additional rating criteria and rate each option on items such as, but not limited to, ease of use, long term implications, reliability, etc...
 - c. Develop a cost effectiveness evaluation that analyzes capital costs, operation and maintenance costs, potential revenue from the lagoon site, and additional rating criteria.
4. Finalization of Evaluation:
 - a. Summarize findings into a report.
 - b. Present a recommended option for the treatment and disposal of the sludge material.

Meetings included in the scope of services:

1. One (1) meeting to discuss future potential uses of the lagoon site.
2. One (1) meeting at an interval to be determined by Engineer to review preliminary results.
3. One (1) meeting to present recommended option.
4. One (1) attendance at a City Council meeting to present the recommended option.

Items NOT included in the scope of services:

1. Creation of cost estimates for the build-out cost of the lagoon site for any potential future use. Cost provided shall only be for returning the site to a flat developable parcel.
2. Comprehensive land use planning beyond attendance at a meeting to discuss future uses of the lagoon site and review of any fatal flaws for the uses identified.
3. Preliminary and Final Design Services

TERMS AND CONDITIONS:

Fee: The fee to complete the services provided for in this proposal shall be a lump sum fee of **\$12,500.00.**

JEO proposes to complete the above scope of services within **90 days** of the execution of this agreement. JEO will carry general and professional liability insurance during the project to cover our negligent acts, errors, or omissions. We will invoice monthly for services to date. Invoices are due upon receipt. Invoices unpaid after 30 days will accrue interest at 12% per annum (1% per month). Payments will be credited first to interest, then principal

This proposal represents the entire understanding between Client and Engineer in respect to the Project and may only be modified in writing and signed by both parties. This agreement may be terminated by either party at any time. Any additional services shall be on the standard hourly billing rates for JEO Consulting Group.

If the scope and fee presented in this letter is agreeable with your understanding of this project, please execute the proposal by signing and dating below and returning one executed copy back to JEO. If you have any questions concerning this letter, or if you need anything further from us at this time, please call me at (402) 934-3680.

Sincerely,



Lucas C. Billesbach, PE
Project Manager



Roger S. Protzman, PE
Senior Design Engineer

Accepted this ____ day of _____, 20__.

By _____
City of Wayne, NE

RESOLUTION NO. 2013-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA, AMENDING EXHIBIT "A" TO RESOLUTION 2012-74 - ANGEL ACRES BLIGHT DETERMINATION.

WHEREAS, during an internal audit of the files, it was found that Exhibit "A" to Resolution 2012-74 has the incorrect legal description described thereon, which was to wit:

Lot 1-12, Block Two, including the 80' street right-of-way around Block 2, John Lake's Addition to the City of Wayne County, Nebraska; and

WHEREAS, the correct legal description should be as follows:

Boyle's First Addition – Lot 2
Boyle's Second Addition Lots 1, 2, 3, 4
Lot 1 Admin Subdivision of Boyle's Outlot

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that it is hereby found and determined that the legal description described on the Attached "A", as corrected, shall replace and be attached to said original Resolution 2012-74.

PASSED AND APPROVED this 5th day of February, 2013.

THE CITY OF WAYNE, NEBRASKA,

By: _____
Mayor

ATTEST:

City Clerk

EXHIBIT "A"

ANGEL ACRES:

Boyles' First Addition – Lot 2

Boyle's Second Addition Lots 1, 2, 3, 4

Lot 1 Admin Subdivision of Boyle's Outlot

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.

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

Section 1. That Chapter 74, Article VIII, Sections 74-291 and 74-295 of the Wayne Municipal Code are hereby amended to read as follows:

Sec. 74-291. Dedication

Every subdivider who subdivides land shall dedicate a portion of such land, or pay a fee, as set forth in this article for the purpose of providing a park, recreational facilities, and open spaces to serve future residents of such subdivision. **Regardless of when said land was dedicated to the City under this article, the Council, only through a super majority vote of 6 ayes, may at any time:**

- 1. Trade park fee land acquired pursuant to this article for an equal area of land to be used for a public park within the same subdivision or within 1,000 feet of the subdivision; or**
- 2. Sell park fee land at current market value and use the sale funds within 24 months to purchase an equal amount of land within the same subdivision or within 1,000 feet of the subdivision or to purchase playground equipment or other public recreation enhancements in a public park within the same subdivision or within 1,000 feet of the same subdivision.**

Sec. 74-295. Use of proceeds

With the exception provided in Section 74-291 of this article, land and fees received under this article shall be used **only** for the purpose of providing parks, recreational facilities and open spaces to serve the approximate area of the subdivision for which received and location of the land and amount of fees shall bear a reasonable relationship to the use of the parks, recreational facilities and open spaces by the future inhabitants of the subdivision.

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 _____ day of _____, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk