

(Amended: 10/20/14)

AGENDA
CITY COUNCIL MEETING
October 21, 2014

1. [Approval of Minutes – October 7, 2014](#)

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.

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. **Proclamation – October as “Head Start Awareness Month”**

4. [Action on the Membership Application of Jacob Flynn to the Wayne Volunteer Fire Department — Phil Monahan, Fire Chief](#)

5. [Report/Update from the Wayne Green Team — Sandy Brown](#)

Background: Mayor Shelton appointed the original Wayne citizen members of this group to provide an outside review of the city’s use of natural resources and energy in our facilities and operations and to brainstorm the long-term sustainability of the community’s resource and energy use. The original group looked closely with city staff at our buildings and found investments in energy savings that were low hanging fruit and helped develop substantial savings in stormwater management costs in new project development designs. This is an update on some of the things the Team is currently working on.

6. [Demonstration of New GIS System — Brian Kesting, Technology Support Specialist](#)

Background: The Wayne GIS system was ordered by the Mayor and Council in 1998 and is just now ready to become integrated into our on-line presence and with the County’s on-line GIS system. This on-line GIS information will provide a lot of detail, and we want your knowledge and approval to roll this out to the public.

7. [Ordinance 2014-28: Amending Wayne Municipal Code Section 78-128 Prohibited Parking Northwest Quadrant of the City \(Second Reading\)](#)

8. [Ordinance 2014-29: Amending Wayne Municipal Code Section 78-129 Restricted Parking Northwest Quadrant of the City \(Second Reading\)](#)

9. [Discussion regarding 4-way stop signs at all 4 corners of the Elementary School](#)

Background: The recent injury to a Wayne student walking to school has prompted further review of the intersections around the Elementary School also. This agenda item is a discussion item to open the topic up for discussion of safety improvements that may be needed at these intersections.

10. [Ordinance 2014-30: Amending Wayne Municipal Code Chapter 6 - Alcoholic Beverages, Section 6-18 Hours of Sale \(Second Reading\)](#)

11. [Ordinance 2014-31: Amending Chapter 22, Article II. Occupation Tax, Sec. 22-37 Utility Franchise Fees](#)

Background: Wayne levies a franchise fee or an occupation tax to each of the private and public utilities that operate within the City of Wayne street and alley right-of-ways. This action would increase the franchise fee for the City of Wayne Electric Utility from 8.5% to 10.5% of the gross revenue, and would increase the fee from 7% to 8% of the gross revenue for the Water Utility. The revenue the city receives from these private utilities goes to the city's general operating fund, which pays for law enforcement, streets, library, activity center, senior center, and fire department operations, etc.

12. [Ordinance 2014-32: Amending Chapter 10, Article 5, Sec. 10-501.02 of the Wayne Municipal Code Regarding Franchise Fee; Natural Gas Companies](#)

Background: This action would increase the franchise fees for the Blackhills Energy Company residential service from \$2.50 to \$4.00 per month and for commercial service from \$5.00 to \$7.00 per month. The fee for industrial service will remain at \$50 per month. The revenue the city receives from this fee goes to the city's general operating fund, which pays for law enforcement, streets, library, activity center, senior center, and fire department operations, etc.

13. [Ordinance 2014-33: Creating Water Extension District No. 2014-1 \(Grainland Road\)](#)

Background: This item is on the agenda at this time for discussion purposes to discuss the process and the purpose. The area of the district proposed would extend west on both sides of Grainland Road from the east boundary of the Wayne County Fairgrounds west to the west boundary of the right-of-way of South Pheasant Run Road.

14. [Ordinance 2014-34: Creating Sanitary Sewer Extension District No. 2014-1 \(Grainland Road\)](#)

Background: This item is on the agenda at this time for discussion purposes to discuss the process and the purpose. The area of the district proposed would extend west on both sides of Grainland Road from the east boundary of the Wayne County Fairgrounds west to the west boundary of the right of way of South Pheasant Run Road.

15. [Resolution 2014-86: Accepting Proposal and Approving the Short Form of Agreement between the City of Wayne and Advanced Consulting Engineering Services for the Design and Construction Phase Services for the North Main Street Water Main Improvements](#)

Background: When the Wayne water tower was removed from the old Main Street location on top of the hill between 8th and 9th Streets, the old network of water mains connecting the water tower to the rest of the town and Wayne State College were left

in place and are still charged with water pressure. When we rebuilt the 10th and Main Street intersection, we found shallow and undersized old water lines that needed replaced between 7th and Main Streets and 14th and Main Streets. There is no Federal or State grant funding for this project, and we have let the Water Department staff select the engineering firm to design the work. If approved, this agreement will start the design work, and the project should be completed in 2015.

Recommendation: The recommendation of Jeff Brady, Water/Wastewater Foreman, and Lowell Johnson, City Administrator, is to approve the agreement with ACES.

16. [Resolution 2014-87: Authorizing the borrowing of funds \(\\$70,000\) from the City of Wayne Electric Fund for Airport Improvements](#)

Background: The Airport Authority needs to cash flow some of the rebuilding and improvements in the airport recovery process. They have the budgeted revenues to cover the costs over time, but have requested the cash flow assistance to do the work in this time period. This would be in the form of a two-year loan if approved by the City Council.

The recommendation of the Airport Authority is to approve the loan. Airport Authority Board members are elected by the public during general elections. Board vacancies are filled by the Mayor with approval by the City Council.

17. [Resolution 2014-88: Approving Interlocal Agreement with Wayne County regarding the repair of Bridge C009011620, located on 857th Road between Sections 5 and 8, T26N, R4E](#)

Background: The consensus of the City Council, the County Commissioners, and the Airport Authority board members that attended the special October 14th County Commissioner's meeting was to use the insurance proceeds to repair the existing bridge and reopen the road, with the City and the County each sharing one-half of the costs not covered by insurance, including the engineering fees incurred, but will now be unused for the construction of a new bridge at the site.

Recommendation: The recommendation, by vote of the County Commissioners, was to formally approve the consensus of the October 14th special joint meeting to rebuild the bridge and share all of the costs through an Interlocal Agreement with the City of Wayne.

18. [Resolution 2014-89: Approving Interlocal Agreement with Wayne County regarding 2015 Pictometry Flight Project](#)

Background: In March of 2013, we hired a company to take a new aerial photo of the city. In October, the same aerial photo company flew and photographed the area damaged by the tornado at no charge. Wayne County and the City of Wayne are putting together a group discount to fly the entire county in Spring of 2015, and provide new aerial photos. For an additional \$9,963, they will photo the City of Wayne and our extraterritorial zoning jurisdiction at a higher 3" per pixel resolution that will fit seamlessly into the county aerial photo sections. Right now, our aerial photo has to be "stitched" at the edges to combine it with the county photo. Our participation in this county group discount will give us an updated

photo in higher resolution and will get us in sync with the county schedule for future group discounted aerial photo updates and reduce both of our costs.

Recommendation: The recommendation of Brian Kesting, Technology Support Specialist, and Joel Hansen, Zoning Administrator, is to approve the interlocal agreement.

19. Discussion in regard to a request to extend sidewalk from Pac N Save west to Pheasant Run Road and then north to the far north end of Bomgaars' fence

Background: We have had two requests for sidewalks extended along Hwy 35 west to Pheasant Run Road and north into the Bomgaars entrance. These requests are in line with our city code requirements that commercial and residential areas are required to build and maintain pedestrian sidewalks on the property frontage along the street fronting the property. We are currently in the process of enforcing this requirement on two other properties in Wayne.

Sidewalks on the properties fronting Hwy 35 have been treated differently. The original sidewalks on 7th Street were originally installed at the cost of the property owners as the lots were developed. The Nebraska Department of Roads rerouted Hwy 35 to 7th Street in 1955. In 1998, all the sidewalks along Hwy 35 were rebuilt by NDOR as part of the Hwy 35 widening project. In 2002, the City Council took over the responsibility for snow removal on the Hwy 35 sidewalks because of the large amount of snow repeatedly thrown onto the walks from the extra wide three-lane highway.

Because Hwy 35 is also a city street, we have the legal ability to notify the property owners on both sides of Hwy 35, beginning at the east boundary of the cemetery and at the access driveway west of Pac 'n Save and extending to Pheasant Run Road, that they are required, by city code, to install sidewalks at their expense. We have a 50% city cost-share program for replacement of existing sidewalks, but no incentive to install original sidewalks.

The city can create a sidewalk paving district as we can create a street paving district. We would build the sidewalk and assess the costs to the property owners over ten years. Also, just like a street paving district, if the property owners of more than 50% of the property frontage object out of the sidewalk district in writing to the City Clerk within 30 days of the creation of the district, the project fails and the district is dissolved. If that should happen, then we will be back to contacting individual property owners to install their own sidewalks, unless the Council decides to waive our own city code sidewalk requirement for that section of street.

Recommendation: The recommendation of Joel Hansen, Street Superintendent, and Lowell Johnson, City Administrator, is to contact the property owners and see what they want to do.

20. Action on Pay Application No. 2 Final in the Amount of \$51,915.73 to Robert Woehler & Sons Construction, Inc., for the Highway 15 & 10th Street Intersection Project

Background: This is for work done in accordance with the contract and approved by the project engineer for payment. At this time, we have not received the engineer's recommendation, but expect to have it by the Council meeting.

21. [Action to Foreclose on 111 Fairgrounds Avenue](#)

Background: A written complaint was received about the condition of the building on this lot. The owner was given a time period to bring the property into compliance with the Property Maintenance Code or remove the building. When that did not occur, the City demolished and cleared the building and billed the property owner for the cost. The City was not reimbursed, so a lien was filed on the property. Our normal practice in code enforcement is to foreclose on the lien and force the reimbursement of the costs due the City or force the sale of the property.

Recommendation: The recommendation of Lowell Johnson, City Administrator, is to approve the foreclosure on the city liens for 111 Fairgrounds Avenue.

22. [Discussion regarding Nebraska Street Park](#)

23. [Ordinance 2014-35: Amending Wayne Municipal Code Section 30-12 Candidate Qualifications](#)

Background: The City of Wayne candidate qualifications in our current city code require that "Any person seeking elective office in the city shall be a registered voter prior to holding such office and in addition shall have reached the age of majority. The mayor and members of the council shall be residents and qualified electors of the city." The Federal and State required qualifications are simply that a candidate for elected office must be an eligible elector. An eligible elector is an 18-year old resident, registered to vote, and not legally barred from voting.

Today (Friday), an 18-year old resident of Wayne filed as a write-in candidate for the office of mayor. That filing was accepted by the City Clerk's office and by the Wayne County Clerk's office. When questioned about the candidate qualifications to seek the office of mayor, we found that the "Candidate Qualification" section of the code likely adopted the "age of majority" in 1971 after the Federal voting age was dropped to 19 years old to make the City Code match the State and Federal voting laws.

In the late 70's, the State and Federal laws dropped the "voting age" to 18, but Nebraska continued to maintain the definition of the "age of majority" at 19, so Nebraska's "voting age" and the "age of majority" no longer matched. No one at that time updated the City Code qualifications for election to Mayor, and it remains there. City Councilmembers are required to be "bonded" in Nebraska, but not mayors. Nebraska residents are required to be the "age of majority" to be bonded. The result is that Wayne has a stricter election requirement for mayor than the current State and Federal election requirements. Our legal counsel believes this position is almost certainly neither legal, nor defensible in court.

If elected, the 18-year old candidate that filed as a write-in for mayor on Friday could not be sworn in as mayor until age 19, sometime in 2015, unless we update the City Code to harmonize it with State and Federal election law.

Recommendation: The recommendation of our legal counsel is to amend the qualification requirements for mayor in the City Code to harmonize it with State and Federal election laws and to waive the three readings.

24. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

[Wayne Public Library Board of Trustees Meeting Minutes – Sept. 16, 2014](#)

[Wayne Airport Authority Meeting Minutes – Sept. 8, 2014](#)

[Wayne Airport Authority Meeting Minutes – Aug. 11, 2014](#)

October 7, 2014

The Wayne City Council met in regular session at City Hall on Tuesday, September 16, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Kaki Ley, Matt Eischeid, and Jill Brodersen; City Attorney Eric Knutson; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on September 25, 2014, 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 Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of September 16, 2014, 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:

CORRECTIONS TO CLAIMS LIST OF 5/6/14: Delete NE Nebraska Red Cross, Re, \$59.24 (Reissued 9/30/14)

VARIOUS FUNDS:

FISCAL YEAR 2013-2014: ABDO PUBLISHING Co, SU, 126.65; AMAZON.COM, SU, 385.22; AMERITAS, SE, 1904.18; APPEARA, SE, 168.67; ARNIE'S FORD-MERCURY, SE, 65.33; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 101.88; BANK FIRST, FE, 120.00; BLACK HILLS ENERGY, SE, 186.78; BLACKBURN MANUFACTURING, SU, 342.82; BOMGAARS, SU, 3150.63; CITY EMPLOYEE, RE, 208.35; CITY EMPLOYEE, RE, 41.54; CITY EMPLOYEE, RE, 56.75; BROWN PLUMBING, SU, 486.25; BROWN SUPPLY, SU, 932.55; CARROT-

TOP INDUSTRIES, SU, 112.44; CENTURYLINK, SE, 315.26; CHARTWELLS, SE, 6549.18; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, RE, 600.00; CITY OF WAYNE, RE, 350.00; CITY OF WAYNE, FE, 600.00; CITY OF WAYNE, PY, 60606.41; CITY OF WAYNE, RE, 13.84; COMMUNITY HEALTH, RE, 4.00; COUNTRY NURSERY, SE, 6285.00; CREATIVE DISPLAYS, SU, 455.75; DE LAGE LANDEN FINANCIAL, SE, 77.00; DGR & ASSOCIATES, SU, 1496.00; DUGAN BUSINESS FORMS, SU, 517.80; DUTTON-LAINSON, SU, 638.45; EASYPERMIT POSTAGE, SU, 1000.00; ECHO GROUP, SU, 629.48; ED. M FELD EQUIPMENT, SU, 266.00; EMPLOYERS MUTUAL CASUALTY, RE, 254.40; FIRST CONCORD GROUP, SE, 3331.64; FLOOR MAINTENANCE, SU, 596.62; FRANCES POEHLMAN, RE, 500.00; GALE GROUP, SU, 115.65; GEMPLER'S, SU, 228.40; GERHOLD CONCRETE, SU, 1361.91; GROSSENBURG IMPLEMENT, SU, 264.03; H.K. SCHOLZ CO, SE, 1043.50; HTM SALES, SE, 18141.92; HUBER TECHNOLOGY, SU, 240.00; ICMA, SE, 6701.31; INTERSTATE BATTERY, SU, 257.90; IRS, TX, 22566.00; JACK'S UNIFORMS, SU, 6937.41; JEO CONSULTING GROUP, SE, 3122.50; JOHN'S WELDING AND TOOL, SE, 882.36; KATHOL TURF, SE, 609.71; KELLY SUPPLY, SU, 202.67; KRIZ-DAVIS, SU, 154.44; L.G. EVERIST, SU, 1749.44; LAYNE CHRISTENSEN, SE, 1489.05; LUMBERMENS BRICK & SUPPLY, SU, 840.00; LYNN PEAVEY, SU, 549.55; MAIN STREET AUTO CARE, SE, 90.00; MES-MIDAM, SU, 500.00; MICHAEL TODD & CO, SU, 837.50; MUNICIPAL SUPPLY, SU, 2478.07; N.E. NEB ECONOMIC DEV DIS, SE, 75.00; NE NEB INS AGENCY, SE, 1581.00; NE DEPT OF REVENUE, TX, 3210.56; NE PUBLIC HEALTH, SE, 61.00; NE SALT & GRAIN, SU, 1760.85; NEBRASKA HOIST, SU, 145.30; NORFOLK SPORTING GOODS, SU, 44.10; NORTHEAST LIBRARY SYSTEM, FE, 25.00; NORTHEAST NE RED CROSS, RE, 118.48; NNPPD, SE, 4263.00; NWEA, FE, 360.00; OLSSON ASSOCIATES, SE, 1986.53; PAC N SAVE, SU, 267.74; CITY EMPLOYEE, RE, 348.88; PHIL CHALMERS, SE, 250.00; PUSH-PEDAL-PULL, SE, 178.80; QUILL, SU, 33.20; CITY EMPLOYEE, RE, 145.51; SIOUX CITY WINSUPPLY, SU, 76.59; SIOUX SALES CO, SU, 3500.00; SIOUXLAND HYDRAULIC, SU, 313.85; SIOUXLAND TURF PRODUCTS, SU, 1317.00; STADIUM SPORTING GOODS, SE, 658.98; STATE NEBRASKA BANK, RE, 83.63; T & S TRUCKING, SE, 633.28; TOM JACOBSEN, RE, 3500.00; ULINE, SU, 102.96; UNITED WAY, RE, 12.40; US BANK, SU, 3396.25; UTILITIES SECTION, FE, 80.00; VERIZON, SE, 97.97; WAYNE COUNTY CLERK, SE, 138.00; WAYNE COUNTY TREASURER, FE, 459.14; WAYNE HOSPITALITY, RE, 21701.72; WAYNE VETERINARY CLINIC, SE, 350.00; WESCO, SU, 2088.04; CITY EMPLOYEE, RE, 48.14; ZEE MEDICAL SERVICE, SU, 76.68 BAKER & TAYLOR BOOKS, SU, 501.43; BEST BOOKS, SU, 1192.48; BLUE DEVIL BOOSTER CLUB, SU, 85.00; CARHART LUMBER COMPANY, SU, 1824.52; COPY WRITE, SE, 173.78; COUNTRY NURSERY, SU, 250.00; DAVE'S DRY CLEANING, SE, 138.00; DEMCO, SU, 1057.49; EASYPERMIT POSTAGE, SU, 730.29; FREDRICKSON OIL, SE, 28.00; HAUFF MID-AMERICAN SPORTS, SU, 157.75; HAWKINS, SU, 383.54; INGRAM BOOK COMPANY, SU, 838.74; JASON CAROLLO, SE, 140.00; KAY CONTRACTING, SE, 932.50; KLEIN ELECTRIC, SE, 4268.50; LUTT OIL, SE, 8542.78; MARCO, SE, 126.36; MSC INDUSTRIAL, SU, 17.73; MUNICIPAL SUPPLY, SU, 990.19; NE SAFETY COUNCIL, SE, 8.89; NNPPD, SE, 12306.60; ONE

CALL CONCEPTS, SE, 80.80; PIEPER & MILLER, SE, 1729.00; PLUNKETT'S PEST CONTROL, SE, 175.18; QUALITY INN, SE, 271.96; QUALITY 1 GRAPHICS, SU, 490.00; RANDOM HOUSE, SU, 401.25; S & S WILLERS, SU, 1597.67; SD MEYERS, SE, 434.00; SHOPKO, SU, 894.11; STATE NEBRASKA BANK, SE, 61.28; STATE TREASURER OF NE, RE, 643.11; THE GLASS EDGE, SE, 3983.00; TYLER TECHNOLOGIES, SE, 123.75; US BANK, SU, 1696.09; VAKOC CONSTRUCTION, SU, 1745.54; WAED, RE, 7216.66; WAYNE AUTO PARTS, SU, 562.56; WAYNE HERALD, SE, 4429.99; WESCO, SU, 204.48; WAPA, SE, 26711.59

FISCAL YEAR 2014-2015: AMERITAS, SE, 2264.84; BANK FIRST, FE, 90.00; CHILD SUPPORT, RE, 100.00; CITY OF WAYNE, PY, 61907.73; CITY OF WAYNE, RE, 302.12; COMMUNITY HEALTH, RE, 4.00; ICMA, SE, 6752.31; IRS, TX, 22689.98; NE DEPT OF REVENUE, TX, 3190.75; AMERICAN BROADBAND, SE, 2411.90; CITY OF WAYNE, RE, 383.96; DEARBORN NATIONAL LIFE, SE, 92.88; ENGINEERED CONTROLS, SE, 790.00; GILL HAULING, SE, 22.00; CITY EMPLOYEE, RE, 167.08; NORTHEAST NE ENERGY SYSTEM, SE, 12732.00; NE NEB INS AGENCY, SE, 70612.00; PIEPER & MILLER, SE, 429.00; PROVIDENCE MEDICAL CENTER, RE, 10000.00; STATE NEBRASKA BANK, RE, 308.11; VIAERO, SE, 252.13; WAED, RE, 7216.66

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, 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.

Mayor Chamberlain declared the week of October 5-11, 2014, as "Support Citizens with Intellectual Disabilities Week," and the month of October as "Domestic Violence Awareness Month."

Tom Lee, Administrator, Dr. Mark McCorkindale, and Kari Baldwin, representing Providence Medical Center, Faith Physicians, and Faith Regional Physicians

Services respectively, were present to donate two defibrillators to the City of Wayne for the Summer Sports Complex and Hank Overin Field.

The following ordinance will add prohibited parking areas in the northwest quadrant of the city, more particularly the Western Ridge subdivision, Milo Drive and Pheasant Run Road. This would not allow parking in the cul de sacs.

Mayor Chamberlain read an email received from Sue Denton in favor of the Ordinance.

Nancy Rodriguez, a resident in Western Ridge, did not have any concerns regarding the proposed Ordinance, but had concerns about people speeding in that area.

Councilmember Eischeid introduced Ordinance No. 2014-28, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-28

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

The following Ordinance will restrict parking midnight to 5:00 a.m. in the Northwest Quadrant of the city, more particularly in the Western Ridge Subdivision.

Councilmember Eischeid introduced Ordinance No. 2014-29, and moved for approval thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-29

AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Administrator Johnson stated the City's insurance carrier has advised us that they will not pay for a new concrete base at Hank Overin Field. The engineer, Olsson Associates, is recommending that we not build on the old foundation or concrete base. They have stated in their study that the construction of a new grandstand will not likely coincide with the current configuration of the basement foundation. Coupled with the poor condition of the basement and extensive cost to rehabilitate the concrete, they recommend the basement foundation be removed and filled to grade level. The City Attorney's office will do research on the matter to see if the insurance carrier's opinion can be challenged.

The Committee has unanimously decided that they want to make changes and move forward and take the base out. They would like to have a center entrance instead of an entrance at one end. Staff has advised the Committee that there is an amount that EMC will pay the City, which will be based on rebuilding what was there on the same concrete. If we want to change entrances, put in new concrete, etc., anything above that amount will be the City's cost. In the budget that has been prepared, there is nothing in there to fix or enhance that building. Staff has told the Committee the additional improvement costs would depend on donations, and they have agreed to that. In addition,

there is a history of working with Otte Construction, and the Committee would like to continue and maintain that history. The Committee needs to decide what they want the facility to look like and how much more they want to do to the facility.

Mayor Chamberlain stated he thought the Committee had a good understanding that what the City is going to put into this is what we receive for settlement from the insurance company. Anything above what the insurance company is going to pay out will be their responsibility to either fundraise for or get in-kind labor, etc.

Administrator Johnson stated for agenda item no. 8, he would bring Council an actual agreement before approving Otte Construction as the company to design and construct the new grandstand at Hank Overin Field. The item on the agenda should have been for discussion purposes only and not action.

Councilmember Giese made a motion, which was seconded by Councilmember Greve to approve the total demolition of the Overin Field grandstand, including the concrete foundation.

Councilmember Eischeid stated if the intent is to demolish the grandstand, it has to be done without disturbing the concrete, especially if the concrete is an issue with the insurance company. We need to maintain that foundation until we know for sure what the insurance company will do.

Administrator Johnson suggested holding off on these two agenda items for two weeks. In addition, he stated if Council really did not want to put additional monies into this project or the enhancements, and you want it to be fundraised, he would not start the project until the funds are in place, because as soon as you do that, the fundraising seems to stop.

Councilmember Haase stated his experience with insurance is that if the tornado did not do the damage to the foundation, you would not get any money for it.

Councilmember Giese then rescinded his motion; Councilmember Greve rescinded his second.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid to table the matter to demolish the Overin Field grandstand, including concrete foundation until brought back by the City upon further information being presented. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid to table the matter to approve Otte Construction, in partnership with Sand Creek Post & Beam, to design and construct the new grandstand at Overin Field under the same conditions of the previous motion. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain stated the time was at hand for the public hearing regarding an application for a Retail Class C Liquor License for El Tequila, LLC, d/b/a “Fiesta Brava.”

Luis Abundes, representing El Tequila, LLC, d/b/a “Fiesta Brava”, 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 Sievers introduced Resolution No. 2014-82 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2014-82

A RESOLUTION APPROVING APPLICATION FOR RETAIL CLASS C LIQUOR LICENSE — EL TEQUILA, LLC, D/B/A “FIESTA BRAVA.”

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 on the budget amendment request to the Department of Economic Development for Grant #13-CIS-106, a Community Development Block Grant.

Administrator Johnson stated this is needed to amend the use of the grant funds in the Comprehensive Investment and Stabilization Grant for the southeast quadrant of Wayne. The most significant grant award change proposed consists of the reallocation of funds budgeted for housing activities (owner-occupied rehabilitation, housing management, and risk assessment/testing) into the tornado shelter budget. If this is approved, \$85,500 would be moved from the housing activity budget into the tornado shelter activity budget. We are proposing to eliminate the housing activities initially proposed for 13-CIS-106, so that those funds can be used to construct a tornado shelter/public restroom in East Park that better meets target area needs.

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

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

Councilmember Muir introduced Resolution No. 2014-83 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-83

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, TO APPROVE AND SUBMIT A CONTRACT AMENDMENT REQUEST BETWEEN THE CITY OF WAYNE AND THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GROUP GRANT #13-CIS-106.

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

The following Resolution would approve the specifications for the purchase of a new “Wheel Loader” and authorize the City Clerk to advertise for bids. The estimated cost is \$217,750 for the wheel loader (which includes a grapple fork). This will come before Council again for approval of the bid. The trade-in value will also be brought before Council.

Todd Hoeman, Street Foreman, and Joel Hansen, Building Inspector, were present to answer questions.

Councilmember Giese introduced Resolution No. 2014-84 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-84

A RESOLUTION APPROVING WHEEL LOADER SPECIFICATIONS AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR BIDS.

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

Administrator Johnson stated the following Resolution would approve an agreement with JEO Consulting Group, Inc., for the engineering, design, bidding and

limited construction services for the 2014-2015 Wayne Water Tower Repainting Project for a sum not to exceed \$9,950.00. The last time the east water tower was painted was in 2000.

Councilmember Giese introduced Resolution No. 2014-85 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-85

A RESOLUTION ACCEPTING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SERVICES WITH JEO CONSULTING GROUP, INC., FOR THE ENGINEERING, DESIGN, BIDDING AND LIMITED CONSTRUCTION SERVICES FOR THE 2014-2015 WAYNE WATER TOWER REPAINTING PROJECT.

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

Mayor Chamberlain stated he had a request from the Wayne Country Club for Council consideration to amending the Wayne Municipal Code to allow for the sale of alcoholic liquor on Sunday mornings. Recent legislative changes also allow for the “off sale” of alcoholic liquor, beer and wine until 2:00 a.m. Those changes have been brought forward for Council consideration.

After discussion, Councilmember Sievers introduced Ordinance No. 2014-30, and moved for approval thereof, amending only the “on and off sale” of alcoholic liquor on Sunday to 6:00 a.m.; Councilmember Giese seconded.

ORDINANCE NO. 2014-30

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

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

Discussion took place on whether or not to continue or discontinue electric incentives.

Each year the City has budgeted \$75,000 in the Electric Fund to be used as grant incentives for electric utility customers to replace old inefficient lighting systems, add insulation, replace AC units with heat pumps, and replace windows and doors and attic ventilation to help reduce peak electric loads in the summer. Until now, NPPD has reimbursed us for 75% of these incentives. Now that Wayne has given notice to NPPD that we intend to reduce our wholesale power purchases from them by 90% beginning in 2019, they have given Gene Hansen, Electric Production Superintendent, notice they will no longer reimburse those incentives.

Staff will put together some facts for Council to review at the next meeting.

Administrator Johnson stated he had received Change Order No. 3 for \$10,117.65 on the “Highway 15 and 10th Street Intersection Project.” This was to add more sidewalks, replace the portion of the alley entrance on city right-of-way, and cover the grass seeding with a mulch mat to avoid erosion in hard rains. The project engineer has approved the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Change Order No. 3 for \$10,117.65 for the “Highway 15 and 10th Street Intersection Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to appointing the following citizens to the Wayne Green team:

Aspen Pflanz, Bonnie Andersen, Christina Bargholz, Edith Zahniser, Jeaney Harris, Joan Sudmann, Joel Hansen, Kathleen Johs, Lois Shelton, Lowell Johnson, Matt Wachter, Monica Snowden, Nick Muir, Sadie Miller Sandy Brown, Scott Brummond, Sherry Dorman, Susan Wells, Todd Hoeman, Barbara Hayford, Michael Hull, and Shizuka Nakayama

Councilmember Sievers made a motion, which was seconded by Councilmember Ley, approving the following citizens to the Wayne Green Team:

Aspen Pflanz, Bonnie Andersen, Christina Bargholz, Edith Zahniser, Jeaney Harris, Joan Sudmann, Joel Hansen, Kathleen Johs, Lois Shelton, Lowell Johnson, Matt Wachter, Monica Snowden, Nick Muir, Sadie Miller Sandy Brown, Scott Brummond, Sherry Dorman, Susan Wells, Todd Hoeman, Barbara Hayford, Michael Hull, and Shizuka Nakayama

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

Concerning Agenda Item No. 19, it was noted that the reason half the cost of the bridge would be the responsibility of the City is that when that property was annexed, it was annexed to the north fence, so the right-of-way is now a city street. Joel Hansen advised the Council that since September 1977, any annexation has to go all the way across any adjacent roads.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, setting the joint meeting date and time with the Wayne County Board of Commissioners and the Wayne Municipal Airport Authority for Tuesday, October 14, 2014, at 5:30 p.m. in the North Meeting Room of the City Auditorium to discuss the bridge north of the airport.

Councilmember Eischeid would not be able to attend the meeting, but wanted someone to convey on his behalf, that if the additional money spent for an engineer (over and above what insurance would cover) was a joint effort, he would be somewhat better about the City having to help cover the cost of, but if it was not, he had an issue with that.

Councilmembers Giese, Ley and Eischeid would not be able to attend this meeting.

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

Discussion took place in regard to purchasing tablets for Council usage. If purchased, these would prevent the need for paper packets for the Council meetings, etc.

B J Woehler was present and asked if Council took the leap to purchase tablets, that they consider installing some type of projector or system in which to put the Council packet on a large screen for the public to view. In addition, he had concerns about the Council sending messages back and forth with tablets and how that would be recorded.

Brian Kesting, Information Technology Specialist, would research and gather information to present at the next meeting.

Discussion took place about being part of a joint letter with the school, which would be sent to the Department of Roads requesting a traffic safety study for the highway crossing by the high school.

Joel Hansen, Street Superintendent, advised the Council that what he has heard back from the Department of Roads is that there is no blanket study. If we are making a request from the Department of Roads, they want specific requests to look at to say nay or yea to.

After discussion, Council wanted the following recommendations made to the Department of Roads for the study:

- Install "prepare to stop when flashing lights" a couple of hundred feet before the stop lights near Sherman Street on Highway 35;
- Install stop lights on the sides of the poles at the Sherman Street stop lights on Highway 35;
- Install school zone flashing lights on both sides of the crosswalk by St. Mary's on Highway 35; and
- Change the speed limits on both the west and east sides of town on Highway 35: Drop from 45 to 35 to 30 (changing the 45 mph speed limit sign to 35 mph and moving the 45 mph speed limit farther out).

B J Woehler asked Council to consider installing sidewalks to Bomgaars.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, to approve being part of a joint letter with the School to the Department of Roads with the items Council discussed. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Discussion then took place on making a request to the Department of Roads to change the timing of the traffic lights downtown. This was a request made by Councilmember Giese. He felt there needs to be a sizeable window for traffic to hit both the 2nd and 3rd Street lights without having to stop. In addition, he thought at 10:00 pm., the lights should be changed to blinking yellow lights until 7:00 a.m. Currently, the blinking yellow lights run from midnight to 6:00 a.m.

Councilmembers Brodersen and Sievers had concerns about making this change since the businesses downtown wanted it to remain the same.

Administrator Johnson stated his suggestion to the Department of Roads was to leave the lights alternating as they are now, so they are not either red or green, but add 10

seconds to both of them. The Department of Roads said they would not go 10 seconds, but would go 7 seconds.

Councilmember Giese made a motion to approve the action to make a request to the Department of Roads to change the timing of the traffic lighting downtown to blinking yellow from 10:00 p.m. to 7:00 a.m. and synchronizing the 2nd and 3rd Street lights with an improvement of 7 seconds of green to each light.

With no second being made, Councilmember Giese rescinded his motion.

Councilmember Giese then made a motion, which was seconded by Councilmember Eischeid, to make a request to the Department of Roads to change the timing of the traffic lighting downtown to blinking lights from 11:00 p.m. until 6:00 a.m., with the lights on 2nd and 3rd Streets being synchronized green with an addition of 7 seconds. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers, Ley and Brodersen who voted Nay, the Mayor declared the motion carried.

No action was taken on Agenda Item No. 23 – action regarding Black Hills Energy Franchise Agreement notice. Administrator Johnson just wanted the Council to be aware that the 15-year franchise term was coming up. The agreement will roll in April for an additional five years, unless the City gives them notice, with cause. Staff recommendation is to let the agreement renew.

An ordinance making a recommendation to increase the franchise fees to Black Hills Energy will come before Council at the next meeting. At this time, the monthly franchise fees remitted to the City are as follows: \$2.50 per residential customer, \$5.00

per commercial customer, and \$50.00 per industrial customer. Black Hills has chosen to charges their customers this fee and not take it out of their profits.

Councilmember Giese 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, the Mayor declared the motion carried and the meeting adjourned at 7:46 p.m.

CLAIMS LISTING OCTOBER 21, 2014

FISCAL YEAR 13-14

CLAUSSEN & SONS IRRIG.	SB COMPLEX/LIB IRRIGATION REPAIRS	12,152.18
CLEAN TO A T	LIBRARY/SR CENTER JANITORIAL SERVICE	1,300.00
ENVIRONMENTAL SYSTEM	ARCPAD MAINTENANCE	266.25
FAITH REGIONAL	COLLECTION TESTING	215.00
FIRE CATT, LLC	FIRE HOSE TESTING	447.18
GERHOLD CONCRETE CO INC.	CONCRETE	14.40
HARDING & SCHULTZ	ATTORNEY FEES	106.00
HIRERIGHT SOLUTIONS INC	COLLECTION FEES	179.45
KTCH AM/FM RADIO	RADIO ADS	625.00
LEAGUE OF NEBRASKA	ANNUAL MEETING	1,001.18
MATHESON TRI-GAS, INC.	OXYGEN	28.80
MUNICIPAL SUPPLY INC	4" LINE STOP	3,530.00
NEBRASKA COMM. FOUNDATION	SEPT 13-SEPT 14 DUES	550.00
NO SWETT FENCING	SB COMPLEX FENCING	94,930.40
POLLARD PUMPING	PORT A POTTIE RENTALS-E. PARK/RALLY	505.00
SPARKLING KLEAN	AUDITORIUM JANITORIAL CLEANING	700.00
STAN HOUSTON EQUIPMENT CO	CONE COLLAR	348.00
SUPER CIRCUITS	CAMERA SYSTEM	6,622.38
WESCO DISTRIBUTION INC	MARKING PAINT	115.02
CITY EMPLOYEE	CLOTHING REIMBURSEMENT	11.86

FISCAL YEAR 14-15

ADMINISTRATIVE PROFESSIONAL	SUBSCRIPTION	89.00
ADVANCED CONSULTING ENGINE	10 TH & MAIN INTERSECTION	4,033.50
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,298.69
APPEARA	LINEN & MAT SERVICE	327.43
ARCTIC ICE	54 BAGS OF ICE-VERTICAL SCREEN	252.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	45.38
BANK FIRST	FOP DUES	15.00
BRADY, JEFFREY J	ICE-VERTICAL SCREEN	75.00
BROWN PLUMBING	TOILET/WATER HEATER REPAIR	696.70
CHEMQUEST, INC.	QUARTERLY MONITORING	595.00
CITY OF NORFOLK	INSPECTION	43.05
CITY OF WAYNE	AUDITORIUM REFUNDS	300.00
CITY OF WAYNE	BUILDING PERMIT FEE REFUND	12.00
CITY OF WAYNE	PAYROLL	63,306.07
CITY OF WAYNE	UTILITY REFUNDS	1,964.62
CLAUSSEN & SONS IRRIG.	IRRIGATION BLOW OUTS	175.00
COMMUNITIY HEALTH	PAYROLL DEDUCTIONS	4.00
COOPORTUNITY HEALTH	HEALTH INSURANCE PREMIUMS	31,343.75
COUNTRY INN & SUITES	LODGING	469.96
CRANBERRY MESSENGER	NOTARY	60.00
DIAMOND VOGEL	TRAFFIC PAINT	191.00
ECHO GROUP INC JESCO	WIRENUTS/BREAKER/CEILING FAN	166.46

ECONOMY VOLUNTEER FIRE	HEAVY RESCUE TRUCK	28,000.00
FREDRICKSON OIL CO	PLUG MOWER TIRE	5.00
GERHOLD CONCRETE CO INC.	CONCRETE	1,023.50
GILL HAULING, INC	SANITATION SERVICE	133.00
HOMETOWN LEASING	POLICE COPIER LEASE	73.51
HR SPECIALIST	EMPLOYMENT LAW BULLETIN	199.00
HTM SALES INC	LIFT STATION 1 PUMP REPAIR	3,027.08
IAEI	MEMBERSHIP DUES	102.00
ICMA RETIREMENT	RETIREMENT	6,813.94
IRS	FEDERAL WITHHOLDING	22,933.50
JACK'S UNIFORMS	NAMEPLATE	24.50
CITY EMPLOYEE	HEALTH REIMBURSEMENT	313.50
KRIZ-DAVIS COMPANY	COMPRESSION CONNECTOR/ELECTRIC COATING	320.03
LOGAN VALLEY FOOTBALL	LOGAN VALLEY FOOTBALL LEAGUE DUES	100.00
LYNN PEAVEY CO	FINGER PRINT KIT	105.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	116.11
MICHAEL TODD & CO INC	STOP/SLOW SIGNS	316.70
MIDWEST LABORATORIES, INC	BOD TESTING	258.35
MUNICIPAL SUPPLY INC	FLANGED CHECK VALVES	3,732.36
MURRAY, DENNIS	AUDITORIUM COUNTER TOP LABOR	609.23
NE AIR FILTER	AIR FILTERS	45.84
NE DEPT OF REVENUE	STATE WITHHOLDING	3,230.42
NE SAFETY COUNCIL	SAFETY MEETING-ARC FLASH	127.92
NEBRASKA COMM. FOUNDATION	OCT 14 FEES	50.00
NO SWETT FENCING	POST FOR RUGBY FIELD	4,800.00
NORTHEAST NE ENERGY SYSTEM	FINAL ON ROOF SEALING	13,801.49
NOVELTY MACHINE & SUPPLY	MECHANICAL SEAL	274.02
OAKSTONE PUBLICATIONS	TOP SAFETY SUBSCRIPTION	138.60
OLSSON ASSOCIATES	AIRPORT PUMP STATION/RICE	2,709.33
PEERLESS WIPING CLOTH CO	WASH TOWELS	320.00
POWER MONITORS, INC.	METER SOCKET RECORDER REPAIR DEPOSIT	200.00
QUALITY INN	LODGING	449.70
SPARKLING KLEAN	JANITORIAL SERVICE-CITY HALL	1,155.57
STADIUM SPORTING GOODS	VOLLEYBALL T SHIRTS	506.25
STATE NEBRASKA BANK	PUBLIC SAFETY BONDS	9,175.00
STATE NEBRASKA BANK	PETTY CASH	500.00
SUPERCIRCUITS	CAMERA SYSTEM	386.96
THE MAX AGAIN	CHEESE-VB TOURNAMENT	15.00
THOMPSON INFORMATION SERV	FAIR LABOR STANDARDS	536.99
TRANS-IOWA EQUIPMENT, INC	SINGLE WRAP BROOM	390.51
TYLER TECHNOLOGIES	MAINTENANCE FEES	3,634.50
UTILITIES SECTION	TRANSFORMER WORKSHOP	370.00
VIAERO	CELL PHONES	127.47
WASTE CONNECTIONS	SANITATION SERVICE	73.36
WAYNE AIRPORT	TREE AND LANDSCAPE INSURANCE	7,778.37
WAYNE KIWANIS	DUES- L JOHNSON/L LOFGREN	260.00
WESCO DISTRIBUTION INC	STRINGER COVER/BULBS/BUSHING INSERT	591.29
WEST-E-CON	FAN KITS/ARRESTORS/DISPLAYS	1,300.00

OK Copy

WAYNE VOLUNTEER FIRE DEPARTMENT
And Rural Fire District No. 2
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Jacob D. Lynn Address 1208 main Street
Phone Number 402-278-1978 Social Security # _____

Employer Alaska National Guard Occupation 40m - truck driver
How long have you been employed by your present employer? _____
Previous Employer and Address _____

Have you previously been a member of a Fire Department? No
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. _____

Do you have any physical ailments or disabilities that could affect your performance on the department?
No

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? Yes
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? Yes
- Have you read the Bylaws of the Department, and do you understand them? Yes Do you agree to abide by them? Yes
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Jacob D. Lynn Date 9-2-14
Sponsor's Signature (if applicable) _____ Date _____

.....
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Jacob D. Lynn Date 9-2-14

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

Cory Heller Janice
Secretary's Signature _____ Date _____

Chief's Signature _____ Date _____

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth 01-15-1995 revised February 4, 2006

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QUOTATION

October 2, 2014

TO: Sandy Brown, Wayne Green Team

RE: Blue Recycle Bins

RECYCLE BINS SIMILAR TO PICTURE BELOW in blue (without an ashtray) – there will be a plate welded to the side of the can with a label stating Container Recycling.

These cans are 30 gallon capacity with a plastic liner, constructed of ¼" and 3/16" hot rolled steel strapping with a circle opening on the top. Tabs on the bottom to anchor bolt the unit into the concrete (anchor bolts not included) which is a deterrent for theft.



\$550 each

Prices good for 30 days from quote date.

Prices do not include freight.

Thank you,

Jen Miller

Behlen Mfg. Co.

P: (402) 562-4155

Jennifer.miller@behlenmfg.com



ORDINANCE NO. 2014-28

AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE CHAPTER 78, ARTICLE III, SECTION 78-128 RELATING TO PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY; 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 78, Article III, Section 78-128 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-128 PARKING; PROHIBITED PARKING; NORTHWEST QUADRANT OF THE CITY.

- (a) No person shall, at any time, park a vehicle upon the following described streets or parts of streets:
1. The south side of the centerline of Westwood Road from the west line of Sherman Street west to the city limits.
 2. The north side of the centerline of Crescent Drive from the west line of Sherman Street west to the point where Crescent Drive turns north and then on the east side of the centerline north to the south line of Westwood Road.
 3. The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits.
 4. The east side of the centerline of Meadow Lane from the north line of Westwood Road north to the city limits.
 5. The east side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road.
 6. The east side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road.
 7. The north side of the centerline of West 13th Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
 8. The south side of the centerline of West 13th Street from the west line of Main Street west to the east line of Lincoln Street.
 9. The north side of the centerline of West 12th Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
 10. The south side of the centerline of West 12th Street from the west line of Main Street west to the east line of Sherman Street.

11. The north side of the centerline of West 11th Street from the west line of Main Street west to the north-south alley between Main Street and Pearl Street.
12. The south side of the centerline of West 11th Street from the west line of Main Street to the east line of Sherman Street.
13. The south side of the centerline of West 10th Street from the west line of Main Street west to the east line of Sherman Street.
14. The south side of the centerline of West 9th Street from the west line of Main Street west to the east line of Lincoln Street; thence from the west line of Douglas Street west to the east line of Sherman Street.
15. The south side of the centerline of West 8th Street from the west line of Main Street to the east line of Sherman Street.
16. The north side of the centerline of West 7th Street from the west line of Main Street west to the city limits.
17. The east side of the centerline of Sherman Street from the north line of West 7th Street north to the city limits.
18. The east side of the centerline of Douglas Street from the north line of West 7th Street north to the south line of Park Street.
19. The west side of the centerline of Douglas Street from the north line of Park Street south to the north line of West 13th Street.
20. The east side of the centerline of Lincoln Street from the north line of West 7th Street to the north line of Park Street.
21. The west side of the centerline of Lincoln Street from the south line of Park Street south to a point 150 feet south of the south line of West 13th Street.
22. The east side of the centerline of Pearl Street from the north line of West 7th Street north to the south line of West 13th Street.
23. The north side of the centerline of Park Street from the east line of Lincoln Street west to the west line of Douglas Street.
24. The south side of the centerline of Park Street from the west line of Lincoln Street west to the east line of Douglas Street.
25. The south side of the centerline of West 13th Street from the west line of Douglas Street west to the east line of Sherman Street.
26. The west side of the centerline of Main Street from the north line of East 7th Street north to the south line of East 14th Street.
27. The west side of the centerline of Sherman Street from the north line of West 7th Street north for a distance of 100 feet.

28. The east side of the centerline of Haas Avenue from the north line of West 7th Street north to the east line of Neihardt Avenue.
29. The east side of the centerline of Neihardt Avenue from the north line of Wightman Circle north to the south line of Bressler Court.
30. The south side of the centerline of Neihardt Avenue from the north line of Bressler Court west to the east line of Brookdale Drive.
31. The east side of the centerline of Brookdale Drive from the north line of Haas Avenue north to the south line of Neihardt Avenue.
32. The south side of the centerline of LaPorte Street from the west line of Brookdale Drive west to the city limits.
33. All of Wightman Circle from the east line of Neihardt Avenue to and including the entire cul-de-sac.
34. All of Savidge Court from the east line of Neihardt Avenue to and including the entire cul-de-sac.
35. All of Bressler Court from the east line of Neihardt Avenue to and including the entire cul-de-sac.
36. The east side of the centerline of Pheasant Run Road from the north line of West 7th Street north to the city limits.
37. The west side of the centerline of Pheasant Run Road from the north line of West 7th Street north to the city limits.
38. The east side of the centerline of Milo Drive from the north line of West 7th Street north to the city limits.
39. The west side of the centerline of Milo Drive from the north line of West 7th Street north to the city limits.

Appropriate signs shall be placed to advise the public of these prohibited parking regulations.

Section 2. Any and all provisions of the Wayne Municipal Code in conflict with this Ordinance are hereby repealed.

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

PASSED AND APPROVED this 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-29

AN ORDINANCE TO AMEND SECTION 78-129 OF CHAPTER 78, ARTICLE III, OF THE WAYNE MUNICIPAL CODE RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY; 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 78, Article III, Section 78-129 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-129 PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; NORTHWEST QUADRANT OF THE CITY.

- (a) No person shall, at any time, park a vehicle between the hours of 12:00 midnight and 5:00 a.m. upon any of the following described streets or parts of streets:
1. The north side of the centerline of West 13th Street from the north-south alley between Main Street to the east line of Lincoln Street.
 2. The north side of the centerline of West 13th Street from the west line of Douglas Street to the east line of Sherman Street.
 3. The north side of the centerline of West 12th Street from the west line of the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street.
 4. The north side of the centerline of West 11th Street from the north-south alley between Main Street and Pearl Street west to the east line of Sherman Street.
 5. The north side of the centerline of West 10th Street from the west line of Main Street to the east line of Sherman Street.
 6. The north side of the centerline of West 9th Street from the west line of Main Street to the east line of Lincoln Street.
 7. The north side of the centerline of West 9th Street from the west line of Douglas Street to the east line of Sherman Street.
 8. The north side of the centerline of West 8th Street from the west line of Main Street to the east line of Sherman Street.
 9. The west side of the centerline of Pearl Street from the north line of West 7th Street north to the city limits.
 10. The west side of the centerline of Lincoln Street from the north line of West 7th Street north to a point 150 feet south of the south line of West 13th Street.
 11. The west side of the centerline of Douglas Street from the north line of West 7th Street north to Park Street.
 12. The west side of the centerline of Sherman Street from the north line of West 7th Street to the city limits.
 13. The south side of the centerline of Fairacres Road from the west line of Sherman Street west to the city limits.

14. The north side of the centerline of Crescent Drive from the west line of Sherman Street west to the point where Crescent Drive turns north and then on the west side of the centerline north to the south line of Westwood Road.
15. The north side of the centerline of Westwood Road from the east line of Sherman Street west to the city limits.
16. The west side of the centerline of Lawndale Drive from the north line of Fairacres Road north to the south line of Westwood Road.
17. The west side of the centerline of Sunset Drive from the north line of Fairacres Road north to the south line of Westwood Road.
- 18. The west side of the centerline of Haas Avenue from the north line of West 7th Street north to the west line of Neihardt Avenue.**
- 19. The west side of the centerline of Neihardt Avenue from the north line of Wightman Circle north to the north line of Bressler Court.**
- 20. The north side of the centerline of Neihardt Avenue from the north line of Bressler Court west to the north line of LaPorte Street.**
- 21. The west side of the centerline of Brookdale Drive from the north line of Haas Avenue north to the south line of LaPorte Street.**
- 22. The north side of the centerline of LaPorte Street from the north line of Neihardt Avenue west to the city limits.**

- (b) Appropriate signs shall be placed to advise the public of these restricted parking regulations.

Section 2. The original Section and any other sections in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting, as required by law.

PASSED AND APPROVED this 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-30

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

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

Section 1. That Chapter 6, Sections 6-18 of the Wayne Municipal Code is hereby amended to read as follows:

Sec. 6-18. Hours of sale

(a) It shall be unlawful for any licensed person or his agents to sell any alcoholic beverages within the city, except during the following hours:

HOURS OF SALE

Alcoholic Liquors (except beer and wine):

Secular Days:

Off Sale.....6:00 a.m. to 1:00 a.m.
On Sale..... 6:00 a.m. to 2:00 a.m.

Sundays:

Off Sale..... **6:00 a.m.** ~~12:00 Noon~~ to 1:00 a.m.
On Sale..... **6:00 a.m.** ~~12:00 Noon~~ to 2:00 a.m.

Beer and Wine:

Secular Days:

Off Sale.....6:00 a.m. to 1:00 a.m.
On Sale..... 6:00 a.m. to 2:00 a.m.

Sundays:

Off Sale.....6:00 a.m. to 1:00 a.m.
On Sale..... 6:00 a.m. to 2:00 a.m.

(b) No person shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed in this section for stopping the sale of alcoholic beverages on the premises. For the purposes of this section, the term "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment. The term "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

(c) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

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 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-31

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 22, ARTICLE II. OCCUPATION TAX BY ADDING SECTION 22-37 UTILITY FRANCHISE FEES; 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 22, Article II, Occupation Taxes shall be amended by adding the following section:

Sec. 22-37. Utility (Electric, Water and Sewer) Franchise Fees.

There is hereby assessed a Franchise Fee for the distribution of electricity for sale in an amount equal to ~~8.5~~ 10.5% of the gross receipts derived from the business of distributing and selling electricity. Payment shall be made to the Clerk on a monthly basis.

There is hereby assessed a Franchise Fee for the distribution of water for sale in an amount equal to ~~7~~ 8% of the gross receipts derived from the business of distributing and selling water. Payment shall be made to the Clerk on a monthly basis.

There is hereby assessed a Franchise Fee for the processing of sewer in an amount equal to 7% of the gross receipts derived from the business of processing sewer. Payment shall be made to the Clerk monthly.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-32

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II, SECTION 22-33 OF THE WAYNE MUNICIPAL CODE REGARDING NATURAL GAS COMPANIES; FRANCHISE FEE; TO REPEAL THE ORIGINAL SECTION; AND PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 22, Article II, Section 22-33 of the Municipal Code of Wayne, Nebraska, be amended to read as follows:

§22-33 NATURAL GAS COMPANIES; FRANCHISE FEE.

- A. Imposed. All natural gas companies selling, distributing or transporting natural gas in the City are required to collect from their customers located within the corporate limits of the City and pay a franchise fee in an amount based on the following fee schedule:

CUSTOMER CLASS	FEE
Residential	\$2.50 4.00/month/customer
Commercial	\$5.00 7.00 /month/customer
Industrial	\$50.00/month/customer

The amount collected and paid by natural gas companies shall be in lieu of, and natural gas companies shall be exempt from, all other occupation, license, excise, or right-of-way permit fees or taxes.

Natural gas companies shall list the local franchise fee collected from customers as a separate item on bills for utility service issued to customers. If at any time any authority having proper jurisdiction prohibits such recovery, then natural gas companies will no longer be obligated to collect and pay the franchise fee herein contemplated.

- B. When Paid. Payment of the franchise fee levied herein shall be made to the City on a quarterly basis, using the calendar quarter year as a basis for computing the amount due. Each quarterly payment shall be due within thirty (30) days after the end of each calendar quarter year. The franchise fee levied herein shall be paid to the City Clerk who shall furnish a proper receipt upon payment. The amount of payment shall be recorded and credited by the Clerk to the City General Fund.
- C. Delinquent Payments. Payments of the franchise fee, as provided in this section which are made after the due date, shall be subject to a penalty of one percent (1%) of the amount due for each month or fraction of a month past due. This amount shall be paid in addition to the fee which is due. Such statement shall be certified by an authorized representative.

- D. Adjustments. Each succeeding payment of the franchise fee levied pursuant to this section may include any adjustment which is shown on any previous report. Such adjustments may include uncollectible amounts or other amounts that cause an increase or decrease in the amount of the franchise fee paid in any previous quarterly period.
- E. Records. The City shall have the right, at any reasonable time, to require any natural gas company to produce all books and records necessary to verify any report submitted pursuant to this section.
- F. Collection. In case any natural gas company shall fail to make payment of the franchise fee provided for by this section, the City shall have the right to sue in any court of competent jurisdiction for the amount of such franchise fee due and payable under the terms and provisions of this section and may recover judgment against any such company for such amount so due, together with interest and penalties, and may have execution thereon.

Section 2. Original Section 22-33 and any other sections in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force beginning _____, 2014, after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Council President

ATTEST:

City Clerk

RESOLUTION NO. 2014-86

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING THE SHORT FORM OF AGREEMENT BETWEEN THE CITY OF WAYNE AND ADVANCED CONSULTING ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE NORTH MAIN STREET WATER MAIN IMPROVEMENT PROJECT.

WHEREAS, a proposal has been received from Advanced Consulting Engineering Services regarding the North Main Street Water Main Improvement Project for a sum not to exceed \$18,000; and

WHEREAS, said proposal has been reviewed by city staff; and

WHEREAS, city staff is recommending that the proposal of Advanced Consulting Engineering Services for a sum not to exceed \$18,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the proposal or agreement for engineering services for design and construction phase services for the North Main Street Water Main Improvement Project, as submitted, is reasonable and responsive, and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the proposal or agreement, as set forth and filed with the City Clerk, be and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor be, and he is hereby instructed and authorized to sign said agreement on behalf of the City of Wayne, Nebraska, for the above-entitled project.

PASSED AND APPROVED this 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

This document has important legal consequences; consultation with an attorney is encouraged with respect to its use or modification. This document should be adapted to the particular circumstances of the contemplated Project and the Controlling Law.

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

Prepared by

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

and

Issued and Published Jointly by



PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE
a practice division of the
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

AMERICAN COUNCIL OF ENGINEERING COMPANIES

AMERICAN SOCIETY OF CIVIL ENGINEERS

This Agreement has been prepared for use with the Standard General Conditions of the Construction Contract (No. C-700, 2002 Edition) of the Engineers Joint Contract Documents Committee. Their provisions are interrelated, and a change in one may necessitate a change in the other.

SPECIAL NOTE ON USE OF THIS FORM:

This abbreviated Agreement form is intended for use only for professional services of limited scope and complexity. It does not address the full range of issues of importance on most projects. In most cases, Owner and Engineer will be better served by the Standard Form of Agreement Between Owner and Engineer for Professional Services (No. E-500, 2002 Edition), or one of the several special purpose EJCDC professional services agreement forms.

Copyright © 2002 National Society of Professional Engineers
1420 King Street, Alexandria, VA 22314

American Council of Engineering Companies
1015 15th Street N.W., Washington, DC 20005

American Society of Civil Engineers
1801 Alexander Bell Drive, Reston, VA 20191-4400

**SHORT FORM OF AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of October 6, 2014 ("Effective Date") between
City of Wayne, Nebraska ("Owner")
and Advanced Consulting Engineering Services ("Engineer")
Engineer agrees to provide the services described below to Owner for North Main Street Water Main
Improvements ("Project").
Description of Engineer's Services: Please see attached "Exhibit A".

Owner and Engineer further agree as follows:

1.01 Basic Agreement

A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement, and Owner shall pay Engineer for such Services as set forth in Paragraph 9.01.

2.01 Payment Procedures

A. *Preparation of Invoices.* Engineer will prepare a monthly invoice in accordance with Engineer's standard invoicing practices and submit the invoice to Owner.

B. *Payment of Invoices.* Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Payments will be credited first to interest and then to principal.

3.01 Additional Services

A. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above.

B. Owner shall pay Engineer for such additional services as follows: For additional services of Engineer's employees engaged directly on the Project an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any.

4.01 Termination

A. The obligation to provide further services under this Agreement may be terminated:

1. For cause,

By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party.

By Engineer:

upon seven days written notice if Engineer believes that Engineer is being requested by Owner to furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or

upon seven days written notice if the Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of such termination.

Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under paragraph 4.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon the receipt of notice by Engineer.

B. The terminating party under paragraphs 4.01.A.1 or 4.01.A.2 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

6.01 Successors, Assigns, and Beneficiaries

A. Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by paragraph 6.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and

said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.01 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any contractor's agents or employees or any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.

E. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract as prepared by the Engineers Joint Contract Documents Committee (No. C-700, 2002 Edition).

8.01 Total Agreement

F. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

G. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to the total amount of compensation received by Engineer.

H. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

A. This Agreement (consisting of pages 1 to 4 inclusive together with any expressly incorporated appendix), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

A. Also included as part of this agreement are the following Attachments:

Exhibit "A" Scope of Services Between Advanced Consulting Engineering Services and the City of Wayne, Nebraska.

Exhibit "B" Schedule of Engineering Fees

Exhibit "C" Schedule of Rates and Charges

9.01 Payment (Lump Sum Basis)

A. Using the procedures set forth in paragraph 2.01, Owner shall pay Engineer as follows:

1. A Lump Sum not to exceed amount of \$ 18,000 Engineering Fees

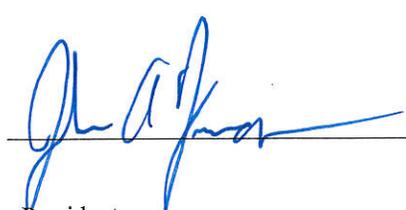
B. The Engineer's compensation is conditioned on the time to complete construction not exceeding 18 months. Should the time to complete construction be extended beyond this period, total compensation to Engineer shall be appropriately adjusted.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

ENGINEER:

By: _____

By:  _____

Title: Owner

Title: President

Date Signed: _____

Date Signed: 10/13/2014

License or Certificate No. and State E - 9608
State of Nebraska

Address for giving notices:

Address for giving notices:

City of Wayne, Nebraska

Advanced Consulting Engineering Services

306 Pearl Street

P.O. Box 218

133 West Washington Street

Wayne, Nebraska 68787

West Point, Nebraska 68788

EXHIBIT "A"
SCOPE OF SERVICES FOR THE DEVELOPMENT OF PLANS AND SPECIFICATIONS
FOR THE NORTH MAIN STREET WATER MAIN IMPROVEMENTS

GENERAL

ADVANCED CONSULTING ENGINEERING SERVICES (Engineer) shall provide THE CITY OF WAYNE (Owner) with engineering services that include the preparation of plans and specifications, bidding, and construction phase services.

SERVICES INCLUDED

- Topographic Services
- Preparation of Preliminary Plans and Specifications for Water Main Improvements.
- Preparation of Final Plans and Specifications for Water Main Improvements.
- Bidding and Negotiation Phase
- Non-Resident Project Observation
- Certification of Construction
- Preparation of Record Drawings

SCOPE OF SERVICES

Topographic Services

ENGINEER shall complete a detailed topographic survey of the area that is needed for the design of the Water Main Improvements. Topographic information will be used to prepare plans and cross sections to be used for bidding and construction.

Preliminary Plans & Specifications

ENGINEER shall provide detailed preliminary plans and specifications for the Water Main Improvements to be reviewed by the City and City employees. These plans and specifications along with an estimate of construction cost shall also be presented to the City Council for approval.

Final Plans and Specifications

Upon completion of City review of the preliminary plans the ENGINEER shall prepare final plans and specifications for the Water Main Improvements to be used during the bidding and construction process. Final plans and specifications will be sent to the NHHS for approval.

Bidding and Negotiating Phase

ENGINEER will host a bid letting at a location, date and time specified by the OWNER. After opening all bids, a bid tabulation spreadsheet will be completed. The ENGINEER will verify the accuracy and completeness of the bids and will provide the OWNER with a recommendation for award of contract. Upon award of contract by the OWNER, the ENGINEER shall prepare contract documents for signature.

Construction Phase Services

ENGINEER will conduct a pre-construction conference prior to the contractor commencing construction. ENGINEER will prepare and review pay applications, review shop drawings, confer with NHHS to achieve approval to put lines into service as construction warrants and respond to questions posed by the CITY and/or the CONTRACTOR. ENGINEER will provide regular (Non-Resident) project observation of construction throughout the construction phase. Project observation reports will be completed each time a site visit is conducted. These reports will be made available to the CITY at the completion of the project or as requested. Observation will be made on a weekly basis, or more frequently if deemed necessary.

Certification of Construction

ENGINEER will review all required testing, and will conduct a post construction field observation to ensure that the project was completed in accordance with the approved plans and specifications. If any modifications to the project need to be made they are to be made by the OWNER or OWNER'S CONTRACTOR. As soon as it is determined that the project is acceptable, certification of construction will be made to the CITY so that the sewer system can be placed into service.

Preparation of Record Drawing Information

ENGINEER will, upon receipt of as-built drawings from the OWNER or OWNER'S CONTRACTOR; prepare record drawing and O&M information to be submitted to the CITY.

DELIVERABLES:

- 2 sets of preliminary plans and specifications for OWNER review and comments
- 2 sets of final plans and specifications for OWNER review and approval
- 3 sets of final construction plans and one final specification, upon approval from all reviewing agencies
- Recommendation to CITY on Award of Contract
- Monthly progress reports and CONTRACTOR'S pay applications
- Copies of construction observation reports
- Certificate of Completion
- 2 sets of "As-Built" drawings, a copy will also be retained on file at our office

SERVICES NOT INCLUDE

- Construction Staking
- Soils Investigation or Reports
- Legal Survey of the Property
- Geotechnical service during construction
- Hydrostatic testing or other testing equipment
- State, Local or Federal Fees for Review and Construction

EXHIBIT "B"
SCHEDULE OF ENGINEERING FEES

Not to exceed



MILESTONE	APPROXIMATE COMPLETION DATE	LUMP SUM FEE
Topographic Survey	October 18, 2014	\$2,000
Preliminary Plans	November 4, 2014	\$6,000
Final Plans and Specifications	November 18, 2014	\$4,000
Bidding, Negotiating, Contract	December 2, 2014	\$1,500
Construction Phase Services	As per contractors schedule	\$3,000
Post Construction Phase Services	As per contractors schedule	\$1,500
TOTAL COST OF ENGINEERING SERVICES		\$18,000

EXHIBIT "C"
SCHEDULE OF RATES AND CHARGES

Surveying/Staking/Topographic Services

Terry Schulz, R.L.S.	\$75.00/hour
Crew Chief.....	\$55.00/hour
Field Crew Member	\$40.00/hour
GPS Equipment.....	\$25.00/hour
CAD Drafting.....	\$50.00/hour
Office Personnel.....	\$60.00/hour

Professional Services

John Zwingman.....	\$140.00/hour
Leanne Ritter.....	\$110.00/hour
Project Observation.....	\$60.00/hour
Office Personnel.....	\$60.00/hour
Drafting	\$50.00/hour

Miscellaneous Reimbursable Expenses

Mileage	\$0.68/mile
Hotel	Room Charges +10%
Flags	\$0.50
Hubs	\$0.40
Guards	\$0.80
Lath	\$1.00
Pins/Rebar/Caps.....	\$7.50
Copies (8½" x 11")	\$0.35/page
Copies (11" x 17")	\$0.25/page
Copies (Large)	\$1.00/sq ft
Meals (Breakfast).....	\$4.00/day
Meals (Lunch).....	\$6.00/day
Meals (Dinner).....	\$8.00/day
Four Wheeler	\$50.00/day
Filing Fees.....	\$10.00/Each

RESOLUTION NO. 2014-87

A RESOLUTION OF THE CITY OF WAYNE, NEBRASKA, AUTHORIZING THE BORROWING OF FUNDS FROM THE CITY OF WAYNE ELECTRIC FUND FOR AIRPORT IMPROVEMENTS.

WHEREAS, it has been determined that it is in the best interest and necessary to borrow funds from the City of Wayne Electric Fund to be transferred to the Wayne Airport Authority to cover the costs of the airport improvements resulting from the October 4, 2013, tornado.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the Wayne Airport Authority shall borrow from the City of Wayne Electric Fund the amount of \$70,000.00 which shall be paid back to the Electric Fund as soon as funds are available, and that the Mayor of the City of Wayne, Nebraska, is authorized and directed to execute on behalf of the City of Wayne, Nebraska, the Promissory Note and Security Instruments with such modifications as are deemed appropriate.

PASSED AND APPROVED this 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2014-88

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH WAYNE COUNTY REGARDING THE REPAIR OF BRIDGE C009011620, LOCATED ON 857TH ROAD BETWEEN SECTIONS 5 AND 8, T26N, R4E, WAYNE COUNTY, NEBRASKA.

WHEREAS, the City of Wayne desires to enter into an Interlocal Agreement with Wayne County regarding the repair of Bridge C009011620, located on 857th Road between Sections 5 and 8, T26N, R4E, Wayne County, Nebraska.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that subject to the terms, conditions, covenants, and agreements contained in the attached Interlocal Agreement, which is hereby approved and made a part hereof, the City of Wayne will participate and share equally in the costs to repair said bridge over and above what is received from FEMA.

PASSED AND APPROVED this 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2014-89

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH WAYNE COUNTY REGARDING THE 2015 PICTOMETRY FLIGHT PROJECT.

WHEREAS, the City of Wayne desires to enter into an Interlocal Agreement with Wayne County regarding the 2015 Pictometry Flight Project.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that subject to the terms, conditions, covenants, and agreements contained in the attached Interlocal Agreement, which is hereby approved and made a part hereof, the City of Wayne will participate and share in the costs for this Pictometry Flight Project – City’s responsibility - \$9,962.75 and County’s responsibility - \$47,392.75, for a total project cost of \$56,372.50.

PASSED AND APPROVED this 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-35

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 30 ELECTIONS, SECTION 30-12 CANDIDATE QUALIFICATIONS; 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 30, Section 30-12 of the Wayne Municipal Code is hereby amended to read as follows:

Sec. 30-12. Candidate Qualifications

Any person seeking **any** elective office in the city shall be a registered voter prior to holding such office. ~~and~~ In addition, **any candidate for council** shall have reached the age of majority **prior to holding such office**. The mayor and members of the council shall be residents and qualified electors of the city. They shall not hold any other elective public office, except for officers of public power districts, public power and irrigation districts, and public utility companies.

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 21st day of October, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

Wayne Public Library Board of Trustees
Tuesday, September 16, 2014 / 5 p.m., Conference Room

MINUTES

CALL TO ORDER. The meeting was called to order at 5:05 pm.

ROLL CALL. Joel Ankeny, Dennis Lipp, Ellen Imdieke, and Spring Dahl were all in attendance. Lauran Lofgren, Library Director, also attended.

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 Library/Senior Center Conference Room.

The Library Board 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.

APPROVAL OF MINUTES. Minutes were approved as submitted.

FINANCIAL REPORT. Lofgren reported that we would probably be under budget for personnel costs. Other expenses will be close to budget limits. A 10% downpayment on the new children's furniture was made out of capital projects monies.

DIRECTOR'S REPORT

- Statistics

	JUL14	AUG14	AUG13
Circulation	6731	4824	5103
Patrons	5596	4236	3917
Meeting Room	14	13	5
Reference ?s	149	155	178
Computer ?s	82	52	126
Phone Calls	311	309	327
OPACS	192	141	165
AWEs	749	587	476
Internet	1033	840	966
New Patron Cards	37	29	33
Items Added	173	159	151
Items Deleted	8	32	69

- Staff Activities
 - LKL and Ellen Imdieke attended city council budget meeting
 - Library staff completed inventory of library collection
 - LKL took a few vacation days
 - RMcLean and JOsnes manned the Welcome Back Business Expo at Wayne State College

- Library participated in the Random Acts of Kindness Day: put out postcards for people to send "I Appreciate You" notes to friends, teachers, etc.; accepted two donations. First paid off \$200 in book fines for randomly selected patrons and the second was a \$20 to pay the first \$1 in book fines as patrons came in. The second donation prompted people to leave money to "pay it forward," and the \$20 double or tripled and lasted for about 2 weeks. We sent letters to the people whose fines were paid by the first anonymous donor and one of them came in and gave money to pay someone else's fine.
- JOsnes held a back to school party
- The library was approached by Herman Chiropractic about sponsoring a program on chiropractic medicine. The board directed Lauran Lofgren to visit with them about developing a joint program with the other chiropractic offices in town before deciding if the library should pursue this program.

OLD BUSINESS

- Privacy policy and procedures. The board reviewed the privacy policy as rewritten after the July meeting with Amy Miller of the city attorney's office. The new policy states that the library will abide by the Nebraska State Statute on this subject, and then restates the statute as part of the policy. The policy was approved unanimously. (moved Imdieke; seconded Lipp). The board then discussed the recommended procedures for implementing the new policy, asking that the director create an incident report form for staff interaction with law enforcement officials. Once this is created, the director will forward the form to the city attorney's office prior to the October 7 in-service on the newly adopted privacy policy.

NEW BUSINESS – no new business

The meeting was adjourned at 5:25 pm.

Respectfully submitted

Lauran Lofgren
Library Director

WAYNE MUNICIPAL AIRPORT AUTHORITY

September 8, 2014

7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Nancy Braden Terminal Building on the above date and time by Chairman Mitchell Nissen. The following members were present: Mitchell Nissen, Jerome Conradt, Todd Luedeke, Carl Rump and David Ley. Also, attending the meeting were Nancy Braden Treasurer, Kyle Dahl Airport Authority Attorney, Tom Becker FBO & Airport Manager, Karma Schulte, Jim Hoffman, Mike Emanuel North Central Builders, Dawn Navrkal, Tom Schmitz, and David Zach.

Rump moved and Conradt 2nd to accept the minutes of the August 11, 2014 meeting. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Rump 2nd to accept all the claims presented as of September 8, 2014. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the motion carried.

Luedeke moved and Rump 2nd that open the Budget Hearing. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the hearing open.

After some discussion Ley moved and Conradt 2nd that we close the Budget Hearing. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the hearing closed.

Ley moved and Rump 2nd to approve and adopt Resolution No. 2014-3, 2014-15 Budget. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the motion carried.

The Agricultural Land Use was tabled for further study. Luedeke and Ley were to get further information on the Authority's options.

Luedeke moved and Ley 2nd that we install heaters in Hangers 1 – 4. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Conradt 2nd that we approve the nine signed Hanger Leases for the balance of 2014. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the motion carried.

Luedeke moved and Conradt 2nd that we approve the bid for concrete on south west side of hanger/terminal in the amount of \$10,780.00 from Sebade Construction. Roll was called with the following results: Yeas: Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the motion carried.

Rump moved and Luedeke 2nd that the position of the Airport Authority on the damaged bridge north of the airport is to recommend that the bridge should be repaired as economically as possible for the Airport Authority will need to be considering runway lengthen causing that road closing in the future. Roll was called with the following results: Yeas; Luedeke, Conradt, Rump, Nissen and Ley. Nays: None. The Chairman declared the motion carried.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal actions on these matters were needed.

There being no further business Conradt moved and Ley 2nd that the meeting be adjourned. The Chairman adjourned the meeting.

David R. Ley
Secretary

WAYNE MUNICIPAL AIRPORT AUTHORITY

August 11, 2014

7:00 P.M.

The regular meeting of the Airport Authority of the City of Wayne was called to order at the Nancy Braden Terminal Building on the above date and time by Vice-Chairman Carl Rump. The following members were present: Jerome Conratt, Todd Luedeke, Carl Rump and David Ley. Also, attending the meeting were Nancy Braden Treasurer, Kyle Dahl Airport Authority Attorney, Jim Hoffman, Sandra Hoffman, Mike Emanuel North Central Builders, Keith Moje OCC Builders, Dawn Navrkal, Norman Slama, Tom Schmitz, and David Zach.

Luedeke moved and Conratt 2nd to accept the minutes of the July 14, 2014 meeting. Roll was called with the following results: Yeas: Luedeke, Conratt, Rump and Ley. Nays: None. The Vice-Chairman declared the motion carried.

Conratt moved and Luedeke 2nd to accept all the claims presented as of August 14, 2014. Roll was called with the following results: Yeas: Luedeke, Conratt, Rump and Ley. Nays: None. The Vice-Chairman declared the motion carried.

Ley moved and Luedeke 2nd that we approve the design and construction of sign for all businesses located on the airport. Roll was called with the following results: Yeas: Luedeke, Conratt, Rump and Ley. Nays: None. The Vice-Chairman declared the motion carried.

Luedeke moved and Conratt 2nd that we accept the fencing bid of No Swett Fencing of \$18,729.33 to install fencing and gate according to specifications on bid. Roll was called with the following results: Yeas: Luedeke, Conratt, Rump and Ley. Nays: None. The Vice-Chairman declared the motion carried.

Conratt moved and Luedeke 2nd to accept bid of North Central Builders and Vakoc Builders Resource of \$10,596.00 to install panels in 6 place hanger according to specifications in bid. Roll was called with the following results: Yeas: Luedeke, Conratt, Rump and Ley. Nays: None. The Chairman declared the motion carried.

Ley moved and Luedeke 2nd that we table discussion on lighting between hanger buildings until other options could be taken up and bids presented. Roll was called with the following results: Yeas: Luedeke, Conratt, Rump and Ley. Nays: None. The Vice-Chairman declared the motion carried.

Other matters requiring the attention of the Authority were discussed and it was determined that no further formal actions on these matters were needed.

There being no further business Conratt moved and Luedeke 2nd that the meeting be adjourned. All voting in the affirmative the meeting was adjourned.

David R. Ley
Secretary