

AGENDA
CITY COUNCIL MEETING
December 16, 2014

1. [Approval of Minutes – December 2, 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. [Public Hearing: To Consider the Planning Commission’s Recommendation in regard to amending the Wayne Comprehensive Plan by adding Chapter 10, Environmental Element – Community Sustainability Plan. The applicant, the City of Wayne, is seeking this request to comply with State Statute to have a plan adopted by January 1, 2015. \(Advertised Time: 5:30 p.m.\)](#)

Background: The Nebraska Legislature has required that all zoning jurisdictions amend their Comprehensive Plan to add an Energy Element. The purpose is to create an awareness of the lifetime energy cost and energy efficiency of future plans and projects and community development. We asked the Green Team to draft this section. They have covered the energy requirement and expanded the section to include the total concept of community sustainability.

4. [Ordinance 2014-44: Amending the Wayne Comprehensive Plan by adding Chapter 10, Environmental Element – Community Sustainability Plan](#)

Recommendation: Chapter 10, as drafted, was approved by the Planning Commission and forwarded to you for your action. In the attached draft, for your review, there are two changes in blue colored font that have been requested since the Planning Commission version was adopted. These two changes clarify the language and I would recommend they be included in the Council action. The ordinance includes those changes as well.

5. [Discussion on Requests to use the 2015 Civic and Community Center Financing Fund for the Golf Course Clubhouse/Swimming Pool/or other Potential Locations](#)

Background: Attached is a Memo from Alyssa Silhacek, Grant Consultant from Northeast Nebraska Economic Development District, that describes the source of funds for the grant and some of the process for application and award. A community can apply for one grant from this fund per year. The maximum amount of any one CCCFF grant Wayne can receive is \$375,000. The deadline for the 2015 grant pre-applications is February, and any grant approved requires a 50% match. The Council has received two requests for CCCFF grant funding in 2015; one from the swimming pool committee for the pool to be constructed this summer and one from the Wayne Country Club to expand and renovate the Clubhouse. A requirement of the grant is ownership by the City at the time of the pre-application. The

length of time the City is required to maintain ownership of the property after the project is done is not defined.

If the Council is awarded grant funds for the Clubhouse, we would need to develop a Memorandum of Understanding to clarify the liquor license and public audit requirements that come with public ownership.

6. **Public Hearing:** To Consider the Planning Commission's Recommendation concerning the Final Plat for Southview Addition. The Applicant is Kelby Herman
Advertised Time: 5:30 p.m.)

Background: A copy of the proposed plat is in the packet.

7. **Resolution 2014-104: Approving Final Plat for Southview Addition**

Recommendation: The recommendation of the Planning Commission, after their public hearing, was to approve the plat as proposed.

8. **Ordinance 2014-45: Annexing Southview Addition**

Background: Wayne City Code requires developers that are subdividing land abutting the city limits to request to be annexed into the city. We have received a written request from the developer to have the subdivision annexed. The Subdivision Section of the City Code requires the developer to dedicate 5% of the land area of the subdivision to public park use or 8% of the undeveloped land value to be used for public park land or improvements. The initial choice is that of the developer, except that the Code does allow the City Council to reject the fee option and require the dedication of 5% of the area for public park use.

Recommendation: The recommendation of the developer is to annex and create a water and sewer extension district to serve all of the lots.

9. **Resolution 2014-105: Approving Engineering Proposal from Advanced Consulting Engineering Services for the Grainland Road Water and Sanitary Sewer Extension Projects (Southview Addition)**

Background: The developer has requested the city to create a utility extension district to extend sewer and water service to all of the lots in the subdivision. In the process, we traditionally allow the developer to select their own engineering firm. Doing that allows the same engineer to design the plat, the site development and the utilities. The engineer prepares the legal description for the utility extension district and the estimated cost to install the utilities. The City Council uses that information to formally create the district. All of the engineering, construction and financing costs of the sewer and water project are assessed to the owners of the property abutting the new water and sewer mains on both sides of the street.

After the water and sewer district is created, the City Clerk sends a Notice of District Creation to all of the abutting property owners, and they have 20 days from the date of the publication in the newspaper of the Notice of Creation to give written notice to the City Clerk that they object to the district. If the owners of more than 50% of the total property frontage on both sides of the street object within the time period, the district fails.

Recommendation: The recommendation of the developer is to create the district and install the water and sewer system.

10. [Discussion Regarding R-5 Zoning](#)

Background: At the last Council meeting, the Council voted to approve the second reading of Ordinance 2014-36 which would increase the required square feet per bedroom of multi-unit housing from 500 sq. ft. to 750 sq. ft. A developer with a Tax Increment Financing Agreement with the City informed us that the change to 750 sq. ft. would not allow him to complete the total number of bedrooms in his existing TIF agreement with the City. The consensus of the Council was to preserve the terms of the existing TIF agreement, and asked the City Attorney to look at options that would allow the developer to meet the terms of the agreement, but establish the limitations for future projects in the rest of Wayne R-3 zoning.

The City Attorney has determined that any zoning changes to R-3 affect existing agreements. Zoning Administrator, Joel Hansen, has offered the option of rezoning the area involved to R-5 and adding “Multi-Family Housing” as a permitted use. Residential Zone R-5 is a higher population density zone and already exists in the Wayne City Zoning Code.

A copy of this section of the City Code is attached for your review. The Mayor asked us to be prepared to answer Council questions about this option at the Council meeting. If the consensus favors some form of R-5 zoning option, the Council can make the request to the Planning Commission to rezone this area. The Planning Commission would then review the rezoning option in the light of the Wayne Comprehensive Plan, schedule a public hearing on the request, and take final action on a recommendation back to the City Council.

11. [Ordinance 2014-37: Amending Wayne Municipal Code, Section 90-710 Parking Regulations, Terrace \(4\) \(Third and Final Reading\)](#)

Background: This Ordinance would change the required width of terrace parking stalls to 9 feet.

12. [Ordinance 2014-38: Amending Wayne Municipal Code Section 78-130 Prohibited Parking; Southeast Quadrant of the City of Wayne \(Cityside Park\) \(Third and Final Reading\)](#)

13. [Ordinance 2014-39: Amending Wayne Municipal Code Section 78-131 Restricted Parking Midnight to 5:00 a.m.; Southeast Quadrant of the City of Wayne \(Cityside Park\) \(Third and Final Reading\)](#)

14. [Ordinance 2014-41: Amending Wayne Municipal Code, Section 78-134 relating to Parking Time Limits of 30 Minutes and One Hour \(Third and Final Reading\) \(Mineshaft Mall & City Hall\)](#)

Background: This Ordinance would establish three 1-hour parking time limit diagonal parking stalls in front of the Mineshaft Mall and four 1-hour parallel parking stalls from the sidewalk in front of City Hall south to 3rd Street.

15. [Ordinance 2014-43: Annexing Certain Real Estate to the City of Wayne and Extending the Corporate Limits in the Northeast Quadrant \(Pacific Coast Feather Property\) \(Second Reading\)](#)

16. [Ordinance 2014-46: Amending Wayne Municipal Code Sec. 58-95 relating to Prohibited Fences](#)

Background: Current City Code prohibits use of barbed wire fences within the city limits. This would clarify the Code to allow certain uses of barbed wire on top of other fence and above 6 feet above the ground for security installations or with bordering agricultural properties.

17. [Resolution 2014-106: Approving Specifications and Authorizing the Purchase of a new Wheel Loader through the State Bid System as per the bid proposal received from Titan Machinery](#)

Background: This would authorize the purchase of the Case-IH pay loader discussed in the previous open bid process, through the Nebraska State Bid system. All three written bids were rejected at the November 18th City Council meeting.

Recommendation: The recommendation of Todd Hoeman, Public Works Foreman, is to approve the purchase through the Nebraska State Bid Process.

18. [Action on the “Wayne America” Logo on the East Water Tower](#)

Background: JEO is under contract with us to develop the bid specifications to inspect, touch up and repaint the east water tower. Before they can finalize the project specifications, they are requesting direction on the “Wayne America” logo on the water tower.

Recommendation: The wording is the prerogative of the community and the elected officials.

19. [Appointment of Rod Tompkins to the Wayne Airport Authority Board \(Replace Todd Luedeke\)](#)

20. [Appointment of Council Representative to the Wayne Community Housing Development Corporation Board](#)

21. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

December 2, 2014

The Wayne City Council met in regular session at City Hall on Tuesday, December 2, 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 Amy Miller; 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 November 20, 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 Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of November 18, 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:

VARIOUS FUNDS: ALMQUIST, MALTZAHN, SE, 500.00; AMERICAN BROADBAND, SE, 990.00; AMERITAS, SE, 2612.30; APPEARA, SE, 130.79; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 15.00; BARNHART CRANE & RIGGING, SE, 600.00; CITY EMPLOYEE, RE, 56.46; BLACK HILLS ENERGY, SE, 801.97; BROWN PLUMBING, SE, 2052.00; CAPSTONE PRESS, SU, 562.21; CENTURYLINK, SE, 314.33; CITY OF WAYNE, PY, 69103.56; CITY OF WAYNE, RE, 694.89; COMMUNITY HEALTH, RE, 4.00; DANKO EMERGENCY EQUIPMENT, SU, 1009.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 113.52; DUTTON-LAINSON, SU, 314.18; EASYPERMIT POSTAGE, SU, 1754.39; FIRST CONCORD GROUP, SE, 3331.64;

FLOOR MAINTENANCE, SU, 419.25; GOVERNMENTAL ACCOUNTING, SU, 225.00; GRAINGER, SU, 120.43; GROSSENBURG IMPLEMENT, SU, 486.15; HACH COMPANY, SU, 75.19; HD SUPPLY WATERWORKS, SU, 1064.17; HOMETOWN LEASING, SE, 333.49; HTM SALES, SE, 3917.23; ICMA, SE, 6835.74; IRS, TX, 25057.21; JEO CONSULTING GROUP, SE, 2250.00; KRIZ-DAVIS, SU, 1164.05; CITY EMPLOYEE, RE, 128.00; MIDWEST STORAGE SOLUTIONS, SU, 7656.00; MOONLIGHT TOWING, SE, 95.85; MUFFIN MORRIS, RE, 500.00; N.E. NEB ECONOMIC DEV DIS, SE, 759.00; NE DEPT OF REVENUE, TX, 3486.56; NE NEB INS AGENCY, SE, 116.00; NE PUBLIC HEALTH, SE, 691.00; N.E. NE AMERICAN RED CROSS, RE, 49.24; ODEYS, SU, 11131.20; OLSSON ASSOCIATES, SE, 323.48; ORIENTAL TRADING, SU, 388.20; PHILIP PFALTAGRAFF, RE, 500.00; QUILL, SU, 180.89; ROBERTSON IMPLEMENT, SU, 23.10; SCHOOL OUTFITTERS, SE, 127.34; SOOLAND BOBCAT, SU, 498.96; STADIUM SPORTING GOODS, SU, 48.00; STATE NEBRASKA BANK, RE, 125.01; STEVE LAMOUREX, SE, 20.00; TOTAL BACKFLOW RESOURCES, FE, 575.00; UNITED WAY, RE, 12.40; VERIZON, SE, 99.09; WAED, SE, 5000.00; WAED, SE, 7216.66; WAYNE HERALD, SE, 96.00; WESCO, SU, 144.84; ALL-AMERICAN PUBLISHING, SE, 274.00; AMERICAN BROADBAND, SE, 1508.08; APPEARA, SE, 118.49; ARNIE'S FORD-MERCURY, SE, 287.85; BIG T ENTERPRISES, SU, 110.95; BOMGAARS, SU, 1726.67; CITY EMPLOYEE, RE, 80.48; BROWN SUPPLY, SU, 443.88; CERTIFIED TESTING SERVICE, SE, 719.00; CITY OF WAYNE, RE, 35.00; CITY OF WAYNE, RE, 100.00; CLEAN TO A T, SE, 1300.00; DUTTON-LAINSON, SU, 2837.16; EAKES OFFICE PLUS, SE, 1070.29; ECHO GROUP, SU, 324.97; HAWKINS, SU, 688.34; HD SUPPLY WATERWORKS, SU, 661.39; HEIKES AUTOMOTIVE, SE, 42.60; HUBER TECHNOLOGY, SE, 4873.75; JOHNSON HARDWARE, SU, 48.28; CITY EMPLOYEE, RE, 101.22; NE DEPT OF LABOR, SE, 72.00; NE MUNICIPAL CLERKS ASSOC, FE, 35.00; NE NOTARY ASSOC, SE, 188.64; NEBRASKA COMMUNITY FND, FE, 100.00; NNPPD, SE, 5109.00; ONE CALL CONCEPTS, SE, 57.60; PIEPER & MILLER, SE, 3270.00; PLUNKETT'S PEST CONTROL, SE, 70.00; QUILL, SU, 152.91; RESCO, SU, 162.57; SKARSHAUG TESTING LAB, SE, 218.83; VIAERO, SE, 315.31; WASTE CONNECTIONS, SE, 73.36; WAED, SE, 7216.66; WAYNE COUNTY CLERK, SE, 170.00; WAYNE COUNTY COURT, RE, 300.00; WAYNE VETERINARY CLINIC, SE, 269.00; CITY EMPLOYEE, RE, 86.00; ZACH HEATING & COOLING, SU, 35.00

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

Councilmember Brodersen made a motion and seconded by Councilmember Ley to adjourn the meeting sine die. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

This being the time for the new Mayor and new Council to organize, and Ken Chamberlain having qualified for Mayor, and Rod Greve, Matt Eischeid, Jason Karsky and Jill Brodersen having qualified for Councilmembers of the 1st, 2nd, 3rd and 4th Wards respectively, City Attorney Amy Miller presented the oaths of office to Ken Chamberlain, Rod Greve, Matt Eischeid, Jason Karsky and Jill Brodersen.

Councilmember Muir made a motion, which was seconded by Councilmember Giese, nominating Jill Brodersen as President of Council.

Councilmember Eischeid, with a second by Councilmember Giese, made a motion to cease nominations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain then called for the vote on the motion to nominate Jill Brodersen as President of Council, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Greve, to reconvene the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain then presented a plaque to outgoing Councilmember Ley in appreciation of her valued contributions made to the City of Wayne as Councilmember from 2004-2014.

Mayor Chamberlain moved agenda item nos. 15 and 16 to the front of the agenda.

Administrator Johnson advised the Council that the City has been awarded a grant from the Nebraska Recycling Association to replace the old cardboard baler at the transfer station with a new baler, which will cost \$14,397. The grant will cover 75% of that cost. Around 60 tons per year are baled and shipped from the transfer station.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, accepting a 75% grant from the Nebraska State Recycling Association to replace the old cardboard baler at the transfer station with a new baler - \$14,397. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Sandy Brown, representing the Wayne Green Team, was present requesting Council consideration to accepting the \$1,000 grant that they have been awarded from the Nebraska State Recycling Association to purchase recycling containers/bins for downtown Wayne.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, accepting a \$1,000 grant from the Nebraska State Recycling Association to purchase recycling containers for downtown Wayne. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese introduced Ordinance No. 2014-36, and moved for approval of the second reading thereof; Councilmember Haase seconded.

ORDINANCE NO. 2014-36

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS, DIVISION 4 R-3 RESIDENTIAL DISTRICT, SECTION 90-264 PERMITTED CONDITIONAL USES; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Tom Jacobsen was present and shared concerns he had with this amendment and how it might affect his tax increment financing agreement and the apartments he is supposed to build on 13th Street.

After some discussion, Attorney Miller advised the Council that they could either move forward with the second reading or table it, either which would give her time to research the matter prior to the next meeting. The ordinance can still be amended on the third reading.

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

Councilmember Eischeid introduced Ordinance No. 2014-37, and moved for approval of the second reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-37

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

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

Councilmember Eischeid introduced Ordinance No. 2014-38, and moved for approval of the second reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-38

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-130 RELATING TO PARKING; PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE (CITYSIDE PARK).

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

Councilmember Eischeid introduced Ordinance No. 2014-39, and moved for approval of the second reading thereof; Councilmember Sievers seconded.

ORDINANCE NO. 2014-39

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-131 RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHEAST QUADRANT OF THE CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE (CITYSIDE PARK).

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

Councilmember Eischeid stated in regard to Ordinance No. 2014-41, he had a citizen approach him who had concerns about the City paying for the parking signs in front of the Mineshaft Mall, in light of the fact that these parking restrictions are for the

benefit of one business. This person was of the opinion that the business owner who is requesting this parking restriction should pay for those signs if this ordinance passes.

Attorney Miller did not know if this was legal or not, but would not recommend it.

Councilmember Sievers introduced Ordinance No. 2014-41, and moved for approval of the second reading thereof; Councilmember Giese seconded.

ORDINANCE NO. 2014-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78, ARTICLE III, SECTION 78-134 RELATING TO PARKING TIME LIMITS OF 30 MINUTES AND ONE HOUR; LOCATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Administrator Johnson noted that the next agenda item - No. 13, establishes one hour parking time limits in front of City Hall. He advised that this could be made a part of this ordinance if Council so chooses.

Councilmember Sievers and Councilmember Giese both rescinded their original motions.

Councilmember Sievers then introduced Ordinance No. 2014-41, and moved for approval of the second reading thereof as amended (to also include a one hour parking time limit in front of City Hall); Councilmember Giese seconded.

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

No action was then needed on agenda item No. 13.

The following Ordinance would annex the Pacific Coast Feather property. This request comes forward again from the Community Redevelopment Authority. Mayor Chamberlain explained that the CRA would be purchasing the additional property by Pacific Coast Feather (S&M Liquid Tire Fill). The CRA would like to replat that area as one lot. To do that, they have to make a request to have the property annexed. One of the issues is that the S&M Liquid Tire Fill property is already inside city limits. It muddies the water to have one piece of property inside city limits and the other piece outside city limits. If the property is replatted into one lot, it can then be administratively replatted without having to go before the Planning Commission, which expedites the process.

Councilmember Giese, who is also a member of the Community Redevelopment Authority explained what took place at the Community Redevelopment Authority meeting and why he voted in the affirmative to make the request to be annexed.

The vote of the Community Redevelopment Authority was unanimous to request the annexation of this property.

Kent Franzen and Randy Larson both spoke in favor of the annexation.

It was noted that if the property is cleaned up, which would make it shovel ready, it would no longer be considered blight and substandard and then would not be eligible for tax increment financing.

A potential buyer is interested in tax increment financing.

Councilmember Sievers introduced Ordinance No. 2014-43, and moved for approval thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-43

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

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

The following Resolution would approve the agreement between the Nebraska Department of Roads and Kirkham Michael for the construction oversight of the Windom Street project in 2015. This project is operated and funded 80% by the Nebraska Department of Roads. The fees, under this agreement, will be based on actual costs up to a maximum-not-to-exceed amount of \$158,329.31.

Councilmember Giese introduced Resolution No. 2014-100 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2014-100

A RESOLUTION APPROVING THE SIGNING OF A PROFESSIONAL CONSTRUCTION SERVICES AGREEMENT WITH KIRKHAM MICHAEL AND THE NEBRASKA DEPARTMENT OF ROADS FOR CONSTRUCTION OVERSIGHT OF THE WINDOM STREET PROJECT IN 2015.

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

The following Resolution is needed to update the signatures at First Nebraska Bank.

Councilmember Giese introduced Resolution No. 2014-101 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-101

A RESOLUTION OF THE CITY OF WAYNE APPROVING CORPORATE RESOLUTION FOR SIGNATURES AT FIRST NEBRASKA BANK OF WAYNE,

NEBRASKA.

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

Administrator Johnson stated two bids were received on the “Windom Street Storm Sewer Improvement Project.” The bids have been reviewed by the City’s Engineer on the project, Advanced Consulting Engineering Services, and they are recommending that the same be awarded to the low bidder, Robert Woehler & Sons Construction, Inc., for the sum of \$88,383.00. A start date of May 18, 2015, and completion date of July 17, 2015, will be used as contract dates.

It was noted that there are liquidated damages of \$1,500 per day if the project is not completed by July 17, 2015.

Councilmember Giese introduced Resolution No. 2014-102 and moved for its approval; Councilmember Sievers seconded.

RESOLUTION NO. 2014-102

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE “WINDOM STREET STORM SEWER IMPROVEMENT PROJECT.”

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

The following Resolution would amend the Personnel Manual pursuant to Council’s directive at the budget work session. Deductibles, as well as the amounts contributed by the employees, have been increased. In addition, those employees and their spouses that participate in the group health plan will be required to get an annual physical and be a non-tobacco user as an incentive to get their deductibles reduced.

Councilmember Eischeid introduced Resolution No. 2014-103 and moved for its approval; Councilmember Giese seconded.

RESOLUTION NO. 2014-103

A RESOLUTION AMENDING SECTION 14.100 EMPLOYEE BENEFITS OF THE CITY OF WAYNE PERSONNEL MANUAL.

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

The City has received the Annual Renewal Maintenance Agreement from the Nebraska Department of Roads. This is a standard form agreement.

Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, approving the Annual Renewal Maintenance Agreement (2015) with the Nebraska Department of Roads. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

A change order was received on the 2014 Hillside Drive Paving and Storm Sewer Improvement Project. The same represents a deduct of \$662.00 for quantity deductions. In addition, it will amend the completion date to 1/6/15.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers, approving Change Order No. 1 for (\$662.00) to Robert Woehler & Sons Construction for the “2014 Hillside Drive Paving and Storm Sewer Improvement Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

An update was given on the Hank Overin Grandstand project. The City has received approval from its insurance carrier on the Otte Construction, demolition and electrical bids. The insurance carrier has set aside \$153,000, plus an additional \$25,000

in case surprises are found during the project (e.g. the foundation). The coverage is in place that the City needs.

Councilmember Brodersen made a motion, which was seconded by Councilmember Greve, authorizing the demolition of the Hank Overin grandstand. 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 Doug Sturm and Steve Lutt to the Recreation-Leisure Services Commission. Mr. Sturm will be filling the void left by Rod Hunke, and Mr. Lutt will be filling the void left by Jodi Pulfer.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, approving the appointment of Doug Sturm and Steve Lutt to the Recreation-Leisure Services Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to set the Council Retreat for January 23 and 24, 2015, at the Wayne Senior Center, starting at 5:30 p.m. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 6:35 p.m.

CLAIMS LISTING DECEMBER 16, 2014

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,529.27
APPEARA	LINEN & MAT SERVICE	109.32
ARC-HEALTH & SAFETY	CPR TRAINING	760.00
BAKER & TAYLOR BOOKS	BOOKS	747.47
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	15.00
BARONE SECURITY SYSTEMS	FIRE INSPECTION	138.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	66.23
BMI	RADIO LICENSE FEE	297.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	32.00
BROWN SUPPLY CO	12 WARNING PLATES	1,315.00
BSN SPORTS, INC	WHISTLES	31.96
CDW GOVERNMENT	COMPUTER TABLETS	1,286.44
CHARTWELLS	SENIOR CITIZEN MEALS	5,710.72
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUNDS	300.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUNDS	400.00
CITY OF WAYNE	PAYROLL	61,191.07
CITY OF WAYNE	UTILITY REFUNDS	313.66
COLONIAL RESEARCH	HAND CLEANER	158.86
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	4.00
COPY WRITE PUBLISHING	OFFICE SUPPLIES/SHIPPING CHARGES	506.85
DANKO EMERGENCY EQUIPMENT	GLOVES	336.00
DOESCHER APPLIANCE	WASHER/DRYER	998.00
EASYPERMIT POSTAGE	POSTAGE	768.61
ECHO GROUP INC JESCO	PLUG IN	12.53
FLOOR MAINTENANCE	PAPER TOWELS/DETERGENT/TISSUE/LINERS	266.38
FREDRICKSON OIL CO	GENERATOR FUEL	1,323.23
GALE GROUP	BOOKS	117.95
GEMPLER'S INC	COVERALLS	14.40
GILL HAULING, INC	SANITATION SERVICE	155.00
GREG KALLHOFF	ENERGY INCENTIVE	500.00
CITY EMPLOYEE	VISION REIMBURSEMENT	313.27
HD SUPPLY WATERWORKS, LTD	WATER METER	1,265.73
CITY EMPLOYEE	HEALTH REIMBURSEMENT	2,168.66
HEIKES AUTOMOTIVE LLC	VEHICLE BRAKE REPAIR	1,001.08
ICMA RETIREMENT	RETIREMENT	6,824.02
INTERSTATE BATTERY	BATTERIES	826.67
IRS	FEDERAL WITHHOLDING	23,300.25
KRIZ-DAVIS COMPANY	EPR WIRE	11,664.99
KTCH AM/FM RADIO	RADIO ADS	825.00
LUTT OIL	GASOLINE/TIRES	5,351.10
MARCO INC	LIBRARY COPIER LEASE	126.36
MATHESON TRI-GAS, INC.	OXYGEN	28.80
MATTHEW BENDER & CO	CRIMINAL & TRAFFIC LAW BOOK	338.41
MES-MIDAM	BUNKER GEAR-COATS/PANTS	343.48
MIDWEST LABORATORIES, INC	BOD TESTING	716.00

MIDWEST SERVICE & SALES	PLOW BLADES	490.00
MIKE TOWNE	T & E - NPPD/WAPA	600.00
CITY EMPLOYEE	VISION REIMBURSEMENT	10.00
NE AIR FILTER	AIR FILTERS	276.65
NE DEPT OF REVENUE	STATE WITHHOLDING	3,365.28
NE ECONOMIC DEVELOP ASSN	DUES-BRADEN/JOHNSON	200.00
NEBR PUBLIC POWER DIST	ELECTRICITY	277,586.90
NED, INC.	WRLF	300,000.00
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	12,306.60
OLSSON ASSOCIATES	AIRPORT PUMP STATION	3,713.60
LINPEPCO	CAC-POP/GATORADE (ACH PAYMENT)	83.10
CITY EMPLOYEE	HEALTH REIMBURSEMENT	16.00
PROVIDENCE MEDICAL CENTER	POLICE SERVICES	60.00
QUILL CORPORATION	OFFICE SUPPLIES	55.96
RANDOM HOUSE LLC	AUDIO BOOKS	36.25
RON'S RADIO	KENWOOD BATTERIES	340.00
S & S WILLERS, INC.	FILL SAND	285.67
SIGNS BY TOMORROW	PRINTING-BADGE	16.00
SIOUX CONTRACTORS, INC	PAINT-FUEL TANK/TOWER/DOORS	17,882.00
SPARKLING KLEAN	JANITORIAL SERVICES	3,436.70
SHOPKO	HEATERS/NAPKINS/CUPS/LIGHT SETS	349.17
STADIUM SPORTING GOODS	POLICE TRAINING UNIFORMS	122.00
STATE NEBRASKA BANK	ACH FEE	61.60
STATE NEBRASKA BANK	EL REV REF SERIES 09 & 12	21,145.00
STATE NEBRASKA BANK	SERIES 13 GO INTEREST	13,671.25
STATE NEBRASKA BANK	HWY ALLOCATION 13 B INTEREST	5,912.50
STATE NEBRASKA BANK	HWY ALLOCATION 13 INTEREST	6,110.00
THOM OSNES/PINMONKEY ENT.	HALLOWEEN TEEN DANCE DJ	200.00
TIM FERTIG	LB 840 LOAN	9,114.86
CITY EMPLOYEE	HEALTH/VISION REIMBURSEMENT	2,214.00
US BANK	REGISTRATIONS/LIGHTING/CPR/SHIRTS	3,359.05
VIAERO	CELL PHONES	127.47
WAYNE COUNTY COURT	BOND	300.00
WAYNE HERALD	ADS AND NOTICES	1,332.56
WESCO DISTRIBUTION INC	FUSE HOLDER	451.56
WESTERN AREA POWER ADMIN	ELECTRICITY	33,031.24
WISNER WEST	FD GASOLINE	276.74

DELETE FROM CLAIMS LISTINGS

5/20/14 City of Wayne – Auditorium Deposit Refund \$150.00 (reissued)

8/5/14 City of Wayne- Building Permit Deposit Refund \$ 100.00 (reissued)

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

DATE: December 2, 2014

TO: Mayor Chamberlain
Wayne City Council

FROM: Wayne Planning Commission
Joel Hansen, Staff Liaison



At their meeting held on December 1, 2014 the Wayne Planning Commission made a recommendation on the following public hearings; the result of those recommendation is as follows:

Public Hearing: Amending Wayne Comprehensive Plan, by Adding Chapter 10, Environmental Element – Community Sustainability Plan; Applicant being City of Wayne

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Sorenson to approve and forward a recommendation of approval to the City Council to amend the Wayne Comprehensive Plan, by adding Chapter 10 Environmental Element – Community Sustainability Plan, with the findings of fact being as required by State Statute and staff's recommendation. Chair Melena stated the motion and second. All were in favor; motion carried unanimously.

Public Hearing: Final Plat for Southview Addition; Applicant being Kelby Herman

The Planning Commission took evidence and testimony from the public and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Carstens and seconded by Commissioner Sorenson to approve and forward a recommendation of approval to the City Council for the Final Plat for Southview Addition, with the findings of fact being staff's recommendation. Chair Melena state the motion and second. All were in favor, with the exception of Commissioner Giese who abstained, motion carried.

JJH:cb

Environment Element - Community Sustainability

Wayne is a growing community in the Northern Great Plains, with stable commercial, government, agriculture and education sectors. The community's ability to maintain and creatively grow these sectors and build new wealth over time, will be heavily influenced by the energy efficiency and life cycle costs of the public and private infrastructure needed to support these sectors in a way that is pleasing, healthy and meets the needs of future residents and business owners. This plan builds on the Wayne community's history of willingness to re-investment in [Back to Top](#) the environment, and to embrace more sustainable and efficient ways to live and work.

Increase Building Efficiency

- a. Lighting – transition city lighting to LED's
- b. Retrofit ~~Old Buildings~~ Residential Buildings – provide incentives and construction advice to the public for restoration of homes, including windows, doors, attic ventilation, insulation, solar panels
- c. Retrofit Old Public and Commercial Buildings – provide incentives and construction advice to the public for Restoration Best Management Practices of homes, for windows, doors, attic ventilation, insulation, solar panels, lighting
- d. New Construction Codes – add the fastest pay back Best Management Practices (BMPs) to city codes and educate homeowners and realtors
- e. Budget for annual incentives to the public for the restoration of a vibrant urban forest for summer peak electric demand control and winter urban wind break

Create a Zero Waste Community

- a. Reduce waste disposal with a 10-year Zero Waste strategy in support of achieving 90% resource recovery (recycling, reuse, repair, composting, redesign).
- b. Provide universal access to curbside recycling services for all residential dwellings and businesses.
- c. Give financial incentives to recycle by charging for trash service based on volume, much like a utility (i.e., more trash costs more money).
- d. Gather annual data on waste disposal and resource recovery by volume.
- e. Provide access to recycling at public areas and major events (Chicken Show, County Fair) and include better labeling and awareness.
- f. Develop more public function recycling facilities and develop the most efficient collection and transport of recycled materials possible.
- g. Investigate regional hub and spoke system for efficient transportation of recycled materials.
- h. Support creation of publicly owned Zero Waste facilities, including contracting approaches for private operations, OR explore public-private partnership opportunities for Zero Waste infrastructure and services.
- h.i. Upcycle goods for other uses

- i.j. Provide Community Gardens & Composting – divert organic compostables into a local compost operation
- j.k. Create education and awareness campaigns promoting the benefits of Zero Waste for the local economy, the environment, and public health.

Increase Transportation Efficiency

- a. Electric / Natural Gas City Fleet of Vehicles – potential for 11 trucks and four police cars
- b. Promote Pedestrian Uses – sidewalks, crossing guards
- c. Increase and encourage bicycling; carpooling
- d. Increase residential development density- with parking requirements
- e. Redevelop older existing neighborhoods- with architectural requirements

Support Low Impact Development (LID) and Green Infrastructure Programs

- a. Specify LID design options in engineering services contracts for subdivision development, storm water and parking lot improvements
- b. Provide continuous education to the city planner, city administrator and public works staff in the new LID designs and BMPs (Best Management Practices) for operation and maintenance of LID projects.
- c. Calculate and track the public and private construction and life cycle cost savings for LID projects
- d. Promote Water Conservation through use of low impact lawn care, rain barrels, alternatives to paved driveways, gray water & potable water systems, and xeriscaping
- e. Require LID and Green Infrastructure Storm Water Detention and urban forestry practices in Subdivision Agreements
- f. Include incentives to the public and for developers for energy efficiency, LID and Green Infrastructure in the annual city budget

Plant Urban Forests

- a. Trees / Urban Forests – provide incentives for city rebate programs to replant new trees; 30 to 40% of Wayne’s trees will die within 15 years
- b. Compost brush and trimmings – select the Best Management Practices that are successful in other towns to provide a public deposit site to compost brush and trimmings
- c. Create a waste wood recycling/composting/energy generation program
- d. Operate a dead tree wood recovery and re-use program

ORDINANCE NO. 2014-44

AN ORDINANCE AMENDING THE WAYNE COMPREHENSIVE PLAN BY ADDING CHAPTER 10, ENVIRONMENT ELEMENT – COMMUNITY SUSTAINABILITY.

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

Section 1. The Planning Commission held a public hearing on December 1, 2014, and recommended amending the Wayne Comprehensive Plan by adding Chapter 10, Environment Element – Community Sustainability, with the “Findings of Fact” being:

- As required by State Statute; and
- Staff’s recommendation.

Section 2. That the Wayne Comprehensive Plan is hereby amended by adding Chapter 10 Environment Element – Community Sustainability as follows:

Environment Element – Community Sustainability

Wayne is a growing community in the Northern Great Plains, with stable commercial, government, agriculture and education sectors. The community’s ability to maintain and creatively grow these sectors and build new wealth over time, will be heavily influenced by the energy efficiency and life cycle costs of the public and private infrastructure needed to support these sectors in a way that is pleasing, healthy and meets the needs of future residents and business owners. This plan builds on the Wayne community’s history of willingness to re-investment in itself, protect the environment, and to embrace more sustainable and efficient ways to live and work.

Increase Building Efficiency

- a. Lighting – transition city lighting to LED’s
- b. Retrofit Residential Buildings – provide incentives and construction advice to the public for restoration of homes including windows, doors, attic ventilation, insulation, solar panels
- c. Retrofit Old Public and Commercial Buildings – provide incentives and construction advice to the public for Restoration Best Management Practices for windows, doors, attic ventilation, insulation, solar panels, lighting
- d. New Construction Codes – add the fastest pay back Best Management Practices (BMPs) to city codes and educate homeowners and realtors
- e. Budget for annual incentives to the public for the restoration of a vibrant urban forest for summer peak electric demand control and winter urban wind break

Create a Zero Waste Community

- a. Reduce waste disposal with a 10-year Zero Waste strategy in support of achieving 90% resource recovery (recycling, reuse, repair, composting, redesign).
- b. Provide universal access to curbside recycling services for all residential dwellings and businesses.

- c. Give financial incentives to recycle by charging for trash service based on volume, much like a utility (i.e., more trash costs more money).
- d. Gather annual data on waste disposal and resource recovery by volume.
- e. Provide access to recycling at public areas and major events (Chicken Show, County Fair) and include better labeling and awareness.
- f. Develop more public function recycling facilities and develop the most efficient collection and transport of recycled materials possible.
- g. Investigate regional hub and spoke system for efficient transportation of recycled materials.
- h. Support creation of publicly owned Zero Waste facilities, including contracting approaches for private operations, OR explore public-private partnership opportunities for Zero Waste infrastructure and services.
- i. Upcycle goods for other uses
- j. Provide Community Gardens & Composting – divert organic compostables into a local compost operation
- k. Create education and awareness campaigns promoting the benefits of Zero Waste for the local economy, the environment, and public health.

Increase Transportation Efficiency

- a. Electric / Natural Gas City Fleet of Vehicles – potential for 11 trucks and four police cars
- b. Promote Pedestrian Uses – sidewalks, crossing guards
- c. Increase and encourage bicycling; carpooling
- d. Increase residential development density- with parking requirements
- e. Redevelop older existing neighborhoods- with architectural requirements

Support Low Impact Development (LID) and Green Infrastructure Programs

- a. Specify LID design options in engineering services contracts for subdivision development, storm water and parking lot improvements
- b. Provide continuous education to the city planner, city administrator and public works staff in the new LID designs and BMPs (Best Management Practices) for operation and maintenance of LID projects.
- c. Calculate and track the public and private construction and life cycle cost savings for LID projects
- d. Promote Water Conservation through use of low impact lawn care, rain barrels, alternatives to paved driveways, gray water & potable water systems, and xeriscaping
- e. Require LID and Green Infrastructure Storm Water Detention and urban forestry practices in Subdivision Agreements
- f. Include incentives to the public and for developers for energy efficiency, LID and Green Infrastructure in the annual city budget

Plant Urban Forests

- a. Trees / Urban Forests – provide incentives for city rebate programs to replant new trees; 30 to 40% of Wayne's trees will die within 15 years
- b. Compost brush and trimmings – select the Best Management Practices that are successful in other towns to provide a public deposit site to compost brush and trimmings

- c. Create a waste wood recycling/composting/energy generation program
- d. Operate a dead tree wood recovery and re-use program

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 16th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



NENEDD STAFF MEMO

DATE: December 10, 2014

TO: Mayor and City Council

FROM: Alyssa Silhacek, NENEDD Community Planner

SUBJECT: 2015 Civic and Community Center Financing Fund Application

Funding Source

- The Civic and Community Center Financing Fund (CCCFF) was established by state statute to provide funding for municipal civic and community centers.
- In 2013, the state legislature expanded program eligibility to include recreation centers.
 - Recreation centers are defined as “a facility used for athletics, fitness, sport activities, or recreation that is owned by a municipality and is available for use by the general public with or without charge. Recreation center does not include any facility that requires a person to purchase a membership to utilize such facility.”
- Fund revenue is generated from a percentage of state sales tax collected from major event venues (i.e. the CenturyLink Center and the Pinnacle Bank Arena).
- The Department of Economic Development administers the fund.

Grant Requirements

- Maximum grant awards are based on population. The City of Wayne is eligible to receive up to \$375,000.
- The project will require a 50 percent local match.
- The City must own the facility or property at the time the pre-application is submitted.
- Because grant funding is generated from non-federal sources, the project will not need to follow Davis Bacon wage rates.

Timeline

Specific 2015 deadline have not been announced. Based on last year's timeline, the anticipated schedule will be as follows:

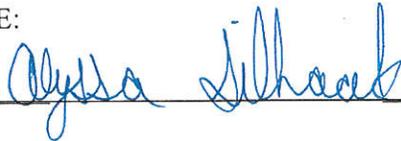
- Preliminary Application: February 28
- Final Application: April 10
- Award Announced: April 30
- Project Completed: 1 Year After Award

Projects Funded During the 2014 Cycle

- This is a highly competitive program. DED is likely to receive 30+ applications in 2015.
- Projects funded last year include:
 - Hastings (City Auditorium)
 - Pender (Community Center)
 - Lyons (Community Center)
 - Burwell (Conference Center)
 - Hickman (Community Center)
 - Lexington (Fieldhouse)
 - Bellevue (Convention Center)
 - South Sioux (City Recreation Center Plan)
 - Plattsmouth (Downtown Entertainment Plaza Plan)
 - Kimball (Event Center)
 - Blair (Library and Technology Center)
 - Deshler (Public Library)

SIGNATURE:

BY



RESOLUTION NO. 2014-104

A RESOLUTION APPROVING THE FINAL PLAT FOR SOUTHVIEW ADDITION.

WHEREAS, the Planning Commission, upon review of the Final Plat of Southview addition, legally described as:

Parcel 1:

A tract of land located in the North 1/2 of the Northwest 1/4 of the Southwest 1/4 and the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13, T26N, R3E and the North 1/2 of the Northeast 1/4 of the Southeast 1/4 and the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, T26N, R3E of the 6th P.M., Wayne County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of the Southwest 1/4 of Section 13, T26N, R3E of the 6th P.M., Wayne County, Nebraska; thence N 87°38'08" E on an assumed bearing on the North line of said Southwest 1/4, 1259.64 feet to the Point of Beginning; thence S 02°21'52" E and perpendicular to said North line, 190.00 feet to the Southwest corner of Lot 10 of Beckenhauer Estates; thence S 87°38'08" W and parallel to said North line, 1294.77 feet to a point on the West Right-of-Way line of 575 Avenue; thence N 01°43'25" W on said West Right-of-Way line, 223.01 feet to a point on the North Right-of-Way line of Grainland Road; thence N 87°38'08" E on said North Right-of-Way line, 1292.27 feet; thence S 02°21'52" E and perpendicular to said North Right-of-Way line, 33.00 feet to the Point of Beginning, containing 6.62 acres, more or less,

on December 1, 2014, recommended approval thereof, based upon the following "Finding of Fact":

1. Staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Final Plat of Southview Addition be approved subject to the recommendations of the Planning Commission and the foregoing "Finding of Fact."

PASSED AND APPROVED this 26th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

Joel Hansen - FW:

From: kelby herman <kelbyherman@live.com>
To: "jhansen@cityofwayne.org" <jhansen@cityofwayne.org>
Date: 12/9/2014 4:40 PM
Subject: FW:

Is this what you need.

Date: Fri, 5 Dec 2014 18:18:03 +0000
From: odenmert@yahoo.com
To: kelbyherman@live.com
Subject:

Kelby, Here is notice to the City of Wayne, Nebraska that we are giving approval to Kelby Herman to proceed to have the property owned by Joan lage, Sally Oden, and Merton Oden and being develop by Kelby Herman to be Annexed into the city of Wayne Nebraska. Mert Oden, 12:15pm, 12-5-2014.

ORDINANCE NO. 2014-45

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

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

Section 1. The City of Wayne does hereby find and declare that the following described real estate:

A tract of land located in the North 1/2 of the Northwest 1/4 of the Southwest 1/4 and the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 13, T26N, R3E and the North 1/2 of the Northeast 1/4 of the Southeast 1/4 and the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, T26N, R3E of the 6th P.M., Wayne County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of the Southwest 1/4 of Section 13, T26N, R3E of the 6th P.M., Wayne County, Nebraska; thence N 87°38'08" E on an assumed bearing on the North line of said Southwest 1/4, 1259.64 feet to the Point of Beginning; thence S 02°21'52" E and perpendicular to said North line, 190.00 feet to the Southwest corner of Lot 10 of Beckenhauer Estates; thence S 87°38'08" W and parallel to said North line, 1294.77 feet to a point on the West Right-of-Way line of 575 Avenue; thence N 01°43'25" W on said West Right-of-Way line, 223.01 feet to a point on the North Right-of-Way line of Grainland Road; thence N 87°38'08" E on said North Right-of-Way line, 1292.27 feet; thence S 02°21'52" E and perpendicular to said North Right-of-Way line, 33.00 feet to the Point of Beginning, containing 6.62 acres, more or less,

is immediately adjoining and contiguous to the corporate limits of the City of Wayne, Nebraska.

Section 2. The above described real estate is annexed to the City of Wayne, Nebraska, and is declared to be within the corporate limits of the City of Wayne, Nebraska, pursuant to Section 19-916 (R.R.S. 1943).

Section 3. The corporate limits of the City of Wayne, Nebraska, are hereby extended to include said real estate.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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 January, 2015.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



A-2

R-2

Grainland Road

R-1

A-1

Birch Street

RESOLUTION NO. 2014-105

A RESOLUTION 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 GRAINLAND ROAD WATER AND SANITARY SEWER EXTENSION PROJECT.

WHEREAS, a proposal has been received from Advanced Consulting Engineering Services regarding the Grainland Road Water and Sanitary Sewer Extension Project for a sum not to exceed \$15,000; 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 \$15,000 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 the design and construction phase services for the Grainland Road Water and Sanitary Sewer Extension 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 16th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

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

THIS IS AN AGREEMENT effective as of October 28, 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 Grainland Road - Water and Sanitary
Sewer Extension ("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).

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.

8.01 Total Agreement

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 \$ 15,000 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:

By: _____

Title: Owner

Date Signed: _____

ENGINEER:

By:  _____

Title: President

Date Signed: 10/28/2014

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

Address for giving notices:

City of Wayne, Nebraska

306 Pearl Street

Wayne, Nebraska 68787

Address for giving notices:

Advanced Consulting Engineering Services

P.O. Box 218

133 West Washington Street

West Point, Nebraska 68788

EXHIBIT "A"

**SCOPE OF SERVICES FOR THE DEVELOPMENT OF PLANS AND SPECIFICATIONS
FOR THE GRAINLAND ROAD WATER AND SANITARY SEWER EXTENSION PROJECT**

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 the Water and Sanitary Sewer Extension.
- Preparation of Final Plans and Specifications for the Water and Sanitary Sewer Extension.
- 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 and Sanitary Sewer Extension. 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 and Sanitary Sewer Extension 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 and Sanitary Sewer Extension to be used during the bidding and construction process. Final plans and specifications will be sent to the NHHS and NDEQ 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

MILESTONE	APPROXIMATE COMPLETION DATE	LUMP SUM FEE
Topographic Survey	November 2014	\$750
Preliminary Plans	December 2014	\$3,000
Final Plans and Specifications	December 2014	\$5,000
Bidding, Negotiating, Contract	January 2015	\$1,750
Construction Phase Services	As per contractors schedule	\$3,000
Post Construction Phase Services	As per contractors schedule	\$1,500
TOTAL COST OF ENGINEERING SERVICES		\$15,000

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)	\$2.00/lin 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

Division 6. R-5 Residential District

Sec. 90-311. Intent

The R-5 district is designed to permit and encourage creative design in new housing subdivisions to provide for development of affordable housing by allowing flexibility in the design of buildings, open space, infrastructure and subdivision design.

(Ord. No. 93-11, § 605.01, 9-28-1993)

Sec. 90-312. Permitted principal uses and structures

The following shall be permitted as uses by right in an R-5 district:

1. Single-family dwellings;
2. Two-family dwellings;
3. Child care homes;
4. Public and private schools;
5. Public or private parks, buildings and grounds; and
6. Community buildings owned and/or occupied by public agencies.

(Ord. No. 93-11, § 605.02, 9-28-1993)

Sec. 90-313. Permitted accessory uses and structures

The following accessory uses and structures shall be permitted in an R-5 district:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 1. a) Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 2. c) Shall be in conformance with the provisions of Section 90-703.
2. Home occupations in conformance with section 90-715.

(Ord. No. 93-11, § 605.03, 9-28-1993; Ord. No. 2004-15, §, 12-14-2004; Ord. No. 2010-14, §, 7-12-2010)

Sec. 90-314. Permitted conditional uses

A building or premises in an R-5 district may be used for a domestic shelter in conformance with the conditions prescribed in this division. The maximum number of occupants of such facility shall not exceed one person per 750 square feet of lot area.

(Ord. No. 93-11, § 605.04, 9-28-1993)

Sec. 90-315. Special exception uses

In accordance with article XI of this chapter, the following exceptions are allowed in an R-5 district:

1. Places of worship such as churches, synagogues and temples and parish houses.
2. Private charitable institutions.
3. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and/or elevated pressure tanks.

4. Radio and television towers and transmitters.
5. Townhouses.
6. Parking lots.
7. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.

(Ord. No. 93-11, § 605.05, 9-28-1993; Ord. No. 2010-17, §, 8-17-2010)

Sec. 90-316. Prohibited uses and structures

All other uses and structures which are not specifically permitted or not permissible as exceptions or conditional uses shall be prohibited from the R-5 district.

(Ord. No. 93-11, § 605.06, 9-28-1993)

Sec. 90-317. General provisions

The minimum requirements and standards established in this division apply only to R-5 districts. The minimum size for the zoned area to be developed shall be seven acres.

(Ord. No. 93-11, § 605.07, 9-28-1993)

Sec. 90-318. Height and area regulations

The maximum height and minimum area regulations for an R-5 district shall be as follows:

1. General requirements:

Area Regulations	Dwelling, Single-Family	Dwelling, Two-Family	Other Permitted Uses
Lot Area (in sq. feet)	5,000	2,500 per family	5,000
Lot Width (in feet)	40	40 per family	40
Required Front Yard (in feet)	15	15	15
Required Side Yard (in feet)	5	5 if party wall	5
Required Rear Yard (in feet)	Smaller of 20' or 20% of lot	Smaller of 20' or 20% of lot	Smaller of 20' or 20% of lot
Height (in feet)	35	35	35

2. The height of all structures shall be in conformance with the airport zoning regulations.
3. There shall be a minimum lot width of 50 feet for all corner lots.
4. Adjustments to the front yard may be made in accordance with the provisions of section 90-709.

(Ord. No. 93-11, § 605.08, 9-28-1993)

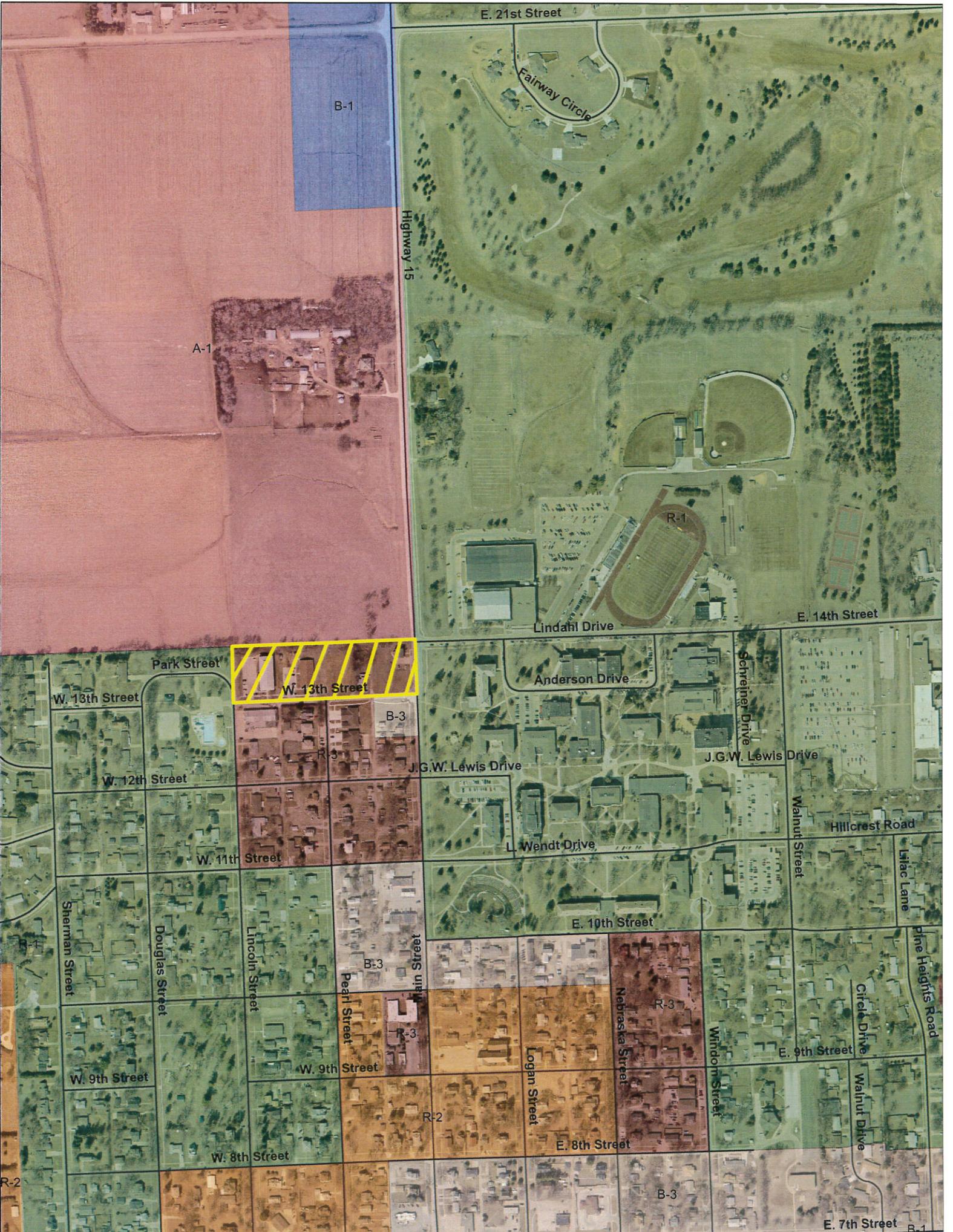
Sec. 90-319. Design standards and requirements

The following minimum design standards shall be required in an R-5 district:

1. For streets:
 1. a. A right-of-way width of 50 feet unless a collector or arterial street.

2. b. A pavement width of 27 feet, which allows parking on one side only; pavement located within the right-of-way so as to provide a minimum of 14 feet between the curb and property line on the sidewalk side of the street.
3. c. All streets shall be looped, curvilinear or end in a cul-de-sac street, or combination, to discourage through traffic.
4. d. Curbs and gutters are required.
5. e. Curbs may be designed to allow access onto lots without the necessity of curb cuts. The curb design must be in conformance with standards adopted by the city.
2. Two off-street parking stalls shall be provided for each dwelling unit.
3. Sidewalks:
 1. a. Shall be provided with a width of at least four feet.
 2. b. Should be a function of the site design and their location decided upon on a case-by-case basis. They may be located on an easement at the rear of property lines or on only one side of a street. On arterial and collector streets, sidewalks shall be provided on both sides of the street.
4. Utility, drainage, sidewalks and zero lot line easements shall be provided as required.
5. Required open recreational areas are required as follows:
 1. a. Every R-5 development shall provide an area to be used as a permanent usable open space recreation area, exclusive of lots, parking areas and streets. The size of the open space area shall be a total of 500 square feet per lot for all lots within the development. The minimum size, however, shall be no less than one-half acre.
 2. b. For the purposes of this section, usable open space recreation area shall mean an area that:
 1. 1. Is developed, vegetated and landscaped for open areas, ball fields, picnic areas, trails, or similar facilities;
 2. 2. Is legally accessible to all residents of the development or to the public if dedication is required or accepted by the city.
 3. c. Within three years following the approval of the zoning, all of the recreational facilities shown on the approved development concept plan shall be installed by the developer.
 4. d. All open space recreational areas exceeding five acres in size may be dedicated to the city. Unless dedicated to and accepted by the city, all required open space recreational areas shall remain under the ownership and control of the developer or a homeowners' association.
 5. e. The entity exercising ownership and control of the open space recreational area shall be responsible for the continuing upkeep and proper maintenance of the area.
6.
 1. a. In reference to this section, a homeowners' association, who shall be responsible for the maintenance and control of the open space recreational areas, shall be established. Provisions for the establishment of the association shall be made and recorded or required by law prior to the sale of any lot in the development. These provisions shall establish that the association has the clear legal authority and duty to maintain and exercise control over the recreational areas, including all facilities placed upon this area.
 2. b. These provisions shall show that the association has the power to compel contributions from residents in the development to cover their proportionate shares in the cost of maintenance and upkeep of the open space recreational areas.

(Ord. No. 93-11, § 605.09, 9-28-1993)



B-1

A-1

Highway 15

E. 21st Street

Fairway Circle

R-1

E. 14th Street

Lindahl Drive

Park Street

W. 13th Street

W. 13th Street

Anderson Drive

Schreiner Drive

B-3

J.G.W. Lewis Drive

J.G.W. Lewis Drive

W. 12th Street

R-3

Hillcrest Road

W. 11th Street

L. Wendt Drive

Walnut Street

Lilac Lane

Sherman Street

Douglas Street

Lincoln Street

Pearl Street

Main Street

E. 10th Street

B-3

Nebraska Street

R-3

Circle Drive

Pine Heights Road

W. 9th Street

W. 9th Street

Logan Street

Winton Street

E. 9th Street

Walnut Drive

W. 8th Street

R-2

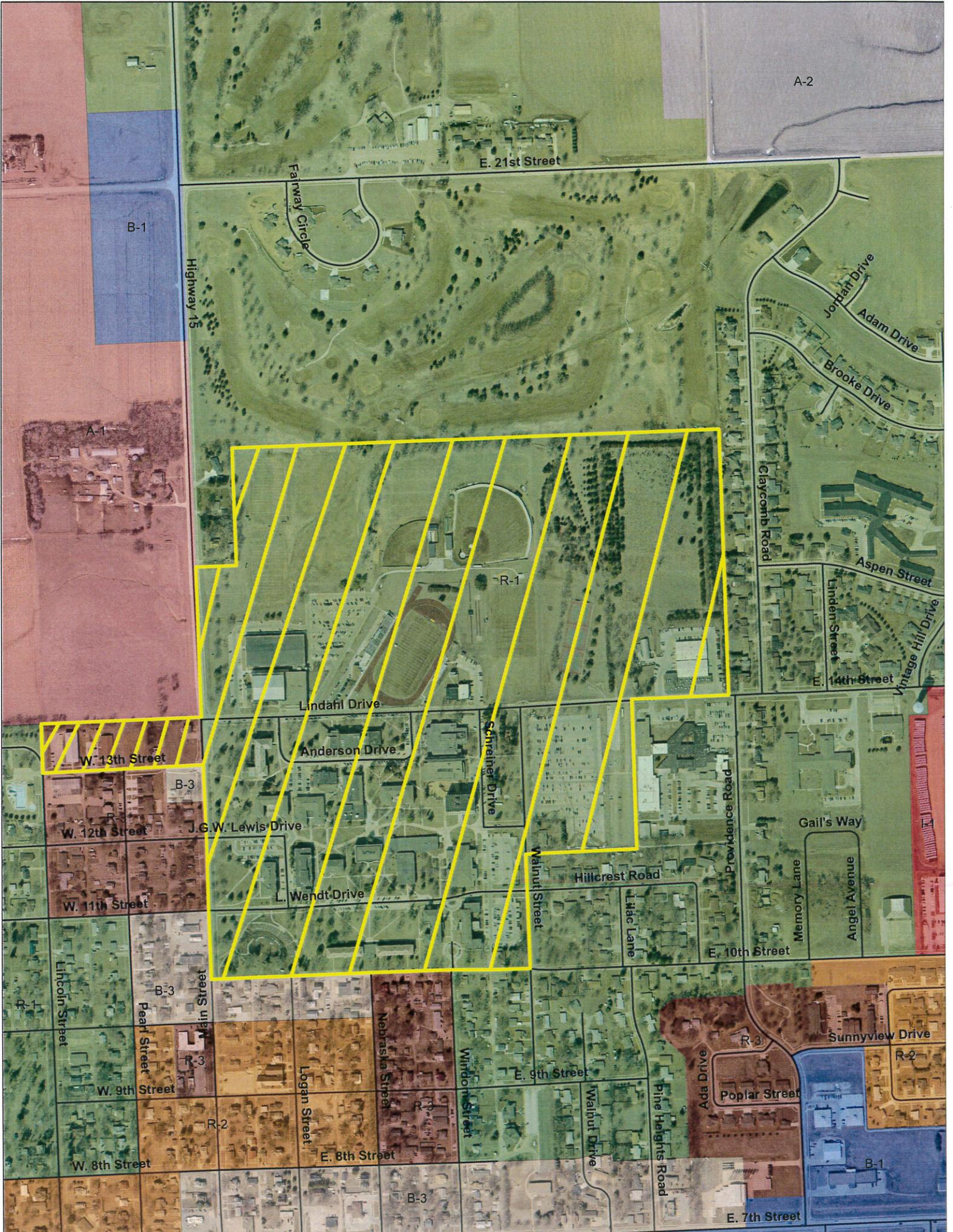
E. 8th Street

B-3

E. 7th Street

B-1

R-2



A-2

B-1

A-1

E. 21st Street

Fairway Circle

Highway 15

Jordan Drive
Adam Drive

Brooke Drive

Claycomb Road

Aspen Street

Linden Street

E. 14th Street

Vintage Hill Drive

R-1

Lindahl Drive

Anderson Drive

Schreiner Drive

Providence Road

Gail's Way

Angel Avenue

E. 10th Street

Hillcrest Road

Liac Lane

Wendt Drive

Walnut Street

Memory Lane

W. 13th Street

B-3

W. 12th Street

J.G.W. Lewis Drive

W. 11th Street

B-3

Pearl Street

W. 9th Street

W. 8th Street

R-2

E. 8th Street

Logan Street

Nebraska Street

B-3

Windo Street

E. 9th Street

Walnut Drive

Pine Heights Road

R-3

Ada Drive

Poplar Street

E. 7th Street

Sunnyview Drive

R-2

B-1

ORDINANCE NO. 2014-37

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE VIII, SECTION 90-710 PARKING REGULATIONS; 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. The Planning Commission held a public hearing on November 3, 2014, and recommended amending Section 90-710 Parking Regulations, Terrace (4) of the Wayne Municipal Code, with the "Findings of Fact" being:

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

Section 2. That Chapter 90, Article VIII, Section 90-710 of the Wayne Municipal Code is amended as follows:

Sec. 90-710

Terrace

1. Parking or driveway surface shall only be on concrete or hot mix asphalt.
2. Parking or driveway surface shall be a minimum of five and a half (5½) inches thick and shall include the intersecting sidewalks to the same depth.
3. Parking or driveway surface shall have the curb ground or sawed out the entire parking or drive-way width.
Exception: When proposed parking is parallel to the curb and there are two approach or driveway curb inlet and outlet ramps.
4. Parking surfaces located in the terrace shall be large enough and shall be required to have a parking barrier to prevent vehicles from overhanging the curb or sidewalk. The minimum size of a parking stall surface shall be an ~~8'~~ 9' X 20' rectangle.
5. Terrace parking shall not interfere with the intersection site triangle of this code.
6. Driveway surfaces shall include all of the terrace right-of-way from the street back of curb to the property line.
7. Terrace parking and driveway surfaces shall be excavated a minimum of four (4) inches deeper than the surrounding terrain or unpaved surface.
8. Parking or driveway surfaces at the back of curb line shall be excavated to the same depth as the abutting street depth a minimum of twelve (12) inches wide the entire width of the parking surface or driveway.
9. Parking or driveway surfaces shall be placed on a minimum of two (2) inches of compacted sand or gravel material.
10. Proposed parking or driveway surface's property owner shall first obtain a curb grind permit and/or driveway apron construction permit.

Section 3. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law

PASSED AND APPROVED this 16th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-38

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-130 RELATING TO PARKING; PROHIBITED PARKING; SOUTHEAST 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 78-130 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-130 PROHIBITED PARKING; SOUTHEAST QUADRANT OF THE CITY.

(a) No person shall, at any time, park a motor vehicle upon the following described streets:

1. The south side of the centerline of East 6th Street from the north-south alley between Main Street and Logan Street east to the west line of Tomar Drive.
2. The south side of the centerline of East 7th Street from the east line of Main Street east to the city limits.
3. The south side of the centerline of East 5th Street from the north-south alley between Main Street and Logan Street east to Valley Drive.
4. The south side of the centerline of Valley Drive from the east line of 5th Street east to the point where Valley Drive turns north and then on the east side of the centerline north to the south line of East 7th Street.
5. The east side of the centerline of Wayside Lane from the north line of Valley Drive north to the south line of East 6th Street.
6. The east side of the centerline of Tomar Drive from the south line of East 7th Street south to the north line of East 4th Street.
7. The south side of the centerline of East 4th Street from the north-south alley between Main Street and Logan Street east to the city limits.
8. The south side of the centerline of East 3rd Street from the east line of Logan Street east to the west line of Windom Street.
9. The south side of the centerline of Fairgrounds Avenue from the east line of South Nebraska Street east to the city limits.
10. The south side of the centerline of Folk Street from the east line of South Nebraska Street to the west line of South Windom Street.
11. The east side of the centerline of Logan Street from the north line of East 4th Street north to the south line of East 7th Street.
12. The west side of the centerline of Logan Street from the north line of East 5th Street north to the south line of East 7th Street.
13. The east side of the centerline of Nebraska Street from the north line of East 2nd Street north to the south line of East 7th Street.
14. The east side of the centerline of Windom Street from the north line of East 3rd Street north to the south line of East 7th Street.

15. The west side of the centerline of Windom Street from the north line of East 3rd Street north a distance of 150 feet.
16. The east side of the centerline of South Windom Street from the north line of Fairgrounds Avenue north to the south line of East 3rd Street.
17. The east side of the centerline of Walnut Street from the north line of East 4th Street north to the south line of East 7th Street.
18. The east side of the centerline of Dearborn Street from the north line of East 5th Street north to the south line of East 7th Street.
19. The east side of the centerline of Dearborn Street from the north line of East 4th Street south to the north line of East 4th Street.
20. The east side of the centerline of South Nebraska Street from the south line of Fairgrounds Avenue south to the city limits.
21. The east side of the centerline of South Windom Street from the south line of Fairgrounds Avenue south to the city limits.
22. The east side of the centerline of Main Street from 75' north of the north line of East 4th Street to the south line of 7th Street.
23. The west side of the centerline of Windom Street from the south line of East 7th Street south for a distance of 25 feet.
24. The west side of the centerline of Tomar Drive from the south line of East 7th Street south 600 feet.
25. The south side of the centerline of Jaxon Street from the west line of Tomar Drive west to the north line of East 4th Street.
- 26. The east side of the centerline of Thorman Street from the south line of East 7th Street south to the north line of East 4th Street.**
- 27. The south side of the centerline of Erin Street from the west line of Thorman Street west to the east line of Joel Street.**
- 28. The east side of the centerline of Joel Street from the south line of Erin Street south to the north line of Alex Street.**

(b) 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 16th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-39

AN ORDINANCE TO AMEND CHAPTER 78, ARTICLE III OF THE WAYNE MUNICIPAL CODE, SECTION 78-131 RELATING TO PARKING; RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHEAST 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 78-131 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

§ 78-131 RESTRICTED PARKING 12:00 MIDNIGHT TO 5:00 A.M.; SOUTHEAST QUADRANT OF THE CITY.

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 East Sixth Street east to the city limits.
2. The north side of the centerline of East Fifth Street east to a point where East Fifth Street becomes Valley Drive.
3. The north side of the centerline of Valley Drive from the east line of East Fifth Street east to the point where Valley Drive turns north and then on the west side of the centerline north to the south line of East Seventh Street.
4. The north side of the centerline of East Fourth Street from the east line of Main Street east to the city limits.
5. The north side of the centerline of East Third Street from the east line of Logan Street east to the west line of Windom Street.
6. The west side of the centerline of Logan Street from the south line of East Fifth Street south to the north line of Fairgrounds Avenue.
7. The east side of the centerline of Logan Street from the north line of Fairgrounds Avenue north to the south line of East Fourth Street.
8. The west side of the centerline of Nebraska Street from the north line of East Second Street north to the south line of East Seventh Street.
9. The west side of the centerline of Windom Street from the north line of East Third Street north to the south line of East Seventh Street.
10. The west side of the centerline of Windom Street from the south line of East Third Street south to the north line of Fairgrounds Avenue.
11. The west side of the centerline of Walnut Street from the north line of East Fourth Street north to the south line of East Seventh Street.
12. The west side of the centerline of Dearborn Street from the north line of East Fourth Street north to the south line of East Seventh Street.
13. The west side of the centerline of Wayside Lane from the north line of Valley Drive north to the south line of East Sixth Street.

14. The north side of the centerline of Fairgrounds Avenue from the east line of Main Street east to the city limits.
15. The west side of the centerline of South Nebraska Street from the south line of Fairgrounds Avenue south to the city limits.
16. The north side of the centerline of Folk Street from the east line of South Nebraska Street east to the west line of South Windom Street.
17. The west side of the centerline of South Windom Street from the south line of Fairgrounds Avenue south to the city limits.
- 18. The west side of the centerline of Thorman Street from the south line of East 7th Street south to the north line of East 4th Street.**
- 19. The north side of the centerline of Erin Street from the west line of Thorman Street west to the west line of Joel Street.**
- 20. The west side of the centerline of Joel Street from the north line of Erin Street south to the south line of Alex Street.**

(b) 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 16th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 78, ARTICLE III, SECTION 78-134 RELATING TO PARKING TIME LIMITS OF 30 MINUTES AND ONE HOUR; LOCATION; 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 78-134 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

78-134 Parking time limits of 30 minutes and one hour; location

(a) No person shall, at any time, park a vehicle between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, for more than one hour upon **the following locations:**

1. The west side of Pearl Street from 140 feet 8 inches south of the centerline of Third Street to 200 feet 8 inches south of the centerline of Third Street.
2. **The north side of East 2nd Street from 130 feet west of the centerline of lo Logan Street to 173 feet west of the centerline of Logan Street.**
3. **The west side of Pearl Street from 40 feet north of the centerline of West 3rd Street to 129 feet north of the centerline of West 3rd Street.**

(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 16th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2014-43

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

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

Section 1. The City of Wayne does hereby find and declare that the following described real estate:

A tract of land located in the Southwest Quarter of Section 8, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, described as follows: Commencing at the Southwest corner of said Section 8; thence Easterly along the South line of said Section 8, said section line having an assumed bearing of South 89°50' East (sometimes referred to as South 89°15' East) a distance of 465.2 feet to a point; thence North 00°00' East a distance of 545.1 feet (sometimes referred to as 541.1 feet) to a point; thence North 88°35' East a distance of 1,401.67 feet to the point of beginning; thence North 28°30'34" West a distance of 393.12 feet to a point; thence North 88°35' East a distance of 797.60 feet to a point; thence Southerly along the West bank of Logan Creek, to a point; thence South 88°35' West a distance of 457.60 feet to the point of beginning, containing 5.65 acres, more or less, sometimes also described as Tax Lot 15; **AND**

A tract of land located in the Southwest Quarter of Section 8, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, described as follows: Commencing at the Southwest corner of said Section 8; thence Easterly along the South line of said Section 8, said section line having an assumed bearing of South 89°50' East a distance of 465.2 feet to a point; thence North 00°00' East a distance of 545.1 feet to a point; thence North 88°35' East a distance of 1,401.67 feet to a point; thence North 28°30'34" West a distance of 393.12 feet to the point of beginning; thence continuing North 28°30'34" West a distance of 100 feet to a point; thence North 79°57'20" East a distance of 910.00 feet, more or less, to a point on the West bank of Logan Creek; thence Southerly along the West bank of Logan Creek, to a point; thence South 88°35' West, a distance of 797.60 feet to the point of beginning, containing 3.0 acres, more or less, sometimes also described as Tax Lot 24; **AND**

A tract of land located in the Southwest Quarter of Section 8, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, described as follows: Commencing at the Southwest corner of Section 8, Township 26 North, Range 4; thence Easterly along the South line of said Section 8, said section line having an assumed bearing of South 89 degrees 50 minutes East, a distance of 465.2 feet to a point; thence North 00 degrees 00 minutes East, a distance of 545.1 feet to a point; thence North 88 degrees 35 minutes East, a distance of 1,401.67 feet to a point; thence North 28 degrees 30 minutes 34 seconds West, a distance of 493.12 feet to the point of beginning; thence continuing North 28 degrees 30 minutes 34 seconds West, a distance of 250.44 feet to a point; thence North 61 degrees 29 minutes East, a distance of 1002.90 feet to a point; thence South 6 degrees 12 minutes East, a distance of 556.32 feet to a point; thence South 79 degrees 57 minutes 20 seconds West, a distance of 834.67 feet to the point of beginning, containing 8.20 acres, more or less, sometimes also described as Tax Lot 26,

is immediately adjoining and contiguous to the corporate limits of the City of Wayne, Nebraska.

Section 2. The above described real estate is annexed to the City of Wayne, Nebraska, and is declared to be within the corporate limits of the City of Wayne, Nebraska, pursuant to Section 19-916 (R.R.S. 1943).

Section 3. The corporate limits of the City of Wayne, Nebraska, are hereby extended to include said real estate.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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. 2014-46

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE, CHAPTER 58, ARTICLE IV, SECTION 58-95 RELATING TO PROHIBITED FENCES; 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 58, Article IV, Section 58-95 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

58-95 Prohibited Fences

- (a) **Except as provided in subsections (b) and (c) of this section**, it shall be unlawful for any person to erect or cause to be erected and maintain any barbed wire or electric fence within the corporate limits.
- (b) **Barbed wire may be used when placed above an existing fence provided the barbed wire is at least six feet above the adjacent grade on either side of the fence.**
- (c) **A barbed wire fence may be erected on any land which has been approved for an agricultural deferral from special assessments.**

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 _____ day of _____, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2014-106

A RESOLUTION APPROVING THE SPECIFICATIONS AND AUTHORIZING THE PURCHASE OF A NEW WHEEL LOADER THROUGH THE STATE BID SYSTEM AS PER THE BID PROPOSAL RECEIVED FROM TITAN MACHINERY, INC.

WHEREAS, City staff have prepared specifications for a new wheel loader and related equipment; and

WHEREAS, City staff's recommendation is to purchase from the State Bid system and purchase said vehicle through Titan Machinery, Inc., for the sum of \$147,500.00, which was considered the base bid and includes all items called for in the specifications, unless otherwise noted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, as follows:

1. That the specifications for the wheel loader and related equipment be and the same are hereby approved.
2. That the cost for said wheel loader and related equipment be and the same are hereby approved.

PASSED AND APPROVED this 16th day of December, 2014.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

**SPECIFICATIONS
AND
PROPOSALS
FOR
ONE (1) WHEEL LOADER
FOR
THE CITY OF WAYNE, NEBRASKA

FALL, 2014**

**SPECIFICATIONS FOR WHEEL LOADER
FOR THE PUBLIC WORKS DEPARTMENT
WAYNE, NEBRASKA**

The following specifications shall be the minimum requirements for a new wheel loader for the City of Wayne Public Works Department called for in the attached advertisement for bids.

GENERAL:

The wheel loader to be furnished shall meet or exceed all the following or the bid may be rejected.

Unit shall be of a standard design and a current model under regular production by the manufacturer.

Furnish all accessories necessary for the proper and satisfactory operation of the wheel loader whether or not specifically called for below.

OPERATING WEIGHT: The complete unit shall not weigh less than 28000 pounds.

ENGINE: The loader shall be equipped with a 6 cylinder IT4 Compliant diesel engine capable of 163 maximum net peak horsepower available at the flywheel. Ethylene glycol type coolant/ antifreeze protection to no less than 34 degrees below zero Fahrenheit required. An engine intake air centrifugal pre-cleaner shall be installed. A 120 volt AC block heater with a sturdily mounted male receptacle with a cover that is conveniently located will be furnished.

AXLES AND BRAKES: The axles shall have inboard planetaries and enclosed hydraulically operated wet disc brakes. It shall have an automatic, enclosed, wet disc, spring applied, hydraulically release park brake which neutralizes the transmission when engaged. The unit shall have locking front and rear axle differentials.

TIRES: Tires shall be 20.5 X 25 Michelin XHA Radial Tires mounted on 3 piece wheels.

TRANSMISSION: The unit shall have a torque converter/ power shift transmission with a minimum of 4 forward gears and 3 reverse gears. It shall be auto-shift capable with downshift control and forward/reverse shift control located on the loader control lever. Maximum forward travel speed will be at least 20 MPH.

STEERING: Must be articulated frame at wheel base center point capable of turning right and left at least 35 degrees. Steering shall be hydraulically assisted with tilt steering console.

CAB: The unit shall have a pressurized ROPS cab of steel construction with heat, defroster, air conditioning, and sound suppression. Tinted safety glass windshield, windows and door(s) are required. Seat must be a padded, adjustable, cloth covered air suspension seat with a seat belt. It shall have an AM/FM/Weather Band radio, front intermittent wiper with washer as well as rear windshield wiper and washer, dome light, 2 heated outside rear view mirrors and floor mat. It shall have a 5 amp/ 12 volt converter with power point located inside of cab.

INSTRUMENTS: It shall have gauges for the following functions: Speedometer, engine oil pressure, hydraulic oil temperature, engine coolant temperature, transmission oil temperature, fuel level, voltmeter and hour meter. An electronic back up alarm meeting OSHA requirements must be provided.

ELECTRICAL SYSTEM: The unit shall have a 24 volt electrical system and the following: Horn, Two 950 cold cranking amp batteries, 100 amp alternator, master electrical disconnect switch, two front and two rear halogen work/ driving lights as well as L.E.D. turn signals, flashers and stop/tail lights.

HYDRAULICS: Unit shall have a single lever loader control with float and return-to-dig, boom height cut out and return to carry. Unit must have a closed center hydraulic system with a piston pump and replaceable system filter. System shall have auxiliary hydraulics plumbed to the loader cross tube and capable for providing full time power for the City's tree spade attachment as currently configured. Unit shall have an automatically reversing, hydraulically driven cooling fan.

LOADER: Unit shall be a high lift loader configuration with a hydraulically actuated ACS compatible quick coupler with in-cab controls capable of picking up the City's existing attachments. Vendor is responsible to determine appropriate model and serial number of quick coupler. Loader shall be equipped with a 3.0 cubic yard loader bucket with bolt-on cutting edges. Counterweight shall be appropriate for the loader and are required if normally furnished by manufacturer.

OPTIONAL EQUIPMENT: The following shall be installed: Front and rear fenders, rear drawbar and hitch pin, clutch cut-out, ride control, SMV emblem, and a roof mounted amber strobe light.

GRAPPLE RAKE: TAG Manufacturing 106 inch wide Bio-Mass Rake with integral paddle style grapples. Unit must be equipped to fit the City's ACS loader quick couplers and hydraulically plumbed to fit the loader's auxiliary hydraulic system.

WARRANTY: Manufacturer's usual warranty shall apply and shall be in effect for one year from the date the loader is placed in service by the City of Wayne. Powertrain, engine and hydraulic coverage will be provided for an additional 5 years. There shall be no charge for parts, labor, travel or mileage for any warrantable repair. The City will maintain the unit in accordance with the manufacturer's recommendations and provide oil samples if required, but all materials shall be provided at no charge to the City and a written report will be returned to the City if sampling is required. If the engine is not produced by the loader manufacturer, the vendor will guarantee the engine will be repaired by a certified and registered engine warranty dealer or distributor. If machine cannot be repaired within 30 days, a comparable loaner machine will be provided to the City of Wayne at no cost during the warranty period.

TRADE IN: Caterpillar 926E S/N 94Z03348 The trade in can be seen at the Street Department Shop at 207 Fairgrounds Ave, Wayne, NE.

DELIVERY LOCATION: FOB: Wayne, Nebraska

STATE OF NEBRASKA CONTRACT AMENDMENT

State Purchasing Bureau
1526 K Street, Suite 130
Lincoln, Nebraska 68508
OR

P.O. Box 94847
Lincoln, Nebraska 68509-4847
Telephone: (402) 471-6500
Fax: (402) 471-2089

CONTRACT NUMBER
12817 OC

Low Acquisition Award

PAGE 1 of 4	ORDER DATE 05/23/14
BUSINESS UNIT 9000	BUYER TERESA FLEMING (AS)
VENDOR NUMBER: 1644823	
VENDOR ADDRESS: TITAN MACHINERY INC 6310 N 56TH ST LINCOLN NEBRASKA 68504-1764	

THE CONTRACT PERIOD IS:

MAY 01, 2014 THROUGH APRIL 30, 2015

THIS CONTRACT HAS BEEN AMENDED PER THE FOLLOWING INFORMATION:

NO ACTION ON THE PART OF THE VENDOR NEEDS TO BE TAKEN AT THIS TIME. ORDERS FOR THE EQUIPMENT OR SUPPLIES WILL BE MADE AS NEEDED BY THE VARIOUS AGENCIES OF THE STATE.

THIS CONTRACT IS NOT AN EXCLUSIVE CONTRACT TO FURNISH THE EQUIPMENT OR SUPPLIES SHOWN BELOW, AND DOES NOT PRECLUDE THE PURCHASE OF SIMILAR ITEMS FROM OTHERS SOURCES.

THE STATE RESERVES THE RIGHT TO EXTEND THE PERIOD OF THIS CONTRACT BEYOND THE TERMINATION DATE WHEN MUTUALLY AGREEABLE TO THE VENDOR AND THE STATE OF NEBRASKA.

Original/Bid Document 3412 OF

Contract to supply and deliver Articulated All Wheel Drive Loader with Minimum 2.2 Cubic Yard Bucket to the State of Nebraska as per the attached specifications for a one (1) year period from date of award. The contract may be renewed for one (1) additional (1) year period when mutually agreeable to the vendor and the State of Nebraska. The State reserves the right to extend the period of this contract beyond the termination date when mutually agreeable to the vendor and the State of Nebraska.

The State may request that payment be made electronically instead of by state warrant. ACH/EFT Enrollment Form can be found at: <http://www.das.state.ne.us/accounting/forms/achenrol.pdf>

The Contractor is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of employees physically performing services within the State of Nebraska. A federal immigration verification system mean the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Responsibility Act of 1996, 8 U.S.C. 1324a, known as E-Verify Program, or an equivalent federal program designed by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

The contractor, by signature to the Invitation to Bid, certifies that the contractor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency from participating in transactions (debarred). The contractor also agrees to include the above requirements in any and all subcontracts into which it enters. The contractor shall immediately notify the Department if, during the term of this contract, contractor becomes debarred. The Department may immediately terminate this contract by providing contractor written notice if contractor becomes debarred during the term of this contract.

If the Contractor is an individual or sole proprietorship, the following applies:

1. The Contractor must complete the United States Citizenship Attestation Form, available on the Department of Administrative Services website at: http://das.nebraska.gov/lb403/attestation_form.pdf
2. If the Contractor indicates on such attestation form that he or she is a qualified alien, the Contractor agrees to provide the US Citizenship and Immigration Services documentation require to verify the Contractor's lawful presence in the United States

Teresa Fleming 5/23/14 KSE/2314
BUYER
[Signature] 5/23/14
MATERIEL ADMINISTRATOR

STATE OF NEBRASKA CONTRACT AMENDMENT

State Purchasing Bureau
 1526 K Street, Suite 130
 Lincoln, Nebraska 68508
 OR
 P.O. Box 94847
 Lincoln, Nebraska 68509-4847
 Telephone: (402) 471-6500
 Fax: (402) 471-2089

PAGE 2 of 4	ORDER DATE 05/23/14
BUSINESS UNIT 9000	BUYER TERESA FLEMING (AS)
VENDOR NUMBER: 1644823	

CONTRACT NUMBER
12817 OC

using the Systematic Alien Verification for Entitlements (SAVE) Program.

3. The Contractor understands and agrees that lawful presence in the United States is required and the Contractor may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. §4-108.

The contract resulting from the Invitation to Bid shall incorporate the following documents:

1. Amendment to Contract Award with the most recent dated amendment having the highest priority;
2. Contract Award and any attached Addenda;
3. The signed Invitation to Bid form and the Contractor's bid response;
4. Amendments to ITB and any Questions and Answers; and
5. The original ITB document and any Addenda.

These documents constitute the entirety of the contract.

Unless otherwise specifically stated in a contract amendment, in case of any conflict between the incorporated documents, the documents shall govern in the following order of preference with number one (1) receiving preference over all other documents and with each lower numbered document having preference over any higher numbered document: 1) Amendment to Contract Award with the most recent dated amendment having the highest priority, 2) Contract Award and any attached Addenda, 3) the signed Invitation to Bid form and the Contractor's bid response, 4) Amendments to ITB and any Questions and Answers, 5) the original ITB document and any Addenda.

Any ambiguity in any provision of this contract which shall be discovered after its execution shall be resolved in accordance with the rules of contract interpretation as established in the State of Nebraska.

Once Invitations to Bid are opened they become the property of the State of Nebraska and will not be returned.

It is understood by the parties that in the State of Nebraska's opinion, any limitation on the contractor's liability is unconstitutional under the Nebraska State Constitution, Article XIII, Section III and that any limitation of liability shall not be binding on the State of Nebraska despite inclusion of such language in documents supplied by the contractor's bid response.

Vendor Contact: Herb Wolkenhauer
 Phone: 402-464-3711
 Fax: 402-464-4722
 Email: herb.wolkenhauer@titanmachinery.com

THIS IS THE THIRD RENEWAL OF THE CONTRACT AS AMENDED (djo 04/10/14)

AMENDMENT THREE AS ATTACHED (djo 05/23/14)

Line	Description	Estimated Quantity	Unit of Measure	Unit Price
1	ARTICULATED ALL WHEEL DRIVE LOADER W/MIN 2.2 CY BUCKET Machine Make: Case Machine Model: 621F Engine Make: Case Engine Model: F4HFE613Z	6.0000	EA	117,284.0000


BUYER INITIALS
 R43500\NISM0001 100506

STATE OF NEBRASKA CONTRACT AMENDMENT

State Purchasing Bureau
 1526 K Street, Suite 130
 Lincoln, Nebraska 68508
 OR
 P.O. Box 94847
 Lincoln, Nebraska 68509-4847
 Telephone: (402) 471-6500
 Fax: (402) 471-2089

PAGE 3 of 4	ORDER DATE 05/23/14
BUSINESS UNIT 9000	BUYER TERESA FLEMING (AS)
VENDOR NUMBER: 1644823	

CONTRACT NUMBER
12817 OC

Line	Description	Estimated Quantity	Unit of Measure	Unit Price
	OPTIONS			
2	DEDUCT FOR NO FACTORY INSTALLED AIR CONDITIONING	3.0000	EA	-2,688.0000
3	DEDUCT FOR NO LOAD RIDE CONTOL OR BOOM SUSPENSION System	3.0000	EA	-1,794.0000
4	QUICK HITCH WITH SPECIFIED BUCKET	3.0000	EA	3,497.0000
5	MULTI-PURPOSE BUCKET	5.0000	EA	9,347.0000
6	GRAPPLE FORK ATTACHMENT	3.0000	EA	7,334.0000
7	THIRD VALVE W/LINES TO FRONT OF LOADER BOOM FOR ATTACHMENTS	5.0000	EA	867.0000
8	AM/FM RADIO	6.0000	EA	165.0000
9	DEDUCT EXTENDED WARRANTY AFTER BASIC 1 YR WARRANTY AND Transportation Charges Within the Extended Warranty Program	3.0000	EA	-2,145.0000
10	DEDUCT TRANSPORTATION COST CHARGES FOR EXTENDED WARRANTY Program. Purchasing entity will be responsible for the delivery of loader to a repair facility for the extended warranty period.	5.0000	EA	-515.0000
11	LOUP ELECTRONICS LOADLOG 8000I WHEEL LOADER SCALE SYSTEM	3.0000	EA	6,368.0000
12	IN-CAB PRINTER FOR LOADLOG 8000I WHEEL LOADER SCALE	3.0000	EA	756.0000
14	QUICK ATTACH FORKLIFT ASSEMBLY	3.0000	EA	6,949.0000
15	EXTERNAL MIRRORS 4R	5.0000	EA	115.0000
16	ADD POWER TRAIN & ELECTRONICS WARRANTY	5.0000	EA	1,454.0000
17	ADDITIONAL COST FOR DELIVERY OUTSIDE THE LINCOLN AREA	3.0000	MI	2.0000


 BUYER INITIALS
 R43500JNISM0001 100506

STANDARD CONDITIONS AND TERMS OF BID SOLICITATION AND OFFER Invitations to Bid and Contract Awards

It is the responsibility of the bidder to check the website for all information relevant to this solicitation to include addenda and/or amendments issued prior to the opening date. Website address: <http://www.das.state.ne.us/materiel/purchasing/purchasing.htm>

SCOPE- These standard conditions and terms of bid solicitation and acceptance apply in like force to this inquiry and to any subsequent contract resulting therefrom.

PRICES- Prices quoted shall be net, including transportation and delivery charges fully prepaid by the bidder, F.O.B. destination named in the Invitation to Bid. No additional charges will be allowed for packing, packages or partial delivery costs. When an arithmetic error has been made in the extended total, the unit price will govern.

EXECUTION- Bids must be signed in ink by the bidder on the State of Nebraska's Invitation to Bid form. All bids must be typewritten or in ink on the State of Nebraska's Invitation to Bid form. Erasures and alterations must be initiated by the bidder in ink. No telephone or voice bids will be accepted. Failure to comply with these provisions may result in the rejection of the bid.

FACSIMILE DOCUMENTS- The State Purchasing Bureau will only accept facsimile responses to Invitations to Bid on bids under \$25,000 and up to ten (10) pages. However, two party sealed bids containing facsimile pages are acceptable. No direct facsimile solicitation responses will be accepted for a commodity contract.

VALID BID TIME- Bids shall be firm for a minimum of sixty (60) calendar days after the opening date, unless otherwise stipulated by either party in the Invitation to Bid.

DISCOUNTS- Prices quoted shall be inclusive of ALL trade discounts. Cash discount terms of less than thirty (30) days will not be considered as part of the bid. Cash discount periods will be computed from the date of receipt of a properly executed claim voucher or the date of completion of delivery of all items in a satisfactory condition, whichever is later.

PAYMENT- Payment will be made by the responsible agency in conjunction with the State of Nebraska Prompt Payment Act 81-2401 through 2408. The State may request that payment be made electronically instead of by state warrant.

COLLUSIVE BIDDING- The bidder guarantees that the prices quoted have been arrived at without collusion with other eligible bidders and without effort to preclude the State of Nebraska from obtaining the lowest possible competitive price.

LUMP SUM OR ALL OR NONE BIDS- The State reserves the right to purchase item-by-item, by groups or as a total when the State may benefit by so doing. Bidders may submit a bid on an "all or none" or "lump sum" basis but should also submit a bid on an item-by-item basis. The term "all or none" means a conditional bid which requires the purchase of all items on which bids are offered and bidder declines to accept award on individual items; a "lump sum" bid is one in which the bidder offers a lower price than the sum of the individual bids if all items are purchased but agrees to deliver individual items at the prices quoted.

SPECIFICATIONS- Any manufacturer's names, trade names, brand names, information and/or catalog numbers listed in a specification are for reference and not intended to limit competition, but will be used as the standard by which equivalent material offered will be judged. The State Purchasing Director will be the sole judge of equivalency. The bidder may offer any brand which meets or exceeds the specification. When a specific product is required, the Invitation to Bid will so state. Any item bid is to be the latest current model under standard production at the time of order. No used or refurbished equipment will be accepted, unless otherwise stated.

ALTERNATE/EQUIVALENT BIDS- Bidder may offer bids which are at variance from the express specifications of the Invitation to Bid. The State reserves the right to consider and accept such bids if, in the judgement of the State Purchasing Director, the bid will result in goods and/or services equivalent to or better than those which would be supplied in the original bid specifications. Bidders must indicate on the Invitation to Bid the manufacturer's name, number and shall submit with their bid, sketches, descriptive literature and/or complete specifications. Reference to literature submitted with a previous bid will not satisfy this provision. Bids which do not comply with these requirements are subject to rejection. In the absence of any stated deviation or exception, the bid will be accepted as in strict compliance with all terms, conditions and specifications, and the bidder shall be held liable therefore.

SAMPLES- When requested, samples shall be furnished at the bidders expense prior to the opening of the bid, unless otherwise specified. Each sample must be labeled clearly and identify the bidders name, the Invitation to Bid number and the item number. Samples submitted must be representative of the commodities or equipment which would be delivered if awarded the bid. The State of Nebraska reserves the right to request samples even though this may not have been set forth in the Invitation to Bid. Samples not destroyed in testing will be returned at bidders expense, if requested, or will be donated to a public institution.

RECYCLING- Preference will be given to items which are manufactured or produced from recycled material or which can be readily reused or recycled after their normal use as per State Statute Section 81-15,159.

LATE BIDS- All bids will be time and date stamped upon receipt by the State Purchasing Bureau, and this shall be the official time and date of receipt. Bids received after the time of the bid opening will be considered late bids and will be returned to the bidder unopened. The State Purchasing Bureau is not responsible for late bids or lost requests due to mail service inadequacies, traffic or other similar reasons.

BID OPENING- Openings shall be public on the date and time specified on the Invitation to Bid form. It is the bidder's responsibility to assure the bid is delivered at the designated date, time and place of the bid opening. Telephone bids are not acceptable. A bid may not be altered after opening of the bids.

NO BID- If not submitting a bid, respond by returning the Invitation to Bid form explaining the reason in the space provided. Failure to respond to an Invitation to Bid may be cause for the removal of the bidder's name from the mailing list. NOTE: To qualify as a respondent, bidder must submit a "NO BID" and it must be received no later than the stated bid opening date and time.

AWARD- All purchases, leases, or contracts which are based on competitive bids will be awarded to the lowest responsible bidder, determined according to the provisions of State Statute Section 81-161, R.R.S. 1943. The State reserves the right to reject any or all bids, wholly or in part and to waive any deviations or errors that are not material, do not invalidate the legitimacy of the bid and do not improve the bidders competitive position. All awards will be made in a manner deemed in the best interest of the State.

BID TABULATIONS- Tabulations will be furnished upon written request. A self-addressed, stamped envelope which must include the agency and solicitation number must be enclosed. Bid tabulations will not be provided by telephone or facsimile. Bid files may be examined during normal working hours by appointment. Bid tabulations are available on the website at: <http://www.das.state.ne.us/materiel/purchasing/bidtabs.htm>

PERFORMANCE AND DEFAULT- The State reserves the right to require a performance bond from the successful bidder, as provided by law, without expense to the State. Otherwise, in case of default of the contractor, the State may procure the articles from other sources and hold the contractor responsible for any excess cost occasioned thereby.

IN-STATE PREFERENCE- A resident bidder shall be allowed a preference against a nonresident from a state which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidders. Where the lowest responsible bid from a resident bidder is equal in all respects to one from a nonresident bidder from a state which has no preference law, the resident bidder shall be awarded the contract.

NONDISCRIMINATION- The Nebraska Fair Employment Practice Act prohibits contractors of the State of Nebraska, and their subcontractors, from discriminating against any employee or applicant for employment, to be employed in the performance of such contracts, with respect to hire, tenure, terms, conditions or privileges of employment because of race, color, religion, sex, disability, or national origin. (State Statute Sections 48-1101 through 48-1125) The bidder guarantees compliance with the Nebraska Fair Employment Practice Act, and breach of this provision shall be regarded as a material breach of contract. The contractor shall insert a similar provision in all subcontracts for services to be covered by any contract resulting from this Invitation to Bid.

TAXES- Purchases made by the State of Nebraska are exempt from the payment of Federal Excise Taxes, and exemption certificates will be furnished on request. State and local taxes are exempt by State Statute Section 77-2704 (l) (m) R.R.S. 1943 and must not be included in the bid prices. Exemption by statute precludes the furnishing of State exemption certificates.

DRUG POLICY - Bidder certifies that it maintains a drug free work place environment to ensure worker safety and workplace integrity. Contractor agrees to provide a copy of its drug free workplace policy at any time upon request by the State.

GRIEVANCE AND PROTEST- Grievance and protest procedure is available by contacting the buyer. Protest must be filed within ten (10) days of award.

NE ACCESS TECHNOLOGY STANDARDS- Vendor agrees to ensure compliance with Nebraska Access Technology Standards. See website at:

<http://www.nitc.state.ne.us/standards/accessibility/>

Revised: 02/2004

Wayne Public Library Board of Trustees
Tuesday, November 4, 2014 / 5 p.m., Conference Room

MINUTES

CALL TO ORDER. The meeting was called to order at 5:02pm.

ROLL CALL. Joel Ankeny, Jennifer Hammer, Dennis Lipp, and Lauran Lofgren (Library Director) were all in attendance. Absent: Spring Dahl and Ellen Imdieke.

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. The minutes were approved as presented.

FINANCIAL REPORT. The financial report was approved as presented.

Notes: LKL stated that this was a 3 paycheck month. She also stated that she has not received the final accounting on the previous year's budget; however, she has started the new budget (which has already been approved).

DIRECTOR'S REPORT

Statistics

	SEP14	OCT14	OCT 13
Circulation	5355	5189	4913
Patrons	3796	4296	3876
Meeting Room	10	20	8
Reference ?s	162	181	125
Computer ?s	71	88	107
Phone Calls	303	354	339
OPACS	162	205	166
AWEs	313	454	342
Internet	707	860	840
New Patron Cards	28	26	31
Items Added	199	209	197
Items Deleted	58	5	143

- Staff Activities
 - Work started on end of fiscal year reports
 - Staff in-service was very productive. After the privacy discussion with city attorney and board members, staff remained to participate in a webinar demonstrating our new downloadable music service Freegal, worked through a list of procedure and policy clarifications, and did activity planning for the next 6-8 months.
 - LKL, JOsnes, and RMcLean all attended the Nebraska Library Association Fall Conference in South Sioux City.
 - LKL attended two Three Rivers System board meetings.
 - The library hosted local author Francis Ewing who held a book reading and signing on October 11.
 - October 21 was read for the record day. JOsnes went out to area daycares and read to over 90 children.
 - LKL took some vacation time
 - The fall Expand Your Horizon was held in partnership with the Wayne Senior Center. Linda Christensen and John Brown discussed their cruise to the Baltic Sea area and Ron and Lauran Lofgren shared information about their trip to Egypt last January.
 - Freegal went live on October 26. The first wave of publicity went out in the electric bill. We wanted to have a few days to play with it prior to introducing the service to the public. More PR is in the works, and this will be highlighted at the Chamber Coffee the library will host on November 20.
 - JOsnes held a 'tween dance at the city auditorium on Oct. 30. Upwards of 60 7th and 8th graders attended. Parents provided a majority of the food. Very good response from the kids and their parents... we will probably do this again.
 - RMcLean prepped for our first Junk in the Trunk flea market held Nov. 1. About 15 vendors participated, and we estimate about 60 shoppers braved the cold, windy day. Vendors polled indicated they liked the venue and would be interested in participating in future events.

OLD BUSINESS

- Strategic Planning – needs to be in place before reaccreditation (September 1st). Board tabled discussion on surveys until the next meeting in December.
- Carpet – The library carpet will be cleaned on the Wednesday before Thanksgiving, at which time the library will be closed. The hallway carpet in the entryway will also be cleaned at that time.

NEW BUSINESS

- Board activity schedule for 2014-2015 - LKL said that this is a suggested timeline on how the board might proceed through the year. June and August are definite items.
 - October – meet with staff, in-service on library privacy policy and procedures
 - November – outline steps to complete the 2015 strategic plan
 - December – update on strategic plan process, any policy work needing to be done
 - January – short meeting, first strategic planning session
 - February – short meeting, second strategic planning session
 - March – short meeting, final strategic planning session
 - April – report on strategic plan process, any policy work needing to be done
 - May – strategic plan finalized, budget work begins
 - June – 2015-2016 budget finalized
 - July – library reaccreditation review and work session if needed
 - August – library reaccreditation application finalized, any policy work needing to be done

The meeting was adjourned at 5:37pm.

Respectfully submitted,

Jennifer Hammer, Secretary