

(Amended: 9/14/15)

**AGENDA
CITY COUNCIL MEETING
September 15, 2015**

1. [Approval of Minutes – September 1, 2015](#)

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: Budget Hearing \(Advertised Time: 5:30 p.m.\)](#)

Background: A copy of the proposed 2015-2016 Budget is available on the City of Wayne website. The City's fiscal year runs from October 1st to September 30th. The proposed budget includes the General Fund Government Departments, the Utility Budgets for Water, Sewer and Electric Departments, and the Sales Tax Capital Project and LB840 Economic Development Budgets.

4. [Ordinance 2015-43: Approving Annual Appropriation Bill](#)

5. [Action on Approving Allowable 1% Increase in Base Limitation of Restricted Funds Budget](#)

6. [Resolution 2015-84: Adopting 2015-2016 Budget](#)

Background: The published budget proposal assumes the same level of full-time staff and restores \$77,000 of our goal of \$100,000 back to rebuild our General Fund Emergency Cash Reserve. In the past, our cash reserve was a little over \$1 million. We took a \$700,000 hit for legal fees during the police department terminations, and another hit for some tornado recovery costs not covered by insurance. Our auditor has warned, and our past experiences show, the current cash reserve is inadequate. Our current unobligated General Fund cash reserve level is about \$450,000.

We didn't have the new 2015 city property valuation at the time of the Council budget work session when this budget proposal was prepared. We now have the new valuation which is \$201 million. That new city valuation divided by our proposed general fund property tax request to the county will result in the further reduction of the city mill levy by about one mill from last year. With the new property valuation, one mill brings in about \$20,000 in property tax revenues.

Recommendation: The recommendation of Lowell Johnson, City Administrator, and Nancy Braden, Finance Director, is to keep the same mill levy as last year by amending the Property Tax request upward by \$20,000 from \$805,480.88 to \$825,480.88 and allocate that \$20,000 to help replenish the general fund cash reserve by \$97,000 during FY 2015-16.

7. Public Hearing: Tax Asking/Property Tax Levy (Advertised Time: 5:30 p.m.)
8. [Resolution 2015-85: Approving Final Property Tax Request for 2015-2016](#)
9. Action on Capital Project's City Sales Tax Budget

Background: The 60% capital project's portion of our 1% local sales tax brings in about \$310,000 per year. A summary of our uses of the sales tax capital projects revenues to-date was distributed to the Mayor and Council, and was published in last week's Wayne Herald and can be accessed by hard copy at the Wayne City Clerk's office. The projects proposed for 2015-16, and the amount budgeted for them are also available in hard copy at the City Clerk's office.

Recommendation: The capital project budget is developed from the results of the annual Mayor and Council planning retreats.

10. [Ordinance 2015-41: Amending Wayne Municipal Code, Chapter 90 Zoning, Sec. 90-293\(2 b\) Permitted Accessory Uses and Sec. 90-703 \(e\) Accessory Uses \(Third and Final Reading\)](#)
11. [Action on Change Order No. 3 for the "2015 Water System Improvements – Water Main Relocation Project" in the amount of \\$17,689.90 to Robert Woehler & Sons Construction, Inc.](#)

Background: We have not received this from the project engineer at this time, but will have their recommendation by the time of the City Council meeting on Tuesday.

12. [Resolution 2015-86: Accepting Work and Authorizing Final Payment in the Amount of \\$78,092.28 on the "2015 Water System Improvements – Water Main Relocation Project" to Robert Woehler & Sons Construction, Inc.](#)

Background: We have not received this from the project engineer at this time, but will have their recommendation by the time of the City Council meeting on Tuesday.

13. [Resolution 2015-87: Accepting Work on the "2015 Storm Shelter Project"](#)

Background: This resolution accepts the project. Final payment was approved at the last Council meeting.

14. [Action on Change Order No. 1 from Robert Woehler & Sons Construction, Inc., on the "Windom Street Storm Sewer Improvement Project" -- \\$1,500.00](#)
15. [Action on Change Order No. 2 from Robert Woehler & Sons Construction, Inc., on the "Windom Street Storm Sewer Improvement Project" -- \\$1,771.70](#)
16. [Action on Change Order No. 3 from Robert Woehler & Sons Construction, Inc., on the "Windom Street Storm Sewer Improvement Project" -- \\$29,822.10](#)

17. Action on Change Order No. 4 from Robert Woehler & Sons Construction, Inc., on the “Windom Street Storm Sewer Improvement Project” – to extend the substantial completion date from July 17, 2015 to August 21, 2015
18. Action on Pay Application No. 2 for the “Windom Street Storm Sewer Improvement Project” in the amount of \$71,846.21 to Robert Woehler & Sons Construction, Inc.
19. Action to Consider a Change Order Request from Robert Woehler & Sons Construction, Inc., on the “Grainland Road Water and Sanitary Sewer Extension Project (Southview Addition)” to extend the completion date from October 1, 2015 to May 1, 2016
20. Action to request a formal Nebraska Public Power District (NPPD) rate hearing and approve sending the “Letter of Protest” from the City of Wayne to NPPD regarding the 2016 Wholesale Power Rate Surcharge for those towns that do not sign the 20-year NPPD Contract
- ~~21. Resolution 2015-88: Accepting Work and Authorizing Final Payment in the Amount of \$ _____ on the “Windom Street Storm Sewer Improvement Project”~~
22. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

**MINUTES
CITY COUNCIL MEETING
September 1, 2015**

The Wayne City Council met in regular session at City Hall on Tuesday, September 1, 2015, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Jason Karsky, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Cale Giese and Matt Eischeid.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on August 20, 2015, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, whereas, the Clerk has prepared copies of the Minutes of the meeting of August 18, 2015, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALL-AMERICAN PUBLISHING, SE, 224.00; ALTEC INDUSTRIES, SU, 40.73; AMERITAS, SE, 2155.27; AMY K. MILLER, SE, 5416.67; APPEARA, SE, 109.77; ARNIE'S FORD-MERCURY, SE, 647.68; AS CENTRAL SERVICES, SE, 448.00; CITY EMPLOYEE, RE, 8.00; BIG T ENTERPRISES, SU, 73.60; BLACK HILLS, SE, 329.62; BLUE CROSS BLUE SHIELD, SE, 29539.68; BOMGAARS, SU, 1327.36; CITY EMPLOYEE, RE, 394.82; BROWN SUPPLY, SU, 1839.46; BSN SPORTS, SU, 118.96; CHRISTOPHER HOLTON, FE, 600.00; CITY OF WAYNE, RE, 300.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 80478.08; CITY OF WAYNE, RE, 451.55; CLEAN TO A T, SE, 420.00; COMMUNITY HEALTH, RE, 4.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 110.08; ED. M FELD EQUIPMENT, SE, 81.10; FIRST CONCORD GROUP, SE, 3145.30; FIVE STAR ENTERPRISES, SU, 15.50; FLOOR MAINTENANCE, SU, 313.53; GANDER FOODS, SU, 113.00; GERHOLD CONCRETE, SU, 1145.76; GOV'T FINANCE OFFICERS, FE, 170.00; GROSSENBURG IMPLEMENT, SU, 7263.65; HAWKINS, SE, 516.81; ICMA, SE, 6666.12; IRS, TX, 27403.25; JOHNSON HARDWARE, SU, 55.92; CITY EMPLOYEE, RE, 150.00; JWC ENVIRONMENTAL, SU,

15555.95; CITY EMPLOYEE, RE, 58.89; CITY EMPLOYEE, RE, 14.97; NNEDD, SE, 150.00; NE DEPT OF REVENUE, TX, 3692.53; NE PUBLIC HEALTH, SE, 200.00; NET-TECH, SE, 363.21; N.E. NE AMERICAN RED CROSS, RE, 39.24; NNPPD, SE, 12306.60; OCC, SE, 17992.00; REHAB SYSTEMS, SE, 2500.00; ROBERTSON IMPLEMENT, SU, 402.69; STADIUM SPORTING GOODS, SU, 139.50; STAPLES ADVANTAGE, SU, 456.87; STATE NEBRASKA BANK, RE, 99.26; TOM'S BODY & PAINT SHOP, SE, 64.50; TRANS-IOWA EQUIPMENT, SU, 397.48; TRIVIEW COMMUNICATION, SE, 463.82; TYLER TECHNOLOGIES, SE, 200.00; UNITED WAY, RE, 14.00; VAKOC BUILDER'S RESOURCE, SU, 2966.67; VAN DIEST SUPPLY, SU, 170.00; VERIZON, SE, 99.30; WAED, SE, 13216.66; WESCO, SU, 390.55; ZEE MEDICAL SERVICE, SU, 79.23; ACE SIGN DISPLAYS, SE, 500.00; APPEARA, SE, 66.96; ARNIE'S FORD-MERCURY, SE, 246.14; CITY EMPLOYEE, RE, 616.88; CARHART LUMBER CO, SU, 751.35; CENTURYLINK, SE, 414.01; CHARLESWORTH & ASSOCIATES, SE, 4250.00; DITCH WITCH OF OMAHA, SU, 32.91; ECHO GROUP, SU, 105.78; ED. M FELD EQUIPMENT, SU, 105.50; FLOOR MAINTENANCE, SU, 160.94; GALE GROUP, SU, 652.87; GEMPLER'S, SU, 53.50; GERHOLD CONCRETE, SU, 861.73; HAWKINS, SU, 516.81; HTM SALES, SE, 2275.00; HUNTEL CABLEVISION, SE, 2467.68; HYDRO TECH, SU, 331.00; IZABEL CHAVEZ, SE, 123.75; JEO CONSULTING GROUP, SE, MAIN 26381.50; JWC ENVIRONMENTAL, SU, 2213.46; KAUP'S INC, SU, 380.00; KRIZ-DAVIS, SU, 1982.71; MAXIMUM SOLUTIONS, SU, 442.05; CITY EMPLOYEE, RE, 59.99; MILO MEYER CONSTRUCTION, SE, 24396.50; NE DEPT OF ENVIRONMENTAL, FE, 500.00; NE EXPRESSWAYS, FE, 883.44; NE PUBLIC HEALTH, SE, 105.00; NORFOLK SPORTING GOODS, SU, 44.10; NNPPD, SE, 6282.85; ONE CALL CONCEPTS, SE, 122.80; REHAB SYSTEMS, SE, 1250.00; QUALITY FOODS, SU, 54.05; CITY EMPLOYEE, RE, 235.60; SKARSHAUG TESTING LAB, SE, 145.77; UNITED COMMUNICATIONS, SE, 480.00; US BANK, SU, 2372.95; VIAERO, SE, 326.96; WESCO, SU, 20875.81; WAPA, SE, 27064.31

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

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

Mayor Chamberlain thanked Scott Meisenbach, owner of Miracle Lawn Care, for volunteering his services to clean up the sidewalks along 7th Street.

Cristy Jorgensen and her son, Jace, were present requesting Council consideration to allowing them to keep a hedgehog as a pet inside city limits. They completed the necessary application and obtained written approval of their three neighbors.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving the Animal Permit Application of Cristy and Jace Jorgensen to have a hedgehog inside city limits. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Nancy Braden advised the Council that Gary Spann was requesting Council consideration to waiving a portion of the penalty he still owes on his delinquent special assessments. Mr. Spann made one payment on his special assessments, which was back in 2008. He paid \$3,200 on August 14, 2015. The penalty left due and owing as of that date was approximately \$219.00.

Ms. Braden stated there are seven property owners in this particular improvement district that have not paid their special assessments. Of those seven, five are accumulating a penalty.

City Attorney Miller recommended taking these on a case-by-case basis since there have been others that have had and paid penalties.

Mayor Chamberlain stated if staff figured out what percentage of the penalty was left or what percentage was paid as of August 14th when Mr. Spann made his request, than that percentage could be used going forward if anyone else wanted to request his or her penalty to be waived. He did not see this as being any different from what they have done with some of the LB840 loans (extended timeframes, etc.) as an example.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the request of Gary Spann, d/b/a Spann Auto & Machine, to waive a portion of the penalty on his delinquent special assessments in whatever the amount was as of August 14, 2015. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the

exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Sievers introduced Ordinance No. 2015-41, and moved for approval of the second reading thereof; Councilmember Greve seconded.

ORDINANCE NO. 2015-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS BY AMENDING DIVISION 5. R-4 RESIDENTIAL DISTRICT, SECTION 90-293 PERMITTED ACCESSORY USES AND STRUCTURES, AND AMENDING CHAPTER 90, ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 90-703 ACCESSORY USES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Administrator Johnson stated Hanna:Keelan has put together a proposal to conduct a Comprehensive Planning Program, which would include the preparation of a community housing study and new comprehensive plan, and a review and revision of the City's zoning and subdivision regulations. The total for said services will be \$42,000, of which \$12,180 will be paid for with a grant. This leaves a net cost for the City of \$29,820. The last update was in 2006.

The agreement is between Hanna:Keelan, Wayne Community Housing and the Wayne Planning Commission. Wayne Community Housing and the Planning Commission cannot sign the agreement, however, until the City agrees to pay for the cost. This has been budgeted for. Staff did not seek requests for proposals for this project.

It was noted that Hanna:Keelan did the City's comp plan in 1991.

Councilmember Muir made a motion, which was seconded by Councilmember Brodersen, approving payment for an agreement between Hanna:Keelan Associates, PC, Wayne Community Housing, and the Wayne Planning Commission to conduct a Comprehensive Planning Program, including the preparation of a Community Housing Study and new

Comprehensive Plan, and review and revision of the City's Zoning and Subdivision Regulations. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would amend the water rates. As per our auditor's direction, we had a rate analysis prepared by the Nebraska Rural Water Association. They are recommending that the rates be increased by 23%. The changes proposed are as follows:

Net Monthly Customer Service Charge

Meter Size	Inside City	Outside (Rural)
3/4" or less	\$ 13.00 16.00	\$ 20.50 32.00
1	18.75 22.75	32.25 45.50
1 1/4	21.00 25.50	42.00 51.00
1 1/2	30.25 36.75	65.98 73.50
2	54.00 65.50	108.00 131.00
3	121.50 147.25	247.99 294.50
4	216.00 231.50	436.72 463.00
6	485.50 588.00	976.02 1,176.00

Net Monthly Commodity, Use Rate per Thousand Gallons

(a) Inside City	\$1.30 1.60
(b) Outside (Rural)	\$2.60 3.20

The last rate increase was in 2013, and before that was in 1996.

Councilmember Sievers introduced Resolution No. 2015-83 and moved for its approval; Councilmember Greve seconded.

RESOLUTION NO. 2015-83

A RESOLUTION TO ESTABLISH RESIDENTIAL, COMMERCIAL AND SPECIAL USE WATER SERVICES AND USE RATES.

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

Staff presented a proposed ordinance, which would amend Sec. 78-134 of the Wayne Municipal Code relating to Parking Time Limits of 15 minutes, 30 minutes, and 1 hour, by adding a 3-hour time limit. This was prepared pursuant to Council's direction at the last meeting. The amendment pertains to the downtown area on Main Street, from 1st Street to 3rd Street.

Council wanted to visit with the Revitalize Wayne Committee regarding what research they have done on this matter, in addition to visiting with some of the business owners downtown.

Irene Fletcher, representing Revitalize Wayne, stated the Committee was advised that this matter was going to be discussed this evening. She did not think there was a clear consensus among that group either, and noted that they meet on the 2nd Tuesday and 4th Wednesdays of the month.

After discussion, a motion was made by Councilmember Sievers and seconded by Councilmember Haase to table action on Ordinance 2015-42 until the first meeting in October. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

A pay request has been received from Robert Woehler & Sons Construction, Inc., for the "2015 Water System Improvements – Water Main Relocation Project" for \$54,541.60. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving Pay Application No. 2 for \$54,541.60 to Robert Woehler & Sons Construction, Inc., for the "2015 Water System Improvements – Water Main Relocation Project." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

The final pay request has been received from OCC Builders, LLC, for the "2015 Wayne Storm Shelter Project" for \$73,196.00. This is contingent upon the completion of the punch list

by OCC Builders, Inc. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving Pay Application No. 4 (Final) for \$73,196.00 to OCC Builders, LLC, for the “2015 Wayne Storm Shelter Project,” contingent upon the completion of the punch list. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

A pay request has been received from Milo Meyer Construction Company for the demolition and removal of four abandoned mobile homes. The amount is for \$24,396.50.

Councilmember Muir made a motion, which was seconded by Councilmember Sievers, approving the pay application for \$24,396.50 to Milo Meyer Construction Company for the demolition and removal of four abandoned mobile homes. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

A pay request has been received from Christiansen Construction Co., LLC, for the “2016 Wayne Aquatic Center Project” for \$123,227.55. The engineer on the project, JEO Consulting Group, has approved the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Pay Application No. 2 for \$123,227.55 to Christiansen Construction Co., LLC, for the “2016 Wayne Aquatic Center Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the reappointment of Kelby Herman, Jill Brodersen, Kirk Hochstein and Bob McBride as an alternate, to the Board of Appeals.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving the reappointment of Kelby Herman, Jill Brodersen, Kirk Hochstein and Bob McBride as an alternate to the Board of Appeals. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Chamberlain stated that the Community Redevelopment Authority met and is recommending his reappointment to the CRA for a five-year term.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the reappointment of Ken Chamberlain to the Community Redevelopment Authority for a five-year term. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Mayor Chamberlain requested Council consideration to approving the appointment of Chele Meisenbach to the Planning Commission. She will be replacing Sharon Braun whose term expired. Sharon did not want to be reappointed. This would be a 3-year term.

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, approving the appointment of Chele Meisenbach to the Planning Commission. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Muir, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Eischeid who were absent, the Mayor declared the motion carried and the meeting adjourned at 6:26 p.m.

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CLAIMS LISTING SEPTEMBER 15, 2015

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,201.19
APPEARA	LINEN & MAT SERVICE	235.35
BAKER & TAYLOR BOOKS	BOOKS	475.89
BARONE SECURITY SYSTEMS	FIRE INSPECTION/MONITORING	138.00
BROWN PLUMBING	UNPLUG SINK	158.56
BROWN SUPPLY CO	DETECTABLE WARNING PLATES	4,320.00
BSN SPORTS, INC	FLAG BELTS	41.80
CERTIFIED TESTING SERVICE	AQUATIC CENTER/WATER MAIN IMPR.	1,192.50
CHARTWELLS	SENIOR CENTER MEALS	5,916.90
CHRISTIANSEN CONSTRUCTION	AQUATIC CONSTRUCTION	123,227.55
CITY OF WAYNE	AUDITORIUM DEPOSIT/RENTAL REFUND	250.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	100.00
CITY OF WAYNE	PAYROLL	63,883.40
CITY OF WAYNE	VB REGISTRATION REFUND	25.00
CITY OF WAYNE	RAZING BOND	168.00
CITY OF WAYNE	UTILITY REFUNDS	258.00
COMMUNITY HEALTH	PAYROLL DEDUCTIONS	4.00
CONNIE & JIM GRANQUIST	CLEAN AUDITORIUM KITCHEN	375.00
COPY WRITE PUBLISHING	OFFICE SUPPLIES/SHIPPING CHARGES	159.90
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	120.00
DEARBORN NATIONAL LIFE	DISABILITY/LIFE INSURANCE	1,832.28
DUTTON-LAINSON COMPANY	BULBS	484.72
EAKES OFFICE PLUS	COPY CHARGES	758.95
EASYPERMIT POSTAGE	POSTAGE	1,838.09
ELECTRONIC ENGINEERING CO	ANTENNA REPLACEMENT ON TOWER	1,735.00
CITY EMPLOYEE	VISION REIMBURSEMENT	340.99
GEORGINA CASTANEDA	TRANSLATOR	37.50
GILL HAULING, INC	SANITATION SERVICE	170.50
GROSSENBURG IMPLEMENT INC	HOSE FITTINGS	5.66
HANSEN, GENE K.	ENERGY INCENTIVE	150.00
HEIKES AUTOMOTIVE LLC	BATTERY	148.50
HOMETOWN LEASING	POLICE COPIER LEASE	73.51
ICMA RETIREMENT	ICMA RETIREMENT	6,197.50
INGRAM BOOK COMPANY	BOOKS	66.00
IRS	FEDERAL WITHHOLDING	23,308.74
JASON CAROLLO	MOWING-CH/LIB/SR	175.00
JOHN'S WELDING AND TOOL	PLUG SIGN HOLES IN STREET	99.06
KTCH AM/FM RADIO	RADIO ADS	1,451.70
LANCASTER CO COURT	BOND	149.00
LUTT OIL	GASOLINE	4,565.73
MARCO INC	LIBRARY COPIER LEASE	126.36
CITY EMPLOYEE	VISION REIMBURSEMENT	129.45
NE DEPT OF REVENUE	STATE WITHHOLDING	3,350.49
NOVA HEALTH EQUIPMENT CO	LABOR -POWER CORD REPLACEMENT	143.00
OCC BUILDERS LLC	STORM SHELTER	73,196.00
PREMIER PORTABLE BUILDING	DOWN PAYMENT ON LOFT BARN	3,727.50
ROBERT WOEHLE & SONS	WATER MAIN RELOCATION	54,541.60
STADIUM SPORTING GOODS	SHIRTS	784.00
STATE NEBRASKA BANK	ACH FEE	82,275.70
STATE NEBRASKA BANK	PETTY CASH	462.09

CITY EMPLOYEE	VISION REIMBURSEMENT	297.65
UNITED COMMUNICATIONS	INSTALL ANTENNAS/TROUBLESHOOT	3,549.86
USA BLUE BOOK	HYDRANT WRENCHES	199.10
VAN DIEST SUPPLY	ROUND UP	960.00
WASTE CONNECTIONS	SANITATION SERVICE	140.80
WAYNE AUTO PARTS	FILTERS/OIL/STARTER	395.44
WAYNE COUNTY CLERK	FILING FEES	62.00
WAYNE VETERINARY CLINIC	DOG IMPOUND	42.00
WISNER WEST	FD GAS	188.85
CITY EMPLOYEE	VISION REIMBURSEMENT	108.00
ZACH HEATING & COOLING	EXHAUST FAN INSTALLED	621.00

ORDINANCE NO. 2015-43

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

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2015, through September 30, 2016. All sums of money contained in the budget statement, as fund totals, are hereby appropriated for the necessary expenses and liabilities of the City of Wayne. A copy of the budget document shall be forwarded, as provided by law, to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Wayne County, Nebraska, for use by the levying authority.

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

PASSED AND APPROVED this 15th day of September, 2015.

THE CITY OF WAYNE, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2015-84

A RESOLUTION TO ADOPT THE 2015-2016 BUDGET FOR THE CITY OF WAYNE.

WHEREAS, LB 989 changed budget limitation provisions regarding restricted funds for political subdivisions; and

WHEREAS, LB 1114 established levy limits for local governments; and

WHEREAS, the 2015-2016 budget document meets the requirements of the legislative laws; and

WHEREAS the Mayor and Council of the City of Wayne, Nebraska, has conducted a public hearing as prescribed by law and heard and considered comments concerning the 2015-2016 budget for the City of Wayne; and

WHEREAS, the Mayor and Council of the City of Wayne, Nebraska, hereby finds and determines that it is in the best interest of the City that the 2015-2016 budget be adopted as the "Official Budget" for the fiscal year 2015-2016.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the 2015-2016 budget of the City of Wayne, Nebraska, be and is hereby adopted.

PASSED AND APPROVED this 15th day of September, 2015.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2015-85

**A RESOLUTION APPROVING FINAL PROPERTY TAX
REQUEST FOR FY2015-2016.**

WHEREAS, Nebraska Revised Statute 77-16-01.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City of Wayne passes, by a majority vote, a Resolution or Ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Wayne that the property tax request for the current year be different than the property tax request for the prior year.

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

1. The 2015-2016 property tax request be set at \$805,480.88; said calculated levy being \$.398927; and
2. A copy of this Resolution be certified and forwarded to the County Clerk prior to October 1, 2015.

PASSED AND APPROVED this 15th day of September, 2015.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2015-41

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV RESIDENTIAL DISTRICTS BY AMENDING DIVISION 5. R-4 RESIDENTIAL DISTRICT, SECTION 90-293 PERMITTED ACCESSORY USES AND STRUCTURES, AND AMENDING CHAPTER 90, ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 90-703 ACCESSORY USES; 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 90, Article IV, Division 5, Section 90-293 of the Wayne Municipal Code is hereby amended as follows:

Section 90-293 Permitted Accessory Uses and Structures:

The following are permitted accessory uses and structures in an R-4 District:

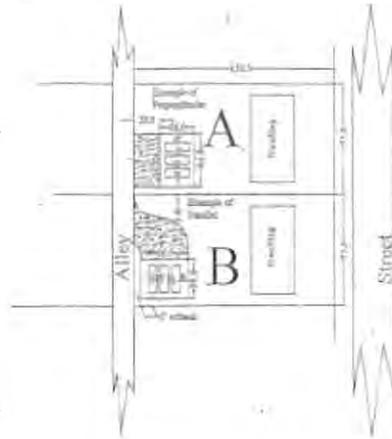
- (1) Home occupations in conformance with Section 90-715.
- (2) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b. Collectively the area of all accessory structures shall not exceed 1064 square feet or 7% of the lot area up to 3,000 square feet, whichever is greater. **For multi-family dwellings, the area may exceed these limits, provided the area above these limits is for tenant use only. The total area of accessory structures for multi-family dwellings shall not exceed 300 square feet per sleeping room.**
 - c. Shall be in conformance with the provisions of Section 90-703.
- (3) Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.

Section 2. That Chapter 90, Article VIII, Section 90-703 of the Wayne Municipal Code is hereby amended as follows:

Section 90-703 Accessory Uses

- (a) Use for dwelling. Accessory buildings shall not be used for dwelling purposes unless specifically permitted.
- (b) Yard requirements for accessory buildings.
 1. Side yard. Side yard requirements are the same as the district in which the accessory use is located, except an accessory building may be located in the side yard as close as three feet to the property line providing it is located between the rear building line of the principal building and the rear property line.
 2. Front yard. No accessory building shall be located between the front building line of the principal building and the front property line.

3. Rear yard. Unless specifically permitted, no accessory building in a rear yard shall be located closer than three feet from the rear property line or within ten feet of any other building on adjacent properties; and no accessory building shall be located within any easement or right-of-way along the rear property line.
- (c) Vehicle access. Unless otherwise specifically permitted, any accessory building requiring vehicle access perpendicular to the alley, shall be located a minimum of twenty feet from the rear property line/alley.



- (d) Attached accessory use. Any accessory structure attached to the principal building shall be considered as a part of the principal building and shall meet the same requirements as specified for the principal building in the district.
- (e) Unattached accessory use. Any unattached accessory building(s) in combination with the principal or primary structure, in any R designated zoning district, shall not exceed a combined area greater than 50% of the lot area, provided the combined total area of all unattached accessory structures shall not exceed 1064 square feet or 7 percent of the lot area up to 3,000 square feet, whichever is greater, **except as allowed in Section 90-293 for multi-family uses in an R-4 District.**
- (f) The exterior siding or covering of unattached accessory structures located in an R zoning district shall be painted or of such material or siding as the principal or primary structure.
- (g) Structural projections: Structural projections, including roofs which cover porches and chimneys and flues, buttresses eaves, overhangs, cantilever, open-unenclosed steps or stoops shall not extend more than three feet into any side, front, or rear yard. Any porches enclosed with screens, windows, permanent construction, or porches extending greater than three feet into the side, rear, or front yard shall be considered as a part of the principal structure and meet the requirements of the principal structure.
- (h) Fire hazardous accessory use. No accessory use shall be located within five feet of a residential dwelling that creates a fire hazard or would subject the residential structure to a potential fire, such as a detached fireplace, barbecue ovens, flammable liquid storage, etc.
- (i) Storage containers shall not be allowed as accessory structures, but are allowed as temporary structures under Sec. 90-707.

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 15th day of September, 2015.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



September 14, 2015

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

RE: Wayne, Nebraska
2015 Water System Improvements
JEO Project No. 140948

Dear Lowell:

Enclosed for your consideration are three (3) copies of Change Order No. 3 and Application for Payment No. 3 (Final) for the above referenced project.

The project is complete and contractor is finalizing project details. Change Order No. 3 represents the following notable items.

- Adjustment of final quantities
- The addition of line stop to help limit the amount of town that needed to be shut down to make the connection between the improvements and the old system.
- Additional concrete removal and replacement due to water service conflicts.
- The addition of a valve to the project that had been deleted in a previous change order.
- Additional water service line due to Owner request and site conflicts.

There is a net adjustment of \$17,689.90 to the project due to the work and the addition of some working days to contract. The project is substantially complete.

Pay Application No. 3 (Final) represents all work completed and all change orders. We find the work to date completed in accordance with the plans and specifications; therefore, we recommend approval of Pay Application No. 3 in the amount of \$78,092.28 to Robert Woehler & Sons Construction, Inc.

Also included is the Certificate of Substantial Completion. It lists the completion date and the fact that as-built drawings need to be provided to finalize the project.

Upon the City's approval, please forward one copy of the documents to the Contractor with payment, one to JEO and keep the other for your file. If you have any questions, please feel free to contact me.

Sincerely,

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

Roger S. Protzman
Senior Project Engineer

RSP:skw
Enclosures

140948LTR091415-Pay App 3.docx

CHANGE ORDER NO. 3

DATE OF ISSUANCE: September 10, 2015 EFFECTIVE DATE: _____

OWNER: City of Wayne, Nebraska
 CONTRACTOR: Robert Woehler & Sons Construction, Inc.
 Project: 2015 Water System Improvements-Water Main Relocation
 JEO Project No.: 140948
 ENGINEER: JEO Consulting Group, Inc.

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

Description:
Adjust final quantities

Reason for Change Order:

Attachments: (List documents supporting change)

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>177,441.00</u>
Net Increase (Decrease) from previous Change Orders No.: <u>1</u> to <u>2</u> : \$ <u>9,081.78</u>
Contract Price prior to this Change Order: \$ <u>186,522.78</u>
Net increase (decrease) of this Change Order: \$ <u>17,689.90</u>
Contract Price with all approved Change Orders: \$ <u>204,212.68</u>

RECOMMENDED: JEO Consulting Group, Inc.

By: *Roger S. Proszynski*
 ENGINEER (Authorized Signature)

Date: 9/14/15

ACCEPTED: Robert Woehler & Sons Construction, Inc.

By: _____
 CONTRACTOR(Authorized Signature).

CHANGE IN CONTRACT TIMES:
Original Contract Times: Ready for final payment: <u>9/1/2015</u> (days or dates)
Net change from previous Change Orders No.: <u>1</u> to <u>2</u> : Ready for final payment: <u>5</u> (days)
Contract Times prior to this Change Order: Ready for final payment: <u>9/6/2015</u> (days or dates)
Net increase (decrease) this Change Order: Ready for final payment: <u>9</u> (days or dates)
Contract Times with all approved Change Orders: Ready for final payment: <u>9/15/2015</u> (days or dates)

APPROVED: City of Wayne, Nebraska

By: _____
 OWNER (Authorized Signature)

Date: _____

Date: _____

**2015 Water System Improvements-Water Main Relocation
Wayne, Nebraska
Project No. 140948**

September 10, 2015

CHANGE ORDER NO. 3

Owner: City of Wayne

Contractor: Robert Woehler & Sons Construction, Inc.

ORIGINAL CONTRACT AMOUNT:	\$177,441.00
Change Order No. 1	\$8,432.78
Change Order No. 2	\$649.00

ITEM NO.	QTY	UNIT	DESCRIPTION	UNIT PRICE	ADD	DEDUCT
2	20	LF	14" Steel Casing, 0.188" Thickness, Open Trench	\$75.00		\$1,500.00
8	1	EA	8"x8"x8" Tee, MJ	\$500.00		\$500.00
12	1	EA	8" Gate Valve and Box, MJ	\$2,000.00	\$2,000.00	
13	4	EA	4" Cap, MJ	\$400.00	\$1,600.00	
14	163	SY	Remove Pavement	\$9.00	\$1,467.00	
15	99	SY	7" Concrete Pavement (<100 SF)	\$75.00	\$7,425.00	
18	150	SF	Remove Concrete Sidewalk	\$1.00		\$150.00
19	150	SF	4" Concrete Sidewalk	\$7.00		\$1,050.00
20	1	EA	Connect to Existing Water Main	\$1,500.00	\$1,500.00	
22	0.6	ACRES	Reseed	\$4,000.00		\$2,400.00
24	1	EA	1" Curb Stop and Box	\$750.00	\$750.00	
25	529	LF	1" PE Water Service (SDR 11) w/Tracer Wire	\$12.00		\$6,348.00
26	377	LF	Bore Water Service Line	\$22.00	\$8,294.00	
CO#1-6	1	LS	Reinstall Fire Hydrant	\$1,500.00		\$1,500.00
	1	LS	Install Temporary Flushing Hydrant	\$1,000.00		\$1,000.00
	1	LS	Provide Aux. Valve, Box, Tee and App	\$2,250.00	\$2,250.00	
	1	LS	Steel Casing Removal	\$400.00		\$400.00
28	1	LS	Raise Fire Hydrant	\$450.00	\$450.00	
29	1	LS	6" Water Stop	\$4,000.00	\$4,000.00	
30	1	LS	Sanitary Sewer Repairs in Alley	\$336.27	\$336.27	
31	2	EA	Adapt to Oversized Pipe	\$250.00	\$500.00	
32	4	EA	Connect Water Service Inside House	\$250.00	\$1,000.00	
33	1	LS	Cut 14" Steel Sleeve at Hwy.	\$360.00	\$360.00	
34	1	LS	Overhead, Profit, Insurance & Bonding 10% (CO#3)	\$664.63	\$664.63	
35	1	LS	Overhead, Profit, Insurance & Bonding 10% (CO#2)	\$59.00		\$59.00
TOTAL ADD					\$32,596.90	
TOTAL DEDUCT						\$14,907.00
NET TOTAL					\$17,689.90	
NEW CONTRACT AMOUNT					\$204,212.68	

Progress Estimate

Contractor's Application

For (Contract)		2015 Water System Improvements-Water Main Relocation		Application Number	3 (FINAL)						
Application Period		thru 9/10/15		Application Date	9/10/15						
Bid Item No	Item Description	Contract Information			C	D	E	F		G	
		Item Quantity	Units	Unit Price				Total Value of Item (\$)	Estimated Quantity Installed		Value of Work Installed to Date
8	Remove and Salvage Existing Hydrant	1	LS	\$1,500.00	\$1,500.00	1	\$1,500.00		\$1,500.00	100.0%	
9	Overhead and Profit 10%	1	LS	\$766.62	\$766.62	1	\$766.62		\$766.62	100.0%	
	Change Order #2										
4th St Changes											
9	8" x 8" Wet Tap with 8" Gate Valve, FLXMI and Box	1	EA	\$3,750.00	\$3,750.00	1	\$3,750.00		\$3,750.00	100.0%	
	Window Street Changes										
12	Install Temporary Flushing Hydrant		EA	\$1,000.00							
5th Street Changes											
13	Install new 6" Fire Hydrant Assembly w/Valve and Tee	1	EA	\$4,250.00	\$4,250.00	1	\$4,250.00		\$4,250.00	100.0%	
7th St Changes											
17	Steel Casing Removal		LS	\$400.00							
	Change Order #3										
28	Raise Fire Hydrant	1	LS	\$450.00	\$450.00	1	\$450.00		\$450.00	100.0%	
29	6" Water Stop	1	LS	\$4,000.00	\$4,000.00	1	\$4,000.00		\$4,000.00	100.0%	
30	Sanitary Sewer Repair in Alley	1	LS	\$336.27	\$336.27	1	\$336.27		\$336.27	100.0%	
31	Adapt to oversized Pipe	2	EA	\$250.00	\$500.00	2	\$500.00		\$500.00	100.0%	
32	Connect Water Service Inside House	4	EA	\$250.00	\$1,000.00	4	\$1,000.00		\$1,000.00	100.0%	
33	Cut 14" Steel Sleeve at Hwy	1	LS	\$360.00	\$360.00	1	\$360.00		\$360.00	100.0%	
34	Overhead, Profit, Insurance and Bonding 10%	1	LS	\$664.63	\$664.63	1	\$664.63		\$664.63	100.0%	
	Totals				\$204,212.68		\$204,212.68		\$204,212.68	100.0%	

Progress Estimate

Contractor's Application

Bid Item No.		Item		Contract Information			B		C		D		E		F		G	
Description		Item Quantity	Units	Unit Price	Total Value of Item (\$)		Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)						
1	Mobilization	1	LS	\$7,500.00	\$7,500.00		1	\$7,500.00		\$7,500.00	100.0%							
2	14" Steel Casing, 0.188" Thickness, Open Trench	20	LF	\$75.00	\$1,500.00		20	\$1,500.00		\$1,500.00	100.0%							
3	8" PVC Water Main, DR 18	1,369	LF	\$22.00	\$30,118.00		1,369	\$30,118.00		\$30,118.00	100.0%							
4	8" PVC Water Main, DR 18, RJ, Directionally Bored	221	LF	\$60.00	\$13,260.00		221	\$13,260.00		\$13,260.00	100.0%							
5	Dry Bore for 8" Main	206	LF	\$50.00	\$10,300.00		206	\$10,300.00		\$10,300.00	100.0%							
6	8" Cross, MJ	2	EA	\$750.00	\$1,500.00		2	\$1,500.00		\$1,500.00	100.0%							
7	8"x8" Wet Tap with 8" Gate Valve, PLMJ, and Box	1	EA	\$3,500.00	\$3,500.00		1	\$3,500.00		\$3,500.00	100.0%							
8	8"x8"x8" Tee, MJ	1	EA	\$500.00	\$500.00		1	\$500.00		\$500.00	100.0%							
9	8"x6" Reducer, MJ	1	EA	\$300.00	\$300.00		1	\$300.00		\$300.00	100.0%							
10	8"x4" Reducer, MJ	1	EA	\$250.00	\$250.00		1	\$250.00		\$250.00	100.0%							
11	8" 45° Bend, MJ	2	EA	\$400.00	\$800.00		2	\$800.00		\$800.00	100.0%							
12	8" Gate Valve and Box, MJ	7	EA	\$2,000.00	\$14,000.00		7	\$14,000.00		\$14,000.00	100.0%							
13	4" Cap, MJ	6	EA	\$400.00	\$2,400.00		6	\$2,400.00		\$2,400.00	100.0%							
14	Remove Pavement	312	SY	\$9.00	\$2,808.00		312	\$2,808.00		\$2,808.00	100.0%							
15	7" Concrete Pavement (≈100 SF)	248	SY	\$75.00	\$18,600.00		248	\$18,600.00		\$18,600.00	100.0%							
16	Remove Curb and Gutter	53	LF	\$5.00	\$265.00		53	\$265.00		\$265.00	100.0%							
17	Concrete Curb and Gutter (24"-36" wide)	53	LF	\$10.00	\$530.00		53	\$530.00		\$530.00	100.0%							
18	Remove Concrete Sidewalk	437	SF	\$1.00	\$437.00		437	\$437.00		\$437.00	100.0%							
19	4" Concrete Sidewalk	437	SF	\$7.00	\$3,059.00		437	\$3,059.00		\$3,059.00	100.0%							
20	Connect to Existing Water Main	3	EA	\$1,500.00	\$4,500.00		3	\$4,500.00		\$4,500.00	100.0%							
21	Abandon Existing Water Main	8	EA	\$1,500.00	\$12,000.00		8	\$12,000.00		\$12,000.00	100.0%							
22	Reseed		ACRES	\$4,000.00														
23	8"x1" Saddle with 1" Corporation Stop	20	EA	\$600.00	\$12,000.00		20	\$12,000.00		\$12,000.00	100.0%							
24	1" Curb Stop and Box	20	EA	\$750.00	\$15,000.00		20	\$15,000.00		\$15,000.00	100.0%							
25	1" PE Water Service (SDR 11) w/Tracer Wire	647	LF	\$12.00	\$7,764.00		647	\$7,764.00		\$7,764.00	100.0%							
26	Bore Water Service Line	674	LF	\$22.00	\$14,828.00		674	\$14,828.00		\$14,828.00	100.0%							
27	Connect to Existing Water Service	20	EA	\$250.00	\$5,000.00		20	\$5,000.00		\$5,000.00	100.0%							
Change Order #1																		
1	Abandon Valve Box in Place	1	LS	\$700.00	\$700.00		1	\$700.00		\$700.00	100.0%							
2	Increase Concrete Thickness by 2" From 7" to 9" on 1.5 SQ	1	LS	\$321.43	\$321.43		1	\$321.43		\$321.43	100.0%							
3	Remove Additional Concrete	11	SY	\$90.00	\$990.00		11	\$990.00		\$990.00	100.0%							
4-A	Replace Additional Concrete	11	SY	\$96.43	\$1,060.73		11	\$1,060.73		\$1,060.73	100.0%							
4-B	Provide Tie Bars and Dowel Bars per NDOR	1	LS	\$235.00	\$235.00		1	\$235.00		\$235.00	100.0%							
6	Reinstall Fire Hydrant	1	LS	\$1,500.00	\$1,500.00		1	\$1,500.00		\$1,500.00	100.0%							
7	Provide Aux. Valve, Box Tee and App	1	LS	\$2,250.00	\$2,250.00		1	\$2,250.00		\$2,250.00	100.0%							

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner:	City of Wayne, Nebraska	Owner's Contract No.:	
Contractor:	Robert Woehler & Sons Construction, Inc.	Contractor's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	140948
Project:	2015 Water System Improvements-Water Main Relocation	Contract Name:	2015 Water System Improvements-Water Main Relocation

This final Certificate of Substantial Completion applies to:

- All Work The following specified portions of the Work:

9/15/2015

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: None
 As follows

Amendments to Contractor's responsibilities: None
 As follows: Provide As-Built Drawings, complete final cleanup

The following documents are attached to and made a part of this Certificate: *[punch list; others]*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:		RECEIVED:		RECEIVED:	
By: <u><i>Roger A. Putzger</i></u> (Authorized signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)			
Title: <u><i>Senior Proj. Eng.</i></u>	Title: _____	Title: _____			
Date: <u><i>9/14/15</i></u>	Date: _____	Date: _____			

RESOLUTION NO. 2015-86

A RESOLUTION ACCEPTING WORK ON THE “2015 WATER MAIN RELOCATION PROJECT” AND AUTHORIZING FINAL PAYMENT THERETO.

WHEREAS, on the 3rd day of March, 2015, the City of Wayne approved Resolution No. 2015-21 awarding the contract on the “2015 Water Main Relocation Project” to Robert Woehler & Sons Construction, Inc.; and

WHEREAS, the contract has been completed according to the terms and specifications of the plans and specifications and according to the report of the project engineer, JEO Consulting Group, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the “Recommendation of Acceptance” by the project engineer, JEO Consulting Group, Inc., for the work on the “2015 Water Main Relocation Project” be, and the same is hereby accepted.

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that the City Administrator is authorized to make final payment to the contractor, including the retainage, pursuant to the project contract.

PASSED AND APPROVED this 15th day of September, 2015.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

[Back to Top](#)

RESOLUTION NO. 2015-87

A RESOLUTION ACCEPTING WORK ON THE “2015 WAYNE STORM SHELTER PROJECT” AND AUTHORIZING FINAL PAYMENT THERETO.

WHEREAS, on the 7th day of April, 2015, the City of Wayne approved Resolution No. 2015-40 awarding the contract on the “2015 Wayne Storm Shelter Project” to OCC Builders, LLC; and

WHEREAS, the contract has been completed according to the terms and specifications of the plans and specifications and according to the report of the project engineer, JEO Consulting Group, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wayne, Nebraska, that the “Recommendation of Acceptance” by the project engineer, JEO Consulting Group, Inc., for the work on the “2015 Wayne Storm Shelter Project” be, and the same is hereby accepted.

PASSED AND APPROVED this 15th day of September, 2015.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

Change Order

No. 1

Date of Issuance: September 4, 2015 Effective Date: September 4, 2015

Project: Windom Street Storm Sewer Improvements	Owner: City of Wayne	Owner's Contract No.:
Contract:		Date of Contract:
Contractor:		Engineer's Project No.: 617-014

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Connect to existing box/drop extend 4'

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>89,663.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Increase from previously approved Change Orders No. _____ to No. _____: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>89,663.00</u>	Contract Times prior to this Change Order: Ready for final payment (days or date): _____
Increase of this Change Order: \$ <u>1,500.00</u>	[Increase] [Decrease] of this Change Order: Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$ <u>91,163.00</u>	Contract Times with all approved Change Orders: Ready for final payment (days or date): _____

RECOMMENDED: By: <u>[Signature]</u> Engineer (Authorized Signature) Date: <u>09-10-2015</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: _____ Contractor (Authorized Signature) Date: _____
Approved by Funding Agency (if applicable): _____	Date: _____	

Change Order

No. 2

Date of Issuance: September 4, 2015 Effective Date: September 4, 2015

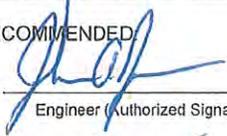
Project: Windom Street Storm Sewer Improvements	Owner: City of Wayne	Owner's Contract No.:
Contract:		Date of Contract:
Contractor:		Engineer's Project No.: 617-014

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Crushed concrete base under pipe

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>89,663.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Increase from previously approved Change Orders No. <u>1</u> to No. _____: \$ <u>1,500.00</u>	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>91,163.00</u>	Contract Times prior to this Change Order: Ready for final payment (days or date): _____
Increase of this Change Order: \$ <u>1,771.70</u>	[Increase] [Decrease] of this Change Order: Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$ <u>92,934.70</u>	Contract Times with all approved Change Orders: Ready for final payment (days or date): _____

RECOMMENDED By:  Engineer (Authorized Signature) Date: <u>09-10-2015</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: _____ Contractor (Authorized Signature) Date: _____
Approved by Funding Agency (if applicable): _____		Date: _____

WEIGHED ON A FAIRBANKS SCALE

7/17/15

CUSTOMER'S NAME Robert Wehler & Sons
ADDRESS _____
COMMODITY North Warden St Job
CARRIER Chris Soderling
1 1/2 Rock

INBOUND DATE _____ TIME _____
OUTBOUND DATE _____ TIME _____
36400 25.51 ton
87420
51020
DRIVER ON _____ OFF X

SHIPPER Chris
WEIGHER CK

FAIRBANKS SCALE CAT. 96757

WEIGHED ON A FAIRBANKS SCALE

7-22-15

CUSTOMER'S NAME R&W Const.
ADDRESS Wayne - City
COMMODITY Crushed concrete
CARRIER CHRIS - R&W

INBOUND DATE _____ TIME _____
OUTBOUND DATE _____ TIME _____
86560 25.11
36340 ton
DRIVER ON _____ OFF X

SHIPPER Chris
WEIGHER BB

FAIRBANKS SCALE CAT. 96757

Change Order

No. 3

Date of Issuance: September 10, 2015 Effective Date: September 10, 2015

Project: Windom Street Storm Sewer Improvements	Owner: City of Wayne	Owner's Contract No.:
Contract:		Date of Contract:
Contractor:		Engineer's Project No.: 617-014

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Additions or subtractions to bring final quantities in alignment with estimated quantities

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>89,663.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Increase from previously approved Change Orders No. <u>2</u> to No. _____: \$ <u>3,271.70</u>	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>92,934.70</u>	Contract Times prior to this Change Order: Ready for final payment (days or date): _____
Increase of this Change Order: \$ <u>29,822.10</u>	[Increase] [Decrease] of this Change Order: Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$ <u>122,756.80</u>	Contract Times with all approved Change Orders: Ready for final payment (days or date): _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By:  Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: <u>09-10-2015</u>	Date: _____	Date: _____
Approved by Funding Agency (if applicable): _____		Date: _____

PROJECT: WINDOM STREET STORM SEWER IMPROVEMENTS
 DIVISION:
 CONTRACTOR: WOEHLER & SONS CONSTRUCTION INC
 PROJECT #: 617-014

APPLICATION # 2
 DATE: SEPTEMBER 4, 2015
 WORK THRU: SEPTEMBER 4, 2015

A ITEM #	B DESCRIPTION	C ESTIMATED QUANTITY	D UNITS	E BID PRICE	WORK COMPLETED				G = H + E TOTAL COST WORK COMPLETED
					F AMOUNT PREVIOUSLY APPROVED	G AMOUNT THIS PERIOD	H = F + G TOTAL WORK COMPLETED	G = H + E TOTAL COST WORK COMPLETED	
1.	Construct 36" round equivalent RCP Storm Sewer	50	L.F.	\$150.00	50	0	50	\$7,500.00	
2.	Construct 54" round equivalent RCP Storm Sewer	143	L.F.	\$270.00	18	143	161	\$43,610.00	
3.	Construct 12" open throat inlet	2	EACH	\$5,000.00	0.5	0.5	1	\$10,000.00	
4.	Construct Grate Inlet	1	EACH	\$5,000.00	1	1	1	\$5,000.00	
5.	Construct Junction Box	1	EACH	\$5,000.00	0.5	1.5	2	\$5,000.00	
6.	Construct Drive-over Curb Inlet	1	EACH	\$6,500.00	1	1	1	\$6,500.00	
7.	Dowel into existing concrete 18" bars @ 30" O.C.	54	L.F.	\$7.00		54	54	\$378.00	
8.	Remove existing 36"x60" storm sewer	170	L.F.	\$10.00	100	92	192	\$1,700.00	
9.	Remove existing inlet	4	EACH	\$1,500.00	4	0	4	\$6,000.00	
10.	Remove & replace 7" concrete paving NDOR Type 47B-3625	87	SQ. YDS.	\$60.00	483.11	483.11	483.11	\$5,220.00	
11.	Remove and replace 4" concrete walk NDOR Type 47B-3625	27	SQ. YDS.	\$50.00	72.11	72.11	72.11	\$1,350.00	
12.	Over excavation of unsuitable material	150	C.Y.	\$7.50		150	150	\$1,125.00	
13.	Remove concrete parking lot	320	SQ. YDS.	\$4.00	0	0	0	\$1,280.00	
TOTAL WORK COMPLETED								\$89,663.00	

CO #'S BRING FINAL QUANTITIES IN TO ALIGNMENT WITH ESTIMATED QUANTITIES	
ADD OR SUBTRACT FROM	CHANGE ORDER #S
0	\$0.00
18	\$4,860.00
-1	-\$5,000.00
0	\$0.00
1	\$5,000.00
0	\$0.00
0	\$0.00
22	\$220.00
0	\$0.00
396.11	\$23,766.60
45.11	\$2,255.50
0	\$0.00
-320	-\$1,280.00

CO 1	Connect to existing box/drop extend 4"	LUMP	1	1	\$1,500.00	1	1	\$1,500.00
CO 2	Crushed concrete base under pip	TONS	50.62	50.62	\$35.00	50.62	50.62	\$1,771.70
CO 3	ADDITIONS OR SUBTRACTION TO BRING FINAL QUANTITIES IN ALIGNMENT WITH ESTIMATED QUANTITIES							\$29,822.10
TOTAL WORK COMPLETED								\$122,756.80

ORIGINAL CONTRACT PRICE	\$89,663.00
NET CHANGE BY CHANGE ORDER	\$33,093.80
TOTAL CONTRACT PRICE	\$122,756.80
TOTAL COMPLETED AND STORED TO DATE	\$122,756.80
RETAINAGE ON WORK COMPLETED	\$6,137.84
AMOUNT ELIGIBLE FOR PAYMENT TO DATE	\$116,618.96
LESS PREVIOUS PAYMENTS	\$44,772.75
AMOUNT DUE THIS PAY APPLICATION	\$71,846.21
BALANCE TO FINISH (INCLUDING RETAINAGE)	\$6,137.84

Change Order

No. 4

Date of Issuance: September 11, 2015 Effective Date: September 11, 2015

Project: Windom Street Storm Sewer Improvements	Owner: City of Wayne	Owner's Contract No.:
Contract:		Date of Contract:
Contractor:		Engineer's Project No.: 617-014

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Additions or subtractions to bring final quantities in alignment with estimated quantities

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:

Original Contract Price:
\$ 89,663.00

Increase from previously approved Change Orders
No. 3 to No. _____:
\$ 33,093.80

Contract Price prior to this Change Order:
\$ 122,756.80

Increase of this Change Order:
\$ 0.00

Contract Price incorporating this Change Order:
\$ 122,756.80

CHANGE IN CONTRACT TIMES:

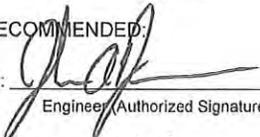
Original Contract Times: Working days Calendar days
Substantial completion (days or date): July 17, 2015
Ready for final payment (days or date): N/A

Previously approved Change Orders
No. 1 to No. 3:
Ready for final payment (days): N/A

Contract Times prior to this Change Order:
Ready for final payment (days or date): July 17, 2015

Increase of this Change Order:
Ready for final payment (days or date): August 21, 2015

Contract Times with all approved Change Orders:
Ready for final payment (days or date): _____

RECOMMENDED:
By: 
Engineer (Authorized Signature)
Date: 09-14-2015

ACCEPTED:
By: _____
Owner (Authorized Signature)
Date: _____

ACCEPTED:
By: _____
Contractor (Authorized Signature)
Date: _____

Approved by Funding Agency (if applicable): _____

Date: _____



ADVANCED CONSULTING ENGINEERING SERVICES

133 W. Washington Street · P.O. Box 218
West Point, NE 68788
Office: 402-372-1923 · Fax: 402-372-6960

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

September 14, 2015

Ref: Windom Street Storm Sewer Improvement – Wayne, Nebraska
ACES #617-004

As per our meeting on Friday, I concur with the following additional calendar days for the above referenced project:

REASON FOR CHANGE	NUMBER OF DAYS
DESIGN CHANGE FOR INLET ON WEST SIDE OF WINDOM STREET, REPLACING PROPOSED GRATE INLETS WITH DRIVE OVER GRATES	5 DAYS
REMOVAL OF ADDITIONAL STREET PAVING NORTH AND SOUTH OF THE CROSSING	7 DAYS
ADDITIONAL 18 FEET OF STORM SEWER ON THE WEST TO REPLACE SECTIONS OF THE BOX CULVERT THAT WERE CRACKED	7 DAYS
OVEREXCAVATION OF UNSUITABLE MATERIAL AND PLACEMENT OF CRUSHED ROCK BASE FOR THE PIPE AND PAVING	6 DAYS
RAIN DAYS AND OTHER WEATHER DELAYS	10 DAYS

The approval of these days adjusts the project substantial completion date from July 17, 2015 to August 21, 2015. At the pre-construction conference it was discussed that the project would be deemed substantially complete when all the concrete was placed and the street could be opened to traffic. According to Joel Hansen, the street could have been opened to traffic on August 21st, but was not opened until Monday August 24th.

Based on our conversation Friday, the reasons for many of the delays, and the extremely wet summer conditions we have had this construction season I recommend that **No Liquidated Damages** be assessed against the contractor on this project. It should be noted that the contractor was made aware that for future projects, contract extensions need to be requested at the time of the delay, not after the completion of the project.

If you have any questions, feel free to contact our office at (402)372-1923.

Sincerely,

John A. Zwingman
Advanced Consulting Engineering Services



Robert Woehler & Sons Construction, Inc.

123 Fairgrounds Ave.
Wayne NE 68787

Phone: 402-375-3744

Fax: 402-833-5363

Cell: 402-369-0049

September 11th 2015

Advanced Consulting Engineering Services
Attn John Zwingman
133 West Washington St.
West Point Nebraska 68788

John

This letter is requesting that you please ask the City of Wayne NE to extend the substantial completion date for the "Windom Street Storm Sewer Improvement " Project to August 24, 2015 for substantial completion. We had the main road paved and open on August 24th 2015 when college started which was the main goal and then worked on the other items to finish up. This extension is due to unusually wet weather, additional work and design issues as discussed in detail at our meeting today . We hope that you will recommend this extension and that is it approved by the City of Wayne. If you have any questions please call.

Thank you

B. J. Woehler
Robert Woehler & Sons Construction, Inc. Secretary

Contractor's Application For Payment No. 2

Application Period: 7/25/15 - 9/4/15 To (Owner): City of Wayne Project: Windom Street Storm Sewer Improvements Owner's Contract No.:	Application Date: 9/4/15 From (Contractor): Robert Woehler & Sons Construction, Inc. Contract: Contractor's Project No.: Engineer's Project No.: 617-014 Via (Engineer): Advanced Consulting Engineering Services
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APPLICATION FOR PAYMENT

Change Order Summary

Approved Change Orders	Additions	Deductions
Number CO 1	\$1,500.00	
CO 2	\$1,771.70	
CO 3	\$29,822.10	
CO 4	\$0.00	
TOTALS		
		\$33,093.80
NET CHANGE BY CHANGE ORDERS		
		\$33,093.80

1. ORIGINAL CONTRACT PRICE \$ 89,663.00
2. Net change by Change Orders \$ 33,093.80
3. CURRENT CONTRACT PRICE (Line 1 ± 2) \$ 122,756.80
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate) \$ 122,756.80
5. RETAINAGE:
 - a. 5 % x \$ 122,756.80 Work Completed \$ 6,137.84
 - b. _____ % x \$ _____ Stored Material \$ 0.00
 - c. Total Retainage (Line 5a + Line 5b) \$ 6,137.84
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c) \$ 116,618.96
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application) \$ 44,772.75
8. **AMOUNT DUE THIS APPLICATION** \$ **71,846.21**
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above) \$ 6,137.84

CONTRACTOR'S CERTIFICATION

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

Payment of: \$ 71,846.21
 (Line 8 or other - attach explanation of other amount)

is recommended by: James R. Pitter (Engineer) 9-11-15 (Date)

Payment of: \$ 71,846.21
 (Line 8 or other - attach explanation of other amount)

is approved by: _____ (Owner) _____ (Date)

Approved by: _____ (Date)

Funding Agency (if applicable) _____ (Date)

By: _____ Date: _____

PROJECT: WINDOM STREET STORM SEWER IMPROVEMENTS APPLICATION # 2
 DIVISION: DATE: SEPTEMBER 4, 2015
 CONTRACTOR: WOEHLER & SONS CONSTRUCTION INC WORK THRU: SEPTEMBER 4, 2015
 PROJECT #: 617-014

CO'S BRING FINAL QUANTITIES IN TO ALIGNMENT WITH ESTIMATED QUANTITIES	
ADD OR SUBTRACT FROM	CHANGE ORDER #3
0	\$0.00
18	\$4,860.00
-1	-\$5,000.00
0	\$0.00
1	\$5,000.00
0	\$0.00
0	\$0.00
22	\$220.00
0	\$0.00
396.11	\$23,766.60
45.11	\$2,255.50
0	\$0.00
-320	-\$1,280.00

A	B	C	D	E	F	WORK COMPLETED		G = H + G	TOTAL COST WORK COMPLETED
						AMOUNT PREVIOUSLY APPROVED	AMOUNT THIS PERIOD		
ITEM #	DESCRIPTION	ESTIMATED QUANTITY	UNITS	BID PRICE	AMOUNT PREVIOUSLY APPROVED	AMOUNT THIS PERIOD	TOTAL WORK COMPLETED	TOTAL COST WORK COMPLETED	
1.	Construct 36" round equivalent RCP Storm Sewer	50	L.F.	\$150.00	50	0	50	\$7,500.00	
2.	Construct 54" round equivalent RCP Storm Sewer	143	L.F.	\$270.00	18	143	161	\$38,610.00	
3.	Construct 12" open throat inlet	2	EACH	\$5,000.00	0.5	0.5	1	\$10,000.00	
4.	Construct Grate Inlet	1	EACH	\$5,000.00	1	1	1	\$5,000.00	
5.	Construct Junction Box	1	EACH	\$5,000.00	0.5	1.5	2	\$5,000.00	
6.	Construct Drive-over Curb Inlet	1	EACH	\$6,500.00	1	1	1	\$6,500.00	
7.	Dowel into existing concrete 18" bars @ 30" O.C.	54	L.F.	\$7.00	54	54	54	\$378.00	
8.	Remove existing 36"x60" storm sewer	170	L.F.	\$10.00	100	92	192	\$1,700.00	
9.	Remove existing inlet	4	EACH	\$1,500.00	4	0	4	\$6,000.00	
10.	Remove & replace 7" concrete paving NDOR Type 47B-3625	87	SQ. YDS.	\$60.00	483.11	483.11	483.11	\$5,220.00	
11.	Remove and replace 4" concrete walk NDOR Type 47B-3625	27	SQ. YDS.	\$50.00	72.11	72.11	72.11	\$1,350.00	
12.	Over excavation of unsuitable material	150	C.Y.	\$7.50	150	150	150	\$1,125.00	
13.	Remove concrete parking lot	320	SQ. YDS.	\$4.00	0	0	0	\$1,280.00	
TOTAL WORK COMPLETED									
\$89,663.00									

CO 1	Connect to existing box/drop extend 4"	LUMP	\$1,500.00	1	1	\$1,500.00
CO 2	Crushed concrete base under pip	TONS	\$35.00	50.62	50.62	\$1,771.70
CO 3	ADDITIONS OR SUBTRACTION TO BRING FINAL QUANTITIES IN ALIGNMENT WITH ESTIMATED QUANTITIES					\$29,822.10
TOTAL WORK COMPLETED						\$122,756.80

ORIGINAL CONTRACT PRICE	\$89,663.00
NET CHANGE BY CHANGE ORDER	\$35,069.80
TOTAL CONTRACT PRICE	\$122,756.80
TOTAL COMPLETED AND STORED TO DATE	\$122,756.80
RETAINAGE ON WORK COMPLETED	\$6,137.84
AMOUNT ELIGIBLE FOR PAYMENT TO DATE	\$116,618.96
LESS PREVIOUS PAYMENTS	\$44,772.75
AMOUNT DUE THIS PAY APPLICATION	\$71,846.21
BALANCE TO FINISH (INCLUDING RETAINAGE)	\$6,137.84

Change Order

No. 1

Date of Issuance: September 11, 2015 Effective Date: September 11, 2015

Project: Grainland Road Water & Sanitary Sewer Extension	Owner: City of Wayne	Owner's Contract No.:
Contract:		Date of Contract:
Contractor: Woehler & Sons Construction, Inc.		Engineer's Project No.: 617-014

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$ _____

Original Contract Times: Working days Calendar days
Substantial completion (days or date): October 1, 2015
Ready for final payment (days or date): N/A

Increase from previously approved Change Orders
No. _____ to No. _____:

\$ _____

Previously approved Change Orders
No. _____ to No. _____:

Ready for final payment (days): N/A

Contract Price prior to this Change Order:

\$ _____

Contract Times prior to this Change Order:

Ready for final payment (days or date): October 1, 2015

Increase of this Change Order:

\$ _____

Increase of this Change Order:

Ready for final payment (days or date): January 1, 2016

Contract Price incorporating this Change Order:

\$ _____

Contract Times with all approved Change Orders:

Ready for final payment (days or date): _____

RECOMMENDED:
By: 
Engineer (Authorized Signature)

ACCEPTED:
By: _____
Owner (Authorized Signature)

ACCEPTED:
By: _____
Contractor (Authorized Signature)

Date: 09-14-2015

Date: _____

Date: _____

Approved by Funding Agency (if applicable): _____

Date: _____



ADVANCED CONSULTING ENGINEERING SERVICES

133 W. Washington Street · P.O. Box 218
West Point, NE 68788
Office: 402-372-1923 · Fax: 402-372-6960

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

September 14, 2015

Ref: Grainland Road Water and Sewer Extensions – Wayne, Nebraska
ACES #617-016

I have reviewed the letter from Robert Woehler and Sons Construction, Inc requesting a time extension to May 1, 2016 for the above referenced project. At this time I recommend that the contract time for substantial completion be extended to January 1, 2016.

Some of my reasons for not granting an extension to May 1, 2016 are:

- The property owner has a house that is starting soon and they hope to have a completion date of February 1, 2016, it is extremely important that the extension be completed prior to this date. Not having the services in as planned and using the "contingency plan" will make it more difficult for the developer to sell lots and houses in the future.
- The project was bid with a completion date of October 1 to allow the developer to begin houses this fall. We need to have a valid reason for moving the completion date, in order to keep a competitive bidding atmosphere for future projects.
- In my experiences over the years, very little water and/or sewer main has been installed in the month of January, if it is installed you typically have a lot of clean-up work in the spring due to frozen ground and other poor working conditions.
- Flushing and testing of water mains needs to be done prior to approval, we want this done at a time when it will not cause icy conditions on the streets.

I have discussed this with BJ Woehler and he stated to me that they plan on starting in about 3 weeks, which is October 5, 2015, and he stated that they plan on being done this year. In my conversation with BJ, I stated the substantial completion includes the water and sewer mains being installed, tested and approved by the City and our office, all driveways and street paving that is removed shall be replaced, the trail which is to be removed shall be replaced and all test results shall be submitted to our office.

If you have any questions, feel free to contact our office at (402)372-1923.

Sincerely,

John A. Zwingman
Advanced Consulting Engineering Services



Robert Woehler & Sons Construction, Inc.

123 Fairgrounds Ave.
Wayne NE 68787

Phone: 402-375-3744

Fax: 402-833-5363

Cell: 402-369-0049

September 11th 2015

Advanced Consulting Engineering Services
Attn John Zwingman
133 West Washington St.
West Point Nebraska 68788

John

This letter is requesting that you please ask the City of Wayne NE to extend the substantial completion date for the "Grainland Road Water & Sewer Extension" Project to May 1st, 2016 for substantial completion. We understand that Lot 6 has to have water and sewer services by February 1st and is our main goal and have contingency plans to make that work for Kelby. We hope to have this all done before winter hits. This extension is due to delays on other area projects because of unusually wet weather, additional work added to other contracts and design issues as discussed in detail at our meeting today. We hope that you will recommend this extension and that is it approved by the City of Wayne. If you have any questions please call.

Thank you

B. J. Woehler
Robert Woehler & Sons Construction, Inc. Secretary

[[WHOLESALE CUSTOMER LETTERHEAD]]

September 15, 2015

Nebraska Public Power District
Attn: Mr. Todd Swartz, Manager
Pricing, Rates & Wholesale Billing
1414 15th Street
Columbus, Nebraska 68601

Objection and Request for Rate Review Hearing Regarding Proposed General Firm Power Service Rates and General Firm Power Service Rate Schedule

Dear Mr. Swartz:

Northeast Nebraska Public Power District ("Customer") is a wholesale customer of Nebraska Public Power District ("NPPD"). In accordance with Article 2, Section E of the Wholesale Power Contract between NPPD and Customer effective January 1, 2015 (the "WPC"), Customer hereby objects to NPPD's proposed General Firm Power Service Rates and General Firm Power Service Rate Schedule, which proposal is described in NPPD's 2015 General Firm Power Service Rate Study and Summary Report. Accordingly, Customer requests a rate review hearing before the NPPD Board of Directors.

Northeast objects to the proposed General Firm Power Service Rates and General Firm Power Service Rate Schedule for the following reasons:

- 1. The proposed rates violate Nebraska Revised Statutes section 70-655, and other applicable Nebraska law because the proposed rates are discriminatory, unreasonable and unfair.**

The proposed rates are discriminatory because, for example and without limitation, the proposed rates are not equal for all customers for the same service under like circumstances, and all customers who obtain the same service under the same conditions will be charged different rates because the discount is provided only to those wholesale customers who elect to sign a new longer term contract. The cost of providing service to Customer in 2016 is no different than the cost of providing service in 2016 to those wholesale customers who have signed a new wholesale contract. Customer is not within a class of customers against which the cost identified in the Summary Report as "OPEB Trust Catch Up" is exclusively identified during 2016. Accordingly, NPPD may not lawfully divide the cost of OPEB funding between wholesale customers in varying amounts based only on differences in the remaining term of NPPD's contract with the

customer. In short, the proposed rates and the underlying discriminatory discount is unjustified and unexplained. Its only true purpose is punitive.

The proposed rates are unreasonable because, for example and without limitation, NPPD is increasing the annual contribution for an unfunded future liability in a specified amount, when the specified amount of funding from rate charges will not actually occur in the year budgeted. NPPD has no actual intention that such funding from rate charges will occur at the budgeted amount given the discount to be provided to those wholesale customers who elect to sign a longer term contract. Only some customers will pay to fund the OPEB "catch-up" liability in 2016, at a cumulative amount substantially less than what appears in the budget. In addition, the amount of the budgeted annual OPEB contribution is excessive and unreasonable in comparison with recent contributions now built into rates and deemed sufficient for future OPEB liability, previous NPPD representations regarding how it intends to fund the obligation, and with applicable accounting and financial rules and requirements.

The proposed rates are unfair because, for example and without limitation, they punish the ratepayers of wholesale customers, like Customer, who exercise their rights under the existing wholesale power contract to limit and reduce their wholesale purchases of electricity from NPPD, and who refuse to contract further with NPPD at the conclusion of the contract's stated term. NPPD should have planned and budgeted for these events in prior years, but did not, and that is not the fault of Customer or the ratepayers. To the extent NPPD's failure benefitted all customers, the proposed rates are further discriminatory and unfair because customers who sign a new contract received that benefit and now are receiving a further benefit in the form of a non-punitive rate.

2. The proposed rates breach the Wholesale Power Contract.

The proposed rates breach the WPC because, for example and without limitation, the WPC defines the GFPS rate as a "cost-based" rate intended to meet the estimated revenue requirements of the district for the coming year. It also describes the GFPS rate as an average rate derived from a standard calculation, which does not change depending on the customer. The proposed rates, in conjunction with the proposed discount, do not apply equally to customers, and they are not intended or necessary to meet estimated revenue requirements in the coming year. Rather, they look to collect for future liabilities, even those beyond the term of the existing WPC, and for past failures of accounting and planning, yet entirely fail to actually collect as proposed. Further, the WPC permits NPPD to charge the GFPS rate only to collect amounts "reasonably" required to be set aside in reserves for items the payment of which is not immediately required, such as OPEB. The budgeted annual contribution for OPEB, in conjunction with the discount, is not reasonable to accomplish that contractual purpose. The WPC also permits only the use of "reasonable methodologies" in the allocation of costs for the GFPS rate, and the methodology underlying the proposed rate increase is unreasonable and inconsistent with applicable accounting and financial rules and requirements. The proposed

increase is not necessary to ensure that rates for 2016 and future years produce revenues sufficient to meet revenue requirements.

Moreover, while the existing WPC allows customers to limit and reduce purchases, and to allow the contract to expire without signing a new wholesale contract with NPPD, it does not provide for any penalty or rate differential for doing so. Thus, the proposed rates are attempting to do what the contract does not allow to be done.

3. The proposed rates lack transparency and are implemented in bad faith.

The proposed rates lack transparency and are implemented in bad faith because they claim to include a "discount," but that discount is actually an unjustified, contractually prohibitive punitive measure directed at Customer. Moreover, the proposed rates propose to pass through undisclosed Southwest Power Pool charges, which the current WPC prohibits.

* * *

Given the foregoing objections, Customer respectfully requests that the NPPD Board of Directors, in the appropriate exercise of each board member's fiduciary duties, reject the proposed rates as illegal and adverse to the statutory directive that NPPD confer and distribute among end users and consumers of its services the benefits of a successful and profitable operation and conduct of the business of the district. The proposed rates are detrimental and punitive not only to Customer, but to our ratepayers. NPPD's wholesale rates have risen substantially over the past decade, and those increases ultimately inflict the greatest injury on the most vulnerable ratepayers. The NPPD Board of Directors should consider the needs of those ultimate end use customers first and foremost.

Very truly yours,

General Manager