

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

The Wayne City Council met in regular session at City Hall on Tuesday, September 15, 2015, 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, Jason Karsky, 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 September 3, 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 September 1, 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, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**VARIOUS FUNDS:** AMERITAS, SE, 2201.19; APPEARA, SE, 235.35; BAKER & TAYLOR BOOKS, SU, 475.89; BARONE SECURITY SYSTEMS, SE, 138.00; BROWN PLUMBING, SE, 158.56; BROWN SUPPLY, SU, 4320.00; BSN SPORTS, SU, 41.80; CERTIFIED TESTING SERVICE, SE, 1192.50; CHARTWELLS, SE, 5916.90; CHRISTIANSEN CONSTRUCTION, SE, 123227.55; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, PY, 63883.40; CITY OF WAYNE, RE, 25.00; CITY OF WAYNE, RE, 168.00; CITY OF WAYNE, RE, 258.00; COMMUNITY HEALTH, RE, 4.00; CONNIE & JIM GRANQUIST, SE, 375.00; COPY WRITE PUBLISHING, SU, 159.90; DAVE'S DRY CLEANING, SE, 120.00; DEARBORN NATIONAL LIFE, SE, 1832.28; DUTTON-LAINSON, SU, 484.72; EAKES OFFICE PLUS, SE, 758.95; EASYPERMIT POSTAGE, SU, 1838.09; ELECTRONIC ENGINEERING, SE, 1735.00; CITY EMPLOYEE, RE, 340.99; GEORGINA CASTANEDA, SE, 37.50; GILL HAULING, SE, 170.50; GROSSENBURG IMPLEMENT, SU, 5.66; HANSEN, GENE, RE, 150.00; HEIKES AUTOMOTIVE, SU, 148.50; HOMETOWN LEASING, SE, 73.51; ICMA, SE, 6197.50; INGRAM BOOK COMPANY, SU, 66.00; IRS, TX, 23308.74; JASON CAROLLO, SE, 175.00; JOHN'S WELDING AND TOOL, SE, 99.06; KTCH, SE,

1451.70; LANCASTER CO COURT, RE, 149.00; LUTT OIL, SU, 4565.73; MARCO, SE, 126.36; CITY EMPLOYEE, RE, 129.45; NE DEPT OF REVENUE, TX, 3350.49; NOVA HEALTH EQUIPMENT, SE, 143.00; OCC BUILDERS, SE, 73196.00; PREMIER PORTABLE BUILDING, SU, 3727.50; ROBERT WOehler & SONS, SE, 54541.60; STADIUM SPORTING GOODS, SU, 784.00; STATE NEBRASKA BANK, SE, 82275.70; STATE NEBRASKA BANK, RE, 462.09; CITY EMPLOYEE, RE, 297.65; UNITED COMMUNICATIONS, SE, 3549.86; USA BLUE BOOK, SU, 199.10; VAN DIEST SUPPLY, SU, 960.00; WASTE CONNECTIONS, SE, 140.80; WAYNE AUTO PARTS, SU, 395.44; WAYNE COUNTY CLERK, SE, 62.00; WAYNE VETERINARY CLINIC, SE, 42.00; WISNER WEST, SU, 188.85; CITY EMPLOYEE, RE, 108.00; ZACH HEATING & COOLING, SE, 621.00; ADVANCED CONSULTING, SE, 773.80; ALEX SALMON, RE, 500.00; AMERICAN RED CROSS, RE, 19.62; AMERITAS, SE, 550.00; CITY EMPLOYEE, RE, 839.23; BONNIE BAIRD, RE, 500.00; CARROLL DISTRIBUTING, SU, 360.16; CITY OF WAYNE, RE, 109.94; CONTROL DEPOT, SU, 259.66; COUNTRY NURSERY, SE, 400.00; DOESCHER APPLIANCE, SU, 62.00; DUTTON-LAINSON, SU, 453.14; EAKES OFFICE PLUS, SE, 137.92; ECHO GROUP, SU, 154.09; CINDY VON FANGE, SE, 100.00; CITY EMPLOYEE, RE, 502.87; ED. M FELD EQUIPMENT, SU, 502.44; FAITH REGIONAL, SE, 35.00; FIVE STAR ENTERPRISES, SU, 15.50; FREDRICKSON OIL, SE, 308.50; CITY EMPLOYEE, RE, 415.00; HAWKINS, SU, 2469.38; HIRERIGHT SOLUTIONS, SE, 53.15; JACK'S UNIFORMS, SU, 568.65; JONES, LEONARD, SE, 347.00; CITY EMPLOYEE, RE, 864.99; CITY EMPLOYEE, RE, 427.46; KELLY SUPPLY, SU, 65.60; KLERITEC, SU, 149.28; KRIZ-DAVIS, SU, 1423.64; CITY EMPLOYEE, RE, 429.73; MAIN STREET AUTO CARE, SE, 200.00; MAJOR REFRIGERATION, SU, 87.95; MIDWEST LABORATORIES, SE, 326.00; MIDWEST TAPE, SU, 39.99; MUNICIPAL SERVICE, SE, 1119.20; CITY EMPLOYEE, RE, 18.73; NE SAFETY COUNCIL, SE, 9.27; NPPD, SE, 360904.93; NORTHEAST TIRE SERVICE, SE, 391.20; OVERDRIVE, SU, 280.85; PENGUIN RANDOM HOUSE, SU, 191.25; PROVIDENCE MEDICAL CENTER, SE, 61.00; REZURRECTED ROD & CUSTOM, SU, 248.05; ROBERTSON IMPLEMENT, SE, 22.75; RON'S RADIO, SU, 4667.50; SIOUX CITY WINNELSON, SU, 166.07; SIOUX SALES COMPANY, SU, 299.90; SOOLAND BOBCAT, SE, 311.54; SPARKLING KLEAN, SE, 2941.77; SHOPKO, SU, 62.36; STADIUM SPORTING GOODS, SU, 95.00; STAPLES ADVANTAGE, SU, 130.63; STATE NEBRASKA BANK, RE, 425.00; UNITED WAY, RE, 6.00; VIAERO, SE, 531.96; VOLKMAN PLUMBING & HEAT, SE, 331.00; WAYNE COUNTY COURT, RE, 150.50; WAYNE HERALD, SE, 1609.76; WESCO, SU, 438.91; WRIEDT PROPERTIES, SE, 175.00

Councilmember Sievers made a motion, which was seconded by Councilmember Haase, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

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

Mayor Chamberlain declared the time was at hand for the public hearing on the proposed FY 2015-2016 budget.

The total of the FY 2015-2016 budget is \$34,480,681. The property tax proposal for the General Fund operation is \$723,481, which compares to the 2014 tax asking of \$680,600. Pursuant to State Law, the maximum levy for a municipality is \$0.45 per \$100 of property valuation. When combined with the debt service asking, the combined amount for the proposed budget year is \$825,981 or \$.398927 per \$100 of property valuation. The valuation in the community, as reported by the County Assessor for 2015 is \$201,911,956, which is up \$10,468,375 from last year.

Finance Director Nancy Braden stated these numbers are based on the final numbers set at the budget work session. Originally, we were going to increase the General Fund reserves by \$59,085. With the changes Council made, it took that amount up to \$77,785. The mill levy is down about .06 from last year. The City has not raised property taxes.

Ellen Imdieke, who is a member of the Library Board, spoke on behalf of the library and its budget.

Councilmember Muir wanted Council to consider increasing the Library's part-time staff wages line item in the budget by \$6,000. He had visited with the Library Director, and they are 400 hours short for the list of tasks that were broken out and the hours that are needed to keep the books on the shelves, etc.

Councilmember Karsky concurred, but wanted the amount to be \$10,000 in an effort to preserve the quality of the programs, especially the children's programs.

Finance Director Braden stated there are four ways to come up with more money:

1. Raise taxes – a \$.01 increase in taxes is about \$22,000 per year.
2. Take from other departments.
3. Come up with new revenues; or
4. Take it out of reserves.

Councilmember Giese would rather see if the library could work with the budget that has been set, rather than taking the money out of the cash reserves at this time.

Lauran Lofgren, Library Director, advised the Council that she is pulling back on some of her administrative duties/responsibilities (searching for grants, etc.), and she is also putting in enough hours to hopefully get those done to the point where the Board is feeling like they are doing what they can do to make the library stay the facility it is. They are trying very hard to keep the service levels where they have been for the last 10-15-20 years. Her primary concern is for the rest of the staff so that they do not experience burnout. Her job is to make sure things get done that need to be done, regardless of the amount of time it takes and that is what she will continue to do.

Councilmember Eischeid stated he agreed that the library is a valuable part of the community. However, when the Council saw a large increase (approximately a \$100,000 growth in five years) in one budget, they felt the need to address it. They spent a long time working with this to figure out how they could trim this budget back down. During the budget work session, they did increase the library's budget from what was originally presented. He would like to see how this goes for a year, with the shortened hours, etc., and then if there are issues after that one year, they can address it at the next budget session.

Ms. Lofgren stated that once their budget is set, then that is the budget they will work with. Their intent is to never go over. They may switch within line items, but their bottom line stays within what the Council has approved for their budget.

Councilmember Giese stated that for three years in a row the library's budget has increased over 10% each year. In addition, no other department, besides maybe the Senior Center, even comes close to a double-digit loss. He felt something will have to be done with the Senior Center within the next five years because that has had, since 2009, a 40% increase in operating losses. The library has had a 34% operating loss, and the CAC and Rec a 27% operating loss. The Council should have caught on to this the second year that it was in the

double digits. He was also of the opinion to let Ms. Lofgren work with the budget that has been set, and if it is not working, the Council can revisit it.

Ms. Braden stated that part of the increase in the library's budget was due to getting the library wages in line with comparability. In addition, Ms. Lofgren came onto the City's group health plan.

Councilmember Brodersen stated she always thinks it is a good idea to ask departments to tighten up their budgets. We have never taken away from the library. We have always given them what they have asked for. This is the first time – it forces that department to look inward to see how they can manage things differently.

Councilmember Muir agreed, but he had a hard time doing that when he had numbers in front of him that say they are short 400 hours per year, and they could use \$4,800 in the budget to help with that.

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

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

Councilmember Muir introduced Resolution 2015-84, and moved for its approval, with the change/amendment to increase the library's budget (more particularly line item 571-02) by \$4,800, which shall be taken out of the cash reserves; Councilmember Sievers seconded

#### RESOLUTION NO. 2015-84

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

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

Mayor Chamberlain declared the time was at hand for the public hearing regarding the tax asking/property tax levy.

To support the proposed general operating and debt service budgets for the City and the Airport Authority, a total property tax levy of \$.450295 per hundred dollars of property value is included. The levy equates to a tax request of \$909,200. Last year's tax levy was \$.398342 per hundred dollars of valuation; this year it is \$.398927, excluding the airport.

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

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

The following Resolution would approve the final property tax request of \$805,480.88. This Resolution does not include the airport levy.

Councilmember Sievers introduced Resolution 2015-85, and moved for its approval; Councilmember Haase seconded.

#### RESOLUTION NO. 2015-85

A RESOLUTION APPROVING FINAL PROPERTY TAX REQUEST FOR FY 2015-2016.

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

Finance Director, Nancy Braden, reviewed the sales tax projects and potential projects funded by the city sales tax that were discussed at the budget work session.

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

Councilmember Giese introduced Ordinance 2015-43, and moved for its approval; Councilmember Greve seconded.

#### 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; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Councilmember Giese made a motion and Councilmember Greve seconded to suspend the statutory rules requiring ordinances to be read by title on three different days. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion and Councilmember Greve seconded to move for final approval of Ordinance No. 2015-43. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

The base year started in 1998. The restricted funds are the property taxes, payments in lieu of property taxes, local option sales taxes, motor vehicle taxes, state aid, transfers of surpluses from any user fee, and any funds excluded from restricted funds for the prior year because they were budgeted for capital improvements, but which were not spent and are not expected to be spent for capital improvements. Cities are given the opportunity to increase the base limitation of the restricted funds budget by 1%. The State Auditor is also recommending that entities pass this 1% increase. This increases our base number we can use for our restricted fund revenues.

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

Councilmember Giese introduced Ordinance No. 2015-41, and moved for approval of the third and final reading thereof; Councilmember Sievers 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, the Mayor declared the motion carried.

Roger Protzman of JEO Consulting Group, Inc., was present to review Change Order No. 3 on the “2015 Water System Improvements – Water Main Relocation Project.” The same represents a net increase of \$17,689.90, which is due to the following:

- Change in quantities;
- Additional 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;
- Additional valve to the project that had been deleted in a previous change order; and
- Additional water service lines due to the owner’s request and site conflicts.

The project is substantially complete. The change orders represent about a 10% increase, which is at the high end. Traditionally, when JEO does projects, they are generally in the range of a 2% increase for the overall project. Many of these changes had to do with things that were unknown to staff and them during the construction.

Administrator Johnson stated this project was done in the oldest part of town.

In addition, Mr. Protzman presented Pay Application No. 3 (Final) which represents all work completed and all change orders. They find the work completed to date to be in accordance with the plans and specifications, and therefore, recommend approval of this pay application in the amount of \$78,092.28 to Robert Woehler & Sons Construction, Inc.

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

Councilmember Sievers introduced Resolution No. 2015-86 and moved for its approval;  
Councilmember Haase seconded.

RESOLUTION NO. 2015-86

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

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

The following Resolution would officially accept the “2015 Storm Shelter Project.” Final payment was approved at the last meeting.

Councilmember Muir introduced Resolution No. 2015-87 and moved for its approval;  
Councilmember Greve seconded.

RESOLUTION NO. 2015-87

A RESOLUTION ACCEPTING WORK ON THE “2015 WAYNE STORM SHELTER PROJECT.”

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

John Zwingman of Advanced Consulting Engineering Services was present to review Change Orders 1 – 4 on the “Windom Street Storm Sewer Improvement Project.”

- Change Order No. 1 is an increase of \$1,500 to connect to existing box/drop – extend 4’;
- Change Order No. 2 is an increase of \$1,771.70 to put a crushed concrete base under the pipe;
- Change Order No. 3 is an increase of \$29,822.10 for additions and subtractions to bring final quantities into alignment with estimated quantities; and
- Change Order No. 4 is a request to extend the substantial completion date from July 17, 2015 to August 21, 2015.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Change Order No. 1 for the “Windom Street Storm Sewer Improvement Project” for \$1,500 to Robert Woehler & Sons Construction, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Change Order No. 2 for the “Windom Street Storm Sewer Improvement Project” for \$1,771.70 to Robert Woehler & Sons Construction, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Zwingman stated that for Change Order No. 3, there was an additional 18’ of storm sewer that was added onto this project because there was large crack in the wall and base of the next sections of pipe extending to the west. They elected to repair that now rather than having to dig that area up again in the future. In addition, additional concrete was replaced at the intersection.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 3 for the “Windom Street Storm Sewer Improvement Project” for \$29,822.10 to Robert Woehler & Sons Construction, Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Zwingman stated the reason for the request to extend the substantial completion date is because of some of the changes they made and the wet conditions that took place during this construction season. He noted the contractor has been told that for future projects, contract extensions need to be requested at the time of the delay, not after the completion of the project.

Councilmember Brodersen made a motion, which was seconded by Councilmember Haase, approving Change Order No. 4 for the “Windom Street Storm Sewer Improvement Project” which would extend the substantial completion date from July 17, 2015, to August 21, 2015. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. Zwingman then presented Contractor’s Application for Payment No. 2 on the “Windom Street Storm Sewer Improvement Project” for \$71,846.21 to Robert Woehler & Sons Construction, Inc.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, approving Contractor's Application for Payment No. 2 for \$71,846.21 to Robert Woehler & Sons Construction, Inc., for 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.

John Zwingman of Advanced Consulting Engineering Services was present to review Change Order No. 1 on the "Grainland Road Water & Sanitary Sewer Extension Project." This change order is a request to change the substantial completion date from October 1, 2015, to January 1, 2016. The original request from Robert Woehler & Sons Construction, Inc., was to change the date to May 1, 2016. Mr. Zwingman did not think there was any validity to extending the date to May 1, 2016, and Mr. Woehler was fine with his recommendation.

Mr. Zwingman also advised the Council he was not in favor of Mr. Woehler's contingency plan to get water and sewer to this property. They (the engineer) have a plan to get water and sewer to the property, and it needs to be done the right way.

Councilmember Eischeid asked why they are so far behind. BJ Woehler who was present responded that they probably took on one more project than they should have.

Councilmember Sievers asked what would happen if the Council does not extend this project.

Mr. Woehler stated the big kicker was the pool. He had also been in contact with the developer on this project (Kelby Herman), who told him he had nothing going on with this project. There was no utility contractor willing to bid on the pool, so Mr. Woehler bid it. Looking back, he should not have. The developer now has a house that people will be moving into by February 1, 2016.

Mr. Zwingman advised the Council that this project should normally take 4-6 weeks. There were only two bidders on this project, and the difference between the two bids was about \$20,000.

Councilmember Eischeid stated his concern is that if they agree with the recommendation to change the completion date to January 1, 2016, what happens if it is not done. He is tired of all of the change orders and excuses – he wants to see someone that can come in and get the job done in a timely fashion.

Mr. Zwingman stated the second bidder is willing to get it done. He talked to three contractors today. One of them said no way; one said probably not, but then he called him back and said if the City needs something, he would submit a bid; and the third one, which was the second bidder originally, said he would get here, but he could not promise any earlier completion date than January 1<sup>st</sup> either.

Council, today, can either accept or deny the change order. If Council would deny the change order, then they will have to deal with liquidated damages or get another bid. If Mr. Woehler would state today that the project is not going to be completed by October 1<sup>st</sup>, that can be considered as an anticipatory breach of the contract, and then the city can go out for bids.

It was noted that liquidated damages for this project are \$750 per calendar day if the project is not completed by October 1<sup>st</sup>.

Councilmember Eischeid made a motion, which was seconded by Councilmember Sievers to deny the change order request from Robert Woehler & Sons Construction, Inc., on the “Grainland Road Water & Sanitary Sewer Extension Project (Southview Addition)” to extend the completion date from October 1, 2015, to May 1, 2016.

Mr. Woehler stated if Council approves this, it would force him to not accept the contract on the pool project with Christiansen Construction Company and then move his crew to this job. He noted he does not have a contract with the pool right now because they chopped up his bid. He has an agreement with them in place, but if Council denies this tonight, he is going to move his crew to Grainland Road. He stated by this action, Council is forcing his hand, and he is just letting them know what is going to happen.

Joel Hansen, Street Superintendent, stated he had two concerns with this matter:

1. How liquidated damages will be handled in this case. He was concerned as to how this might affect contractors bidding on future projects in Wayne; and
2. If Council would approve the deadline extension date, he would like to see a stipulation in the motion that the street, which will be dug up, must be poured back by November 15, 2015.

Councilmember Brodersen thought they should grant an additional 30 days (to November 1<sup>st</sup>) because of the delays to the project that the City caused them.

Councilmember Eischeid stated the underlying issue is that the contractor took on too much work.

Mr. Zwingman stated when something like this comes up, it's the contractor's responsibility to not only include what it is going to take dollar-wise to complete the project, but what is is going to take time-wise to complete it. He noted that in the future, Council could deny bids, not only on cost and time, but also on past performance with the City. Therefore, this is something that can be taken into consideration when awarding future projects.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Greve, Haase, Karsky and Brodersen who voted Nay, the Mayor declared the motion tied. Because of the tie vote, Mayor Chamberlain cast his vote as a Nay, and declared the motion failed.

Councilmember Brodersen then made a motion, which was seconded by Councilmember Giese, to approve a change order for the "Grainland Road Water & Sanitary Sewer Extension Project (Southview Addition)" to extend the completion date from October 1, 2015, to November 1, 2015. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Sievers and Eischeid who voted Nay, the Mayor declared the motion carried.

Administrator Johnson stated that the City's special legal counsel regarding NPPD has requested that Council take action on the following: 1) Requesting NPPD to have a formal rate hearing; and 2) To approve sending the "Letter of Protest" to NPPD regarding their 2016 Wholesale Power Rate surcharge for those towns that do not sign the 20-year NPPD contract.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, requesting Nebraska Public Power District (NPPD) to have a formal rate hearing, and approving to send the “Letter of Protest” to NPPD regarding their 2016 Wholesale Power Rate surcharge for those towns that do not sign the 20-year NPPD contract. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:25 p.m.