

AGENDA  
CITY COUNCIL MEETING  
November 1, 2016

1. [Approval of Minutes – October 19, 2016](#)
2. [Approval of Claims](#)

The City Council will be hearing public comments on the following agenda items: \_\_\_\_\_

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. [Resolution 2016-70: Accepting Bid and Awarding Contract on the “2016 Lagoon Sludge Removal & Application Project” — Midwest Injection, Inc., for \\$249,000.00](#)

**Background:** This bid was the lower of the two bids considered at the last Council meeting. We are working with JEO to create additional options for you to rebid and truck some amount of sludge out and land-spread it this fall to meet the EPA requirement to remove some every other year. Roger Protzman will be at the Council meeting.

**Recommendation:** The contractor with the lowest bid has not withdrawn his bid yet. Roger and I should have some cost estimates to load and haul out sludge with side dump trucks and field spreaders to cover our EPA compliance requirements.

4. [Presentation/Discussion regarding future lagoon use options — Barbra Hayford, Professor of Biology, WSC](#)

**Background:** Now that we are no longer using the lagoon and it is starting to dry up, the decision of what to do with that 30 acres of land will likely be a major topic at the annual retreat in January. There is an interested group that has seen the habitat, and local and migratory bird ecosystem on the lagoon and wants us to consider the option of maintaining all or a major part of the lake area for the habitat area in the middle of the city and possibly enhancing it with additional habitat.

If we remove a large area of sludge this fall, to preserve that option, we will need to find a source of water to keep the lagoon bottom covered until a decision is made, or the bottom will crack open. Joel has determined that the water level in the final clarifiers is 3 feet higher than the lagoon bottom, so we can probably siphon some of the discharge water from the treatment plant over the dike into the lagoon.

**Recommendation:** If you want to preserve a wildlife option anywhere in the lagoon for future discussions, we will need to keep the bottom covered. If you can give us some sense of your thoughts, we will throw a hose over and siphon some water in if you want.

5. [Ordinance 2016-15: Amending Wayne Municipal Code Chapter 54, Article I. In General by adding Sec. 54-8 Unlawful Library Conduct and Sec. 54-9 Penalties Imposed; Recovery in Civil Action](#)

**Background:** Under our current non-pay penalty system, some people believe it will cost us more to enforce than the amount we will collect. This Ordinance was copied from the City of Norfolk and moves the process under our city policy and makes enforcement affordable.

**Recommendation:** The recommendation of the Library Board and Amy Miller, City Attorney, is to adopt the ordinance as presented.

6. [Resolution 2016-72: Accepting Bid and Awarding Contract on the 2016 Bobcat Compact Excavator](#)

**Background:** Copies of the bids and bid tabulation are in the packet. The low bid meets the bid specifications.

**Recommendation:** The recommendation of Lowell Johnson, City Administrator, and the Public Works Supervisors is to accept the low bid from Nebraska Harvestore for \$40,826.96.

7. [Resolution 2017-73: Accepting Bid and awarding Contract on the "Sanitary Sewer Line Repair Project" by St. Mary's Catholic Church](#)

**Background:** We discovered the fracture and partial offset of this 100 foot section of sewer main when we had a professional video recording made of a selection of sewer mains in town. This section carries all of the sewer flow from the WSC campus to the treatment plant, and Jeff Brady is concerned that this get replaced before winter. This work will have to be done under constant sewer flow.

**Recommendation:** The bid opening was scheduled for 2:00 p.m., Thursday, October 27<sup>th</sup>, and we received no bids. We sent bid notices directly to five contractors. Contractors are all busy, but we will directly negotiate to see if we can find a reasonable repair bid.

8. [Action on Contractor's Application for Payment No. 3 in the amount of \\$26,624.09 to Progressive Property Inspectors, LLC for the "Community Activity Center Parking Lot Project"](#)

**Background:** This is for work completed in accordance with our contract and approved by the project engineer for payment.

9. [Action on Change Order No. 4 for the "Wayne Airport Lift Station Project" for a decrease of \\$7,500 for quantity adjustment \(seeding\) to Mark Albenesius, Inc.](#)

10. [Action on Certificate of Payment No. 1 \(Final\) in the amount of \\$80,504.00 to Mark Albenesius, Inc. for the "Wayne Airport Lift Station Project"](#)

**Background:** This is for work completed in accordance with our contract and approved by the project engineer for payment.

11. [Action on the Nebraska Department of Roads Annual Maintenance Agreement](#)

**Background:** The Nebraska Department of Roads sends the same agreement each year to every Nebraska city, town and village that has NDOR right-of-way through it. Attachment “A” clarifies the duties of NDOR and the duties of the City for care and maintenance of the highway inside the city limits. The responsibilities of the City of Wayne are listed in the column titled 1<sup>st</sup> Class Cities. In this agreement, we agree to pay NDOR \$3,717 in 2017 for their repair and maintenance on 2.36 lane miles of highway through Wayne.

12. [Reappointments:](#)

Board of Appeal: Don Buryanek  
Dave Hix  
Library Board: Ellen Imdieke  
Planning Commission: Mark Sorensen  
Jessie Piper  
Recreation Board: Nancy Jo Powers  
Nick Hochstein  
City Attorney: Amy Miller

13. [Discussion of sewer options for the proposed Wayne Area Event Center north of the golf course](#)

**Background:** With the proposed Event Center comes the discussion of annexation of that site. Annexation brings the responsibility for the city to provide access to sewer and water to serve the site. We have a 15” water main along the highway, but no close sewer or electrical service. City growth regularly involves spanning distances out to large developments. That means someone has to invest up front for the long run development that almost always grows out to the new location. Those costs get recovered, as new development fills in the area in between and connects to the utilities. We have done that with sewer service throughout the industrial areas outside the city limits and with water service out to Muhs’ Acres. When there is a golf course or other large property to go around, the costs will be higher.

We are working on some cost estimates to extend utilities to the site if it is annexed to give you some idea of the options and their costs.

14. [Action on funding alternative for \\$5,000 in LB840 administrative costs](#)

**Background:** Someone is required to interview applicants for business loans, review applications, check backgrounds, review business plans, make recommendations and prepare information to present to the LB840 Sales Tax Citizens Advisory Committee. In 2009, we established an agreement with Wayne Area Economic Development to provide those services for the LB840 business loan program and to provide a second set of eyes on the applications and the process. The Nebraska Statutes authorizing the 15-year LB840 loan program also authorize funding for program administration to be paid out of the LB840 sales tax revenues. Our fee to them recently has been \$5,000 per year.

At the last meeting, the Council asked us to provide alternative sources of funding for the \$5,000 administrative fees. The two most simple sources are the City’s general

**fund or from the annual business development funding for future growth from the electric fund. Currently about \$90,000 of that goes towards our agreement for area business development services annually with WAED, and the remaining \$40,000 to \$50,000 is allocated to the Wayne Community Redevelopment Authority, which is an appointed board of representatives of the school, county, banks, city council and citizens.**

**Recommendation: The recommendation of Nancy Braden, Finance Director, and Lowell Johnson, City Administrator, is to redirect \$5,000 of the CRA allocation to WAED for the LB840 administrative costs.**

15. [Adjourn](#)

APPROVED AS TO FORM AND CONTENT:

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Mayor

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City Administrator



**MINUTES  
CITY COUNCIL MEETING  
October 18, 2016**

The Wayne City Council met in regular session at City Hall on Tuesday, October 18, 2016, 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 October 6, 2016, 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 Haase made a motion, which was seconded by Councilmember Giese, whereas, the Clerk has prepared copies of the Minutes of the meeting of October 4, 2016, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

**CORRECTIONS TO CLAIMS LIST OF 9-30-16:** GROSSENBERG, SU, 69.61; ICMA, SE, 7830.57; SAMUEL LOWE, RE, 125.00;  
**VARIOUS FUNDS:** ARCADIAN MARKSMANSHIP CLUB, FE, 100.00; BAKER & TAYLOR BOOKS, SU, 247.98; BINSWANGER GLASS, SE, 99.00; CHARTWELLS, SE, 5214.95; COPY WRITE PUBLISHING, SU, 508.49; DATASHIELD CORPORATION, SE, 3500.00; DAVE'S DRY CLEANING, SE, 96.00; DISPLAY SALES, SU, 831.00; ECHO GROUP, SU, 895.50; FREDRICKSON OIL, SE, 218.95; GERHOLD CONCRETE, SU, 1447.00; GLEN'S AUTO BODY, SE, 128.13; JOHNSON SERVICE, SE, 405.00; KTCH, SE, 1349.92; LEAGUE OF NEBRASKA MUNICIPALITIES, FE, 576.00; LUTT OIL, SU, 4671.69; MATHESON-LINWEL, SU, 18.00; MIDWEST LABORATORIES, SE, 1718.48; NE AIR FILTER, SU, 368.14; NE DEPT OF REVENUE, TX, 3718.62; NPPD, SE, 369493.19; NNPPD, SE, 12579.22; ONE CALL CONCEPTS, SE, 86.61; PENGUIN RANDOM HOUSE, SU, 142.50; PRECISION CONCRETE CUTTING, SE, 1447.80; PROVIDENCE MEDICAL CENTER, SE, 28.00; RON'S RADIO, SE, 60.00; SHEDA, FRANK, SE, 187.50; SHOPKO, SU, 90.90; SPARKLING KLEAN, SE, 525.00; STADIUM SPORTING GOODS, SU, 252.00; TYLER

TECHNOLOGIES, SE, 867.50; WAYNE COUNTY CLERK, SE, 32.00; WAYNE HERALD, SE, 595.00; WAYNE HERALD, SE, 610.95; WAYNE HERALD, SE, 395.00; WAYNE HERALD, SE, 992.00; WAYNE HERALD, SE, 170.00; WAYNE HERALD, SE, 408.00; WAYNE STATER, SE, 168.00; WAYNE VETERINARY CLINIC, SE, 291.00; WESCO, SU, 115.56; WAPA, SE, 20388.01; WISNER WEST, SU, 68.21; ZACH HEATING & COOLING, SE, 325.00; DGR & ASSOCIATES, SE, 16781.06; ELECTRICAL ENGINEERING & EQUIPMENT, SU, 46.90; WAYNE COMMUNITY SCHOOL, RE, 3552.97; WAYNE HERALD, SE, 1775.71

**FISCAL YEAR 2016-2017:** AMERITAS, SE, 2619.04; IRS, TX, 26089.17; AMAZON.COM, SU, 474.31; AMERICAN LIBRARY ASSOC, FE, 210.00; APPEARA, SE, 59.79; BROWN SUPPLY, SU, 1317.42; CDW GOVERNMENT, SE, 2073.00; CHRISTIE MURRAY, RE, 100.00; CITY EMPLOYEE, RE, 277.54; CITY EMPLOYEE, RE, 3558.74; CITY EMPLOYEE, RE, 213.29; CITY EMPLOYEE, RE, 64.20; CREATIVE DISPLAYS, SU, 146.83; ECHO GROUP, SU, 3900.38; EDM PUBLISHERS, SU, 99.49; FIRE CATT, SE, 3790.30; GROSSENBURG IMPLEMENT, SU, 155.39; GUARANTEE ROOFING, SE, 40095.00; HAWKINS, SU, 557.70; INTERSTATE BATTERY SYSTEM, SU, 113.95; JUSTIN DEWITT, RE, 121.75; LAQUINTA INNS & SUITES, SE, 91.00; LITE-FORM TECHNOLOGIES, SU, 83.34; MICHAEL TODD & CO, SU, 339.97; NE LIBRARY COM, FE, 800.00; NORFOLK DAILY NEWS, SU, 153.00; PITNEY BOWES, SE, 253.85; RESCO, SU, 148.01; SKARSHAUG TESTING LAB, SE, 292.17; ST OF NE-CHARITABLE GAMING DIVISION, TX, 896.00; STADIUM SPORTING GOODS, SE, 48.00; STAPLES, SU, 101.98; THE MIDWEST MESSENGER, SU, 35.00; VAN DIEST SUPPLY, SU, 211.60; AMY BROWN, RE, 330.00; APPEARA, SE, 67.70; ARNIE'S FORD, SE, 28.26; BLUETARP FINANCIAL, SE, 39.99; CARLSON, SARAH, RE, 113.96; CITY OF WAYNE, PY, 69813.39; ECHO GROUP, SU, 40.35; JULIE JOHNSON, RE, 150.00; NE CHAPTER IAEL, FE, 300.00; NE DEPT OF REVENUE, TX, 3718.62; SCHINSTOCK PAINTING, SE, 8325.00; STADIUM SPORTING GOODS, SU, 14.00; VERIZON, SE, 92.89; WESCO, SU, 353.10; ZEE MEDICAL SERVICE, SU, 68.06

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

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

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

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving the membership application of Corey Blum to the Wayne Volunteer Fire

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

Phil Monahan, Fire Chief, introduced Autumn Breazile and requested Council consideration to approving her membership application to the Wayne Volunteer Fire Department.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, approving the membership application of Autumn Breazile to the Wayne Volunteer Fire Department. 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, the engineer on the 2016 Lagoon Sludge Removal & Application project, was unable to attend the Council meeting. However, via letter, he advised that two bids were received on October 6, 2016, for the removal and application of sludge from the lagoon. The bids were from DRT Biosolids who has done work previously for the City and from Midwest Injection, Inc. DRT's bid was \$290,000 and Midwest Injection's bid was \$249,000. After reviewing the bids, Mr. Protzman was recommending that the project be awarded to the low bidder, Midwest Injection, Inc., for \$249,000. Three landowners have offered their land for application of the sludge. None of the landowners offered to haul the sludge, nor were they willing to pay for it. The contractor would like to start within 30 days.

Administrator Johnson stated DEQ would allow us to decommission the lagoon with up to six inches or less of sludge in the bottom. This would be the third time we have done sludge removal from the lagoon.

Councilmember Giese wanted to know why Mr. Protzman's "opinion of probable cost" was \$180,000, but the bid came in at \$249,000.

The bid was to remove 2000 dry tons of sludge. Administrator Johnson stated that NDEQ is requiring us to remove some sludge this fall; however, if the Council wanted to table

the matter for two weeks, they could do so. He noted that farmers do not want sludge applied in the spring because of the heavy equipment that goes across the fields.

Because of the concerns Council had regarding this matter and the fact that the engineer was not present, Councilmember Giese made a motion, which was seconded by Councilmember Sievers, to table action on Resolution 2016-70 accepting bid and awarding contract on the “2016 Lagoon Sludge Removal & Application Project” until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

JEO Consulting Group, Inc. presented Change Order No. 3 from Eriksen Construction, Co., Inc., for \$415.00 to install an electrical box riser in the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project.”

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 3 on the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$415.00 to Eriksen Construction, Co., Inc. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

JEO Consulting Group, Inc. presented Application for Payment No. 14 for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project” for \$20,000.00 to Eriksen Construction, Co., Inc. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Application for Payment No. 14 for \$20,000.00 to Eriksen Construction, Co., Inc., for the “2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Wes Blecke, Director of Wayne Area Economic Development, was present representing the LB840 Sales Tax Advisory Committee, and stated that they had met on October 13<sup>th</sup> to review four applications to the LB840 Economic Development Fund.

- The Committee recommended approving the request by the *Wayne Country Club* to add onto and undertake a complete remodel of the existing clubhouse with a modified amount. The Committee recommends \$100,000 as a 3%, 5-year loan. The original request was for \$100,000 as a grant, and \$100,000 as a low-interest loan.
- The Committee recommended approving the request by the *Wayne Area Event Center* to build an event center contingent on a signed purchase agreement for the property location. The recommendation is for a \$250,000 loan at 3% interest for 10 years. The original request was for \$350,000 as a grant or low-interest loan.
- The Committee recommended approving the request by *Wayne Area Economic Development* for its role with administering the Wayne Economic Development Program as a grant for \$5,000. WAED is requesting funds to help cover the costs associated with its role in administering the WAED program, which includes reviewing the program with potential applicants, attending committee meetings, attending Council meetings for both requests and semi-annual reports, as well as preparing reports.
- The Committee tabled the request by *Wriedt Properties* to relocate mobile homes from one property to clear for a housing development to the existing mobile home court. The committee wants to see bids on the removal of each home before they make a recommendation as they felt the request was too high. The request was for a \$27,500 grant to move five mobile homes.

Rusty Parker and Kevin Peterson, representing the Wayne Country Club, were present requesting Council to reconsider their original request. The estimated cost for the remodeling is \$425,000. Their source of funding is private donations. They started this on October 3<sup>rd</sup> and they have pledged forms already of \$125,950. They cannot guarantee that this will create additional jobs, and therefore, they understand the LB840 Sales Tax Advisory Committee's decision/recommendation. While they started with a request of \$200,000, they would be happy with receiving \$150,000. They would not be opposed to Council tabling this matter tonight or amending this request and tying it to their successful completion of their private donation or fundraising capital campaign. If they can reach \$250,000 to \$275,000 by December 31<sup>st</sup>, they feel they can make this project happen. They do not expect the Council to commit, but they do not want the Council to give this money away either before they get to that date.

When asked, Mr. Parker stated they would like a \$150,000 grant, or if they could get a \$75,000 grant/\$75,000 loan, they would be happy with that. They have to raise the money to move forward. Mr. Parker did not want to lose this opportunity or his place in line because there will be or could be other entities or groups asking for that money. The fundraising campaign would go through December 31, 2016.

Mr. Peterson stated if the Council is going to go with a larger amount for a loan (in lieu of a grant), his hope is that an interest rate can be negotiated that is more feasible for them. He also advised the Council that their books are open to look at, and they could do so at any time.

Councilmember Giese had concerns about exhausting finite funds with something that will be city owned. He would not want to see an LB840 grant, if the finances could be worked out another way. He stated he thought this was a project everyone wants to see done, but he would rather see what the fundraising campaign can come up with first before approving the loan. He would like to table the matter until their fundraising is completed, but earmark the funds.

Attorney Miller advised the Council to approve something so that the funds could be earmarked.

Councilmember Eischeid had concerns with the recommendations coming from the LB840 Committee.

Nancy Braden, Finance Director, stated as of right now, the City has loaned out \$2.544 million of \$3.2 million.

Mayor Chamberlain had concerns about making grants to private businesses. However, having an 18-hole golf course is a value in a community that most do not have or recognize.

Councilmember Sievers did not mind the \$150,000 loan at 10 years or 15 years, for whatever interest rate Council comes up with.

Doug Sturm spoke and said that Councils change, so he would not table this matter too long.

After further discussion, Councilmember Sievers made a motion, which was seconded by Councilmember Brodersen, approving a \$150,000 LB840 loan for 15 years at 0% interest to the Wayne Country Club to add on to and undertake a complete remodel of the existing clubhouse. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Giese and Haase who voted Nay, the Mayor declared the motion carried.

Attorney Miller left the meeting at 6:34 p.m.

Because John Zwingman of ACES had another meeting to go to, Mayor Chamberlain changed the order on the agenda.

John Zwingmen of ACES, engineer on the "Main Street Water Main Improvement Project," presented the following Change Orders:

- Change Order No. 1 - increase of \$2,850.00 for additional dirt work.
- Change Order No. 2 - increase of \$8,375.45 for boring for the Bank. This will be paid back to the City when the bank develops.
- Change Order No. 3 - increase of \$3,605.00 for miscellaneous fittings.
- Change Order No. 4 - increase of \$5,935.50 for additions/subtractions to bring final quantities into alignment with estimated quantities.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 1 for the "Main Street Water Main Improvement Project" for \$2,850.00 to Rutjens Construction for additional dirt work. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Muir made a motion, which was seconded by Councilmember Eischeid, approving Change Order No. 2 for the "Main Street Water Main Improvement Project" for \$8,375.45 to Rutjens Construction for boring for the Bank. 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. 3 for the "Main Street Water Main Improvement Project" for

\$3,605.00 to Rutjens Construction for miscellaneous fittings. 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. 4 for the "Main Street Water Main Improvement Project" for \$5,935.50 to Rutjens Construction for additions/subtractions to bring the final quantities into alignment with estimated quantities. 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. 1 (Final) on the "Main Street Water Main Improvement Project" for \$283,749.48 to Rutjens Construction.

Councilmember Eischeid made a motion, which was seconded by Councilmember Muir, approving Contractor's Application for Payment No. 1 (Final) for \$283,749.48 to Rutjens Construction for the "Main Street Water Main Improvement Project." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain then went back to the LB840 request of the Wayne Area Event Center.

Wes Blecke stated the reason for the reduction in this request is that the Committee has never done anything more than \$250,000, which was the cap that had been allocated to any one project. In addition, at this point, this project is outside city limits and sales tax generated would not be going to the City, but to the State.

Josie Broders, representing the Wayne Area Event Center, was present to answer questions. She requested Council to consider her initial request of \$350,000 as a 10-year loan at 3% interest. She advised the Council that the location for this event center is north of the golf course. She is not opposed to being annexed. They plan to employ 2-3 full-time employees, and as many as 15 part-time employees. They would like to start construction by April 1<sup>st</sup>, hoping to be completed by fall of 2017.

Jill Brodersen, who is the architect on the project, advised she is not an investor in this project. In addition, she asked Attorney Miller whether she had a conflict of interest in the matter, to which she was told no. When Attorney Miller asked her if this LB840 request was not approved, would she still be the architect on the project, Councilmember Brodersen said yes.

Councilmember Giese opined it would be crazy to use sales tax money that is generated in town and give it to an entity outside of town who will not be generating said sales tax. Councilmember Sievers agreed.

Some discussion took place regarding city services being extended to that area in the event of annexation. If they want to subdivide the property, they will have to request to be annexed, and a plan will have to be developed on providing city services to that area.

Councilmember Eischeid agreed with Councilmember Giese, but stated that the Council set a precedence, even though it was a little different situation, for those outside city limits that were given LB840 loans because of the tornado.

Mr. Blecke stated the LB840 plan states that these funds can be used outside city limits in the extraterritorial jurisdiction.

Councilmember Sievers made a motion to approve a \$350,000, LB840 loan, for 10 years at 3% interest for the Wayne Area Event Center.

When asked, Ms. Broders stated the difference between the \$250,000 and the \$350,000 loan would not break the project. They will have to have a bank loan regardless. However, it makes the gap between what they have from the investors and what she would like to stay at for a bank loan doable. The cost of the project is approximately \$2.7 million.

Councilmember Giese would rather see the Council look into sewer extension costs and a lift station cost before approving this. That could even be tied into the LB840 asking.

Councilmember Brodersen seconded the motion.

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

Discussion took place on the LB840 Citizens Sales Tax Advisory Committee's recommendation for a \$5,000 grant to Wayne Area Economic Development (WAED) for its role in administering the WAED program. Mr. Blecke stated they can request up to 10% of the revenues (\$27,000 or \$30,000) to help administer the program. They used to request \$10,000, but the County, approximately 5-6 years ago, starting giving WAED \$5,000 for membership, so they decreased their request.

Councilmember Giese thought this \$5,000 request should come from the 1.85% that is collected from the electric utility revenues instead of the LB840 fund. He would rather see this reallocated from the CRA fund and with that being said, Councilmember Giese made a motion, which was seconded by Councilmember Eischeid, denying the recommendation of the LB840 Sales Tax Advisory Committee for a \$5,000 grant to Wayne Area Economic Development for its role in administering the Wayne Economic Development Program Fund.

Councilmember Eischeid asked without this \$5,000, would WAED still be able to meet with potential applicants. Mr. Blecke responded that would be a board direction.

Ms. Braden stated that with what has been approved tonight, there is remaining about \$100,000 in the LB840 fund out of the \$3.2 million. Therefore, anything that we would use in the future would be from loan repayment funds. That then becomes a revolving loan, which takes a loan committee, which is different from the Sales Tax Advisory Committee. We will also have to borrow money from the Electric Fund, since there is only around \$69,000 in the LB840 cash account.

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

The following Resolution is a requirement by the Nebraska Department of Roads when a state highway will be closed for a celebration/parade. This Resolution pertains to the Annual Christmas on Main Celebration/Annual Parade of Lights to be held on Thursday, November 17, 2016.

Councilmember Giese introduced Resolution No. 2016-71 and moved for its approval; Councilmember Greve seconded.

#### RESOLUTION NO. 2016-71

#### A RESOLUTION ACKNOWLEDGING NEBRASKA DEPARTMENT OF ROADS REQUIREMENTS FOR THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR SPECIAL EVENTS.

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

Wes Blecke, representing Wayne Area Economic Development, Inc., was requesting Council consideration to prohibit parking on Main Street in the 200 block of Main Street from 5:30 p.m. until 8:00 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 17<sup>th</sup>.

Councilmember Giese made a motion, which was seconded by Councilmember Greve, approving the request of Wayne Area Economic Development to prohibit parking on Main Street in the 200 block of Main Street from 5:30 p.m. until 8:00 p.m. for the Christmas on Main Celebration/Annual Parade of Lights Event to be held on Thursday, November 17<sup>th</sup>. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Steve Rames of McLaury Engineering, Inc., was present to review Change Order No. 1 for the "Community Activity Center Parking Lot Project" for an increase of \$1,040.04 (removal of concrete - \$192; additional quantity of 7" concrete - \$1,145.04; and a decrease of 36" reinforced concrete pipe – -\$909.00) to Progressive Property Inspectors, LLC.

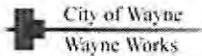
Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, approving Change Order No. 1 for the “Community Activity Center Parking Lot Project” for \$1,040.04 (removal of concrete - \$192; additional quantity of 7” concrete - \$1,145.04; and a decrease of 36” reinforced concrete pipe – -\$909.00) to Progressive Property Inspectors, LLC. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mr. McLaury then presented Contractor’s Application for Payment No. 1 on the “Community Activity Center Parking Lot Project” for \$115,645.43 to Progressive Property Inspectors, LLC.

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, approving Contractor’s Application for Payment No. 1 for \$115,645.43 to Progressive Property Inspectors, LLC, for the “Community Activity Center Parking Lot Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Brodersen made a motion, which was seconded by Councilmember Muir, 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.

# Council Approval Listing



City of Wayne, NE

Payment Date Range: 10/19/2016 - 10/27/2016

Vendor	Payable Description	Payment Total
<b>FISCAL YEAR 2015-2016</b>		
DUNCAN & ALLEN	ATTORNEY FEE	7,436.00
C. H. GUERNSEY	POWER & TRANSMISSION SERVICES	1,582.00
ERIKSEN CONSTRUCTION CO	WWTP-BIOSOLIDS	20,000.00
JOHN'S WELDING	TRAIL SIGN	17.50
NORTHEAST NE ENERGY SYSTEMS	POWER PLANT ROOF REPAIR	2,157.50
NORTHEAST NE PUBLIC POWER	RATE DISPUTE	2,733.40
PROGRESSIVE PROPERTY INSPECTORS LLC	CAC PARKING LOT	115,645.43
RUTJENS CONSTRUCTION	MAIN STREET WATER IMPROVEMENTS	283,749.48
THE GLASS EDGE	GLASS DOOR	1,416.00
<b>FISCAL YEAR 2016-2017</b>		
ALLESCO	FILTER ELEMENT	277.74
AMERICAN RED CROSS	RED CROSS DEDUCTION	10.00
AMERITAS LIFE INSURANCE	POLICE RETIREMENT PERCENT	89.36
AMERITAS LIFE INSURANCE	POLICE RETIREMENT EMPL DON	72.00
AMERITAS LIFE INSURANCE	AMERITAS ROTH	50.28
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,234.44
APPEARA	MAT SERVICE	166.00
BLACK HILLS ENERGY	GAS BILLS	354.33
BLUE CROSS BLUE SHIELD	HEALTH PREMIUMS	34,279.40
BOMGAARS	BALL MOUNT/GLOVES/ANTIFREEZE/CHAIN/HOSE	677.40
BROWN SUPPLY CO	STROBE LIGHT/GUTTER BROOM/CURB STOP/FITTINGS	1,631.54
CENTURYLINK	TELEPHONE CHARGES	416.27
CITY EMPLOYEE	SAFETY BOOTS	150.00
CITY OF WAYNE	PAYROLL	68,759.78
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	6.46
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	3,727.12
CITY EMPLOYEE	MEDICAL REIMBURSEMENT	32.63
CITY EMPLOYEE	SAFETY BOOT REIMBURSEMENT	150.00
CITY OF WAYNE	WAED HEALTH REIMBURSEMENT	3,248.80
CITY OF WAYNE	WAED HEALTH REIMBURSEMENT	6.21
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
CREATIVE DISPLAYS, INC	CHRISTMAS LIGHT PLUGS	42.88
DAS STATE ACCTG-CENTRAL FINANCE	DAS TELECOMMUNICATIONS	448.00
DE LAGE LANDEN FINANCIAL	SENIOR CENTER COPIER LEASE	77.00
DEARBORN NATIONAL LIFE	VFD INS	96.32
DISPLAY SALES INC	CHRISTMAS LIGHT BULBS	2,828.00
ECHO GROUP INC JESCO	LED BULBS	975.00
FAITH REGIONAL PHYSICAN SERV.	PRE EMPLOYMENT DRUG TEST	30.00
FIREMAN'S ASSOCIATION	WSC FIRE AGREEMENT	5,000.00

CITY EMPLOYEE	MEDICAL REIMBURSEMENT	3,248.80
FLOOR MAINTENANCE	PAPER TOWELS/BOWLS/PLATES/GLOVES	423.15
GAMBLE LANDSCAPING	RETAINING WALL 9TH/MAIN ST	1,043.00
GERHOLD CONCRETE CO INC.	CONCRETE-ONE WAY ROAD	3,808.81
ICMA RETIREMENT-FIRST NATL BANK -MARYLAND	ICMA RETIREMENT	7,750.62
INTERSTATE BATTERY SYSTEM	BATTERIES	455.80
IRS	FEDERAL WITHHOLDING	10,915.21
IRS	FICA WITHHOLDING	11,874.26
IRS	MEDICARE WITHHOLDING	2,777.04
JEO CONSULTING GROUP	BIOSOLID HANDLING	6,939.50
KATHLEEN A LAUGHLIN, CHAPTER 13 TRUSTEE	PAYROLL DEDUCTION	243.00
KELSEY SHIPE	AUDITORIUM DEPOSIT REFUND	150.00
KEN JORGENSEN	REDEVELOPMENT EXPENSES	75,000.00
LESEBERG MASONRY & CONST	BUILDING PERMIT DEPOSIT/FEE REIMBURSEMENT	323.00
LIBRARY IDEAS	STREAMING SUBSCRIPTION	1,589.00
LIVING HERE	SUBSCRIPTION RENEWAL	32.00
MAIN STREET AUTO CARE	WHEEL BEARINGS/TURN SIGNAL REPAIR	569.28
MCLAURY ENGINEER, INC	CAC PARKING LOT	4,614.50
MICHAEL TODD & CO INC	WALL FRAME	69.15
MUNICIPAL SUPPLY INC	TRAFFIC REPAIR KIT	347.63
NE DEPT OF ENVIRONMENTAL QUALITY	WASTEWATER OP LICENSE RENEWAL	150.00
NE DEPT OF ENVIRONMENTAL QUALITY	WASTEWATER OP LICENSE RENEWAL	150.00
NE DEPT OF REVENUE	STATE WITHHOLDING	3,624.80
NE PUBLIC HEALTH ENVIRONMENTAL LAB	COLIFORM TESTING	362.00
NE SAFETY COUNCIL	SAFETY VIDEO SHIPPING CHARGES	19.40
NORTHEAST NE PUBLIC POWER	PRIMARY WIRE DEADENDS	364.38
NOVA HEALTH EQUIPMENT CO	CLIMB MILL/ TREADMILL BELTS	7,126.83
O'KEEFE ELEVATOR COMPANY, INC	ELEVATOR REPAIRS	327.68
OLSSON ASSOCIATES	AIRPORT PUMP STATION	1,245.93
RATH WALLING AND ASSOC	FIRE HALL RENTAL/DEPOSIT REFUND	400.00
SEBADE CONSTRUCTION	ALLEY CROSSINGS	8,400.00
STATE NEBRASKA BANK & TRUST	PUBLIC SAFETY BONDS	8,275.00
UNITED WAY	PAYROLL DEDUCTION	5.00
VIAERO WIRELESS	CELL PHONE	221.41
W.T. COX SUBSCRIPTIONS	SUBSCRIPTION RENEWALS	1,892.34
WAYNE COUNTY COURT	BOND	150.00
WAYNE KIWANIS	ANNUAL DUES-L LOFGREN	141.00
WESCO DISTRIBUTION INC	CONNECTORS	38.52
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	49.54

**RESOLUTION NO. 2016-70**

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE  
“2016 LAGOON SLUDGE REMOVAL & APPLICATION PROJECT.”**

WHEREAS, two bids were received on October 6, 2016, on the “2016 Lagoon Sludge Removal & Application Project;” and

WHEREAS, the bids have been reviewed by the City’s Engineer on the project, JEO Consulting Group, Inc.; and

WHEREAS, JEO Consulting Group, Inc., is recommending that the lowest bid, which was submitted by Midwest Injection, Inc., in the amount of \$249,000 be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the “2016 Lagoon Sludge Removal & Application Project,” as submitted by the following contractor:

<u>Bidder</u>	<u>Amount</u>
Midwest Injection, Inc. Cascade, IA	\$249,000.00

and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

BE IT FURTHER RESOLVED, that the Mayor be, and he is hereby instructed and authorized to enter into a contract on behalf of the City of Wayne, Nebraska, with the contractor for the above project, and the City Administrator is authorized to approve and execute change orders in amounts not to exceed five percent of the contract amount.

PASSED AND APPROVED this 1<sup>st</sup> day of November, 2016.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



October 12, 2016

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

RE: Wayne, Nebraska  
2016 Lagoon Sludge Removal & Application  
JEO Project No. 160541

Dear Lowell:

On October 6, 2016 two bids were received for the removal and application of sludge from the lagoon. The bids were from DRT Biosolids who has done work previously and from Midwest Injection, Inc. DRT's bid was \$290,000 and Midwest Injection's bid was \$249,000.

We have called three of Midwest Injection's references but have not been able to talk to anyone. Their experience record looks reasonable and like they should be able to complete the project. We recommend award to Midwest Injection, Inc.

Also we had three landowners offer their land for application of the sludge. None of the owner's offered to haul the sludge nor were they willing to pay for it. We will coordinate with the owners and contractor for the application of the sludge.

Upon your approval of award, we will execute contracts and begin coordinating the project. Enclosed is the notice of award for your use. The contractor would like to start within 30 days. This will be dependent on the harvesting of crops prior to initiating work.

Sincerely,

Roger S. Protzman  
Senior Project Engineer

RSP:skw  
Enclosures

160541LTR101216-Award.docx



# Bid Tab

**PROJECT | 2016 Lagoon Sludge Removal & Application**

**JEO PROJECT NO. | 160541**

**LOCATION | Wayne, Nebraska**

**LETTING | October 6, 2016 @ 2:00 PM**

**OPINION OF PROBABLE COST | \$180,000**

<b>Bidder</b>	<b>Total Group A</b>	<b>Start Date</b>
Midwest Injection, Inc. Cascade, IA	\$249,000.00	within 30 days
DRT Biosolids, Inc. Bloomer, WI	\$290,000.00	November 1, 2016



# Tab Sheet

PROJECT | 2016 Lagoon Sludge Removal & Application

JEO PROJECT NO. | 160541

LOCATION | Wayne, Nebraska

Item	Qty.	Unit	Description	Midwest Injection, Inc.		DRT Biosolids, Inc.	
				Unit Price	Total	Unit	Total
<b>GROUP A - SLUDGE REOMOVAL</b>							
1	1	LS	Removal of Sludge (Dry Weight Basis)	\$249,000.00	\$249,000.00	\$290,000.00	\$290,000.00
<b>TOTAL GROUP A</b>					\$249,000.00		\$290,000.00

**NOTICE OF AWARD**

---

Date of Issuance: October 18, 2016

Owner: City of Wane, Nebraska

Owner's Contract No.:

Engineer: JEO Consulting Group, Inc.

Engineer's Project No.: 160541

Project: 2016 Lagoon Sludge Removal & Application, CWSRF 31-7032, Wayne, Nebraska

Contract Name: 2016 Lagoon Sludge Removal & Application, CWSRF 31-7032, Wayne, Nebraska

Bidder: Midwest Injection, Inc.

Bidder's Address: PO Box 141, Cascade, IA 52033

**TO BIDDER:**

You are notified that Owner has accepted your Bid dated October 6, 2016 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

2016 Lagoon Sludge Removal & Application, CWSRF 31-7032. Wayne, Nebraska

The Contract Price of the awarded Contract is: \$ 249,000.00

[ 3 ] unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

a set of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

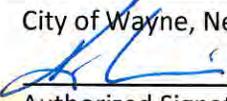
1. Deliver to Owner [ 3 ] counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent: Contingent upon contract approval by NDEQ.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

---

Owner: City of Wayne, Nebraska

  
\_\_\_\_\_  
Authorized Signature

By: Ken Chamberlain

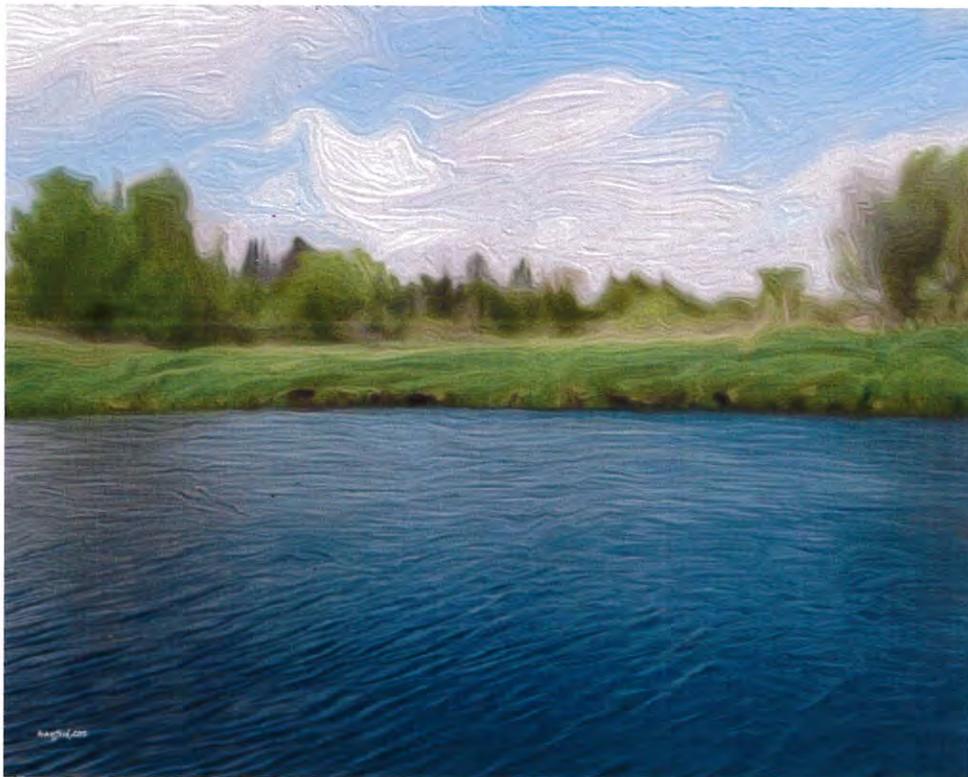
Title: Mayor

Copy: Engineer

Draft proposal Wayne City Lake

# Draft Proposal to Develop a City Lake in Wayne:

*Short term and long term plans to modify the Wayne  
Waste Water Treatment Plant, creating a Natural  
Resource Amenity for the City of Wayne*



**Barbara Hayford**

*And Wayne State College Students in BIO 104*

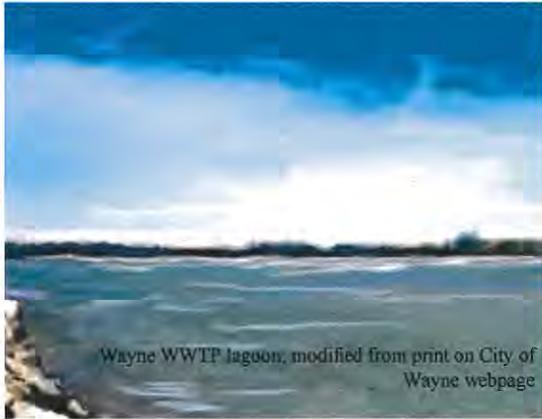
Amenity driven growth is defined as “the ability of healthy, attractive natural resources to generate jobs and incomes.” (ECN 2006)

### SUMMARY

- Herein we provide arguments and plans to create a natural resource amenity for use in recreation and education for the City of Wayne and the region by developing a city lake from the former Wayne Waste Water Treatment Plant (WWTP) Lagoon.
- Arguments are organized into those supporting economic sustainability and education and outreach uses for the amenity. These arguments are followed by a preliminary plans to sustain the resource until more comprehensive plans can be organized and implemented.
- Economic Sustainability
  - A vibrant economy requires growth and change. Rural communities need to keep and attract Millennials to help their communities grow.
  - Job opportunities are no longer enough to sustain a rural population because most people in the Millennial generation place quality of life before economic status.
  - Millennials value experiences, thus creating an experience based economy can be used to attract and retain Millennials but can also be used to grow the economy.
  - Providing natural resource amenities will help Wayne's economy because such amenities provide experiences sought out by Millennials.
- Outdoor Education
  - The proposed city lake will provide a natural resource amenity that can be used to fulfil experiences for the Wayne community but also for outdoor education.
  - Bird-watching and study of bird biodiversity represents a unique learning opportunity for community members.
  - The proposed city lake will support bird populations but in and of itself will also serve as an ecosystem study site for education and outreach.
  - Students learn more if they are outside and engaged, thus the city lake may be used to increase effective education opportunities in the region.
  - Conservation of the habitat will help sustain populations of waterfowl in the region, renewing a resource for this and future generations to enjoy and discover.
- Plans
  - Preliminary plans have been created to help visualize how this modification of the Lagoon will look, source of water to sustain water levels for the Lagoon, and stakeholders, partners, and possible funding sources have been identified.

## GENERAL BACKGROUND

We propose developing a city lake modified from the former waste water treatment plant (WWTP) lagoon in the City of Wayne. The lagoon supports 46 species of migratory birds (Appendix 1), mostly water birds, in addition to the local birds found in the lagoon and nearby these birds are unique and rare finds (Appendix 1) and bird watchers, teachers, professors, and students long have used the lagoon to observe these birds. We propose creation of this city lake for use as a natural resource for education, conservation, and economic development in the City of Wayne. Arguments in support of this proposal are organized into two sections: 1) economic and community sustainability; and 2) education and outreach. A brief proposal outlining plans for creating this resource are then provided.



### Economic and community sustainability

A vibrant economy requires growth and change. Economies grow and change based on changes in populations, jobs, and subsequently services, but most rural areas in Nebraska face declining populations (NEDED 2016). In fact, Millennials, people born in 1980-2000, are moving to urban centers in greater rates than their preceding generations (Njemanze 2016), in part due to life style choices. Generally, higher income earners and highly educated young people leave rural areas whereas lower income earners may prefer to leave a rural area but cannot. This demographic shift creates a loss of population and a shift to a lower income population (Shallhorn 2015), thereby impairing economic development. Rural regions need to change to grow and create vibrant economies to combat this urban migration.

Job opportunities are no longer enough to sustain a rural population. Jobs in agriculture, manufacturing (Great Dane, Heritage Homes), and education form the basis of opportunity in Wayne and Wayne County. The ag industry fuels most rural economies including Wayne's, but the age of the average farmer is increasing and the size of farms is increasing resulting in lower populations to sustain these rural economies. The good news is that the agricultural industry is observing a renewed interest in farming by Millennials as witnessed by an increased enrollment in agricultural programs in higher education (Keller, 2016). Thus, rural areas may see an increase in growth in the future. Despite a prevalence of urban flight in Millennials, 26% are in rural areas and small towns, with 14% likely to purchase homes once they start families (Njemanze 2016). For many Wayne and Wayne area residents, this generation represents our children and grandchildren, whom we would like to see stay in or return to our communities. However, demographic profiles of Millennials indicate that job opportunities are not enough to attract and retain this generation (EventBrite 2014), particularly in rural areas. For example, Millennial

**“Cease being  
intimidated by the  
argument that a  
right action is  
impossible because it  
does not yield  
maximum profits.”  
Aldo Leopold, 1949.**

farmers are attracted to this field by the technological aspects of farming but may be deterred from moving to rural areas by inadequate internet services (Shallhorn 2015).



Millennials value experiences. The Millennial generation places a higher emphasis on quality of life over economic status (EventBrite 2014). Overall, life experiences tend to increase an individual's quality of life and include spending time with family, attending concerts, and outdoor experiences such as hiking, cycling, and wildlife-viewing. The experiential economy is based on purchases associated with these experiences such as buying binoculars and bird guides, buying and maintaining bicycles, and spending money at restaurants before, after, or as part of the experience, and

purchasing tickets for events. Experiential items purchased over the long term increase most individual's sense of well-being (Howell et al. 2011). Retaining this generation in a rural community requires opportunities for experiences with 75% of Millennials indicating a preference for purchasing experiences rather than material goods (EventBrite 2014). Experience-based purchases are increasing rapidly, creating a growing market and economy of opportunities (EventBrite 2014). Therefore, Wayne can use a market of experiential purchases to both attract and retain Millennials and grow an underdeveloped part of the economy.



Providing natural resource amenities will help Wayne's economy. Providing natural resource amenities will attract Millennial workers and families and help Wayne's economy grow. Nationwide, outdoor recreation is the third largest industry with an estimated 646 billion dollars spent in 2010. These dollars cover hotel stays and restaurants, gasoline, and supplies and are taxed locally and at the state level (OIA 2012). Survey data indicate that 65% of Nebraska residents participate in outdoor recreation of some kind, generating an industry that supports 57 thousand jobs (OIA 2012), and yet one of the most underutilized areas of economic growth in Nebraska is in natural resource amenities (ECN 2006). Creation and maintenance of natural resource amenities leads to economic growth (Deller et al. 2001) and community sustainability and is likely to create growth. Differences in available natural resource amenities account for large differences between states in terms of job growth (ECN 2006). Natural resources potentially capable of generating economic growth in Nebraska include rivers and reservoirs, wildlife viewing, hunting, and fishing (ECN 2006) Nebraskans value these resources and think that they improve the quality of our lives, but Nebraska underuses its natural resource amenities economically.

**“Our ability to perceive quality in nature begins, as in art, with the pretty. It expands through successive stages of the beautiful to values as yet uncaptured by language.” Aldo Leopold, 1949**

Proper use of these amenities may stimulate economic growth by:

1. Providing off-farm jobs for members of farming families,
2. Increasing farm earnings by creating agritourism, and
3. Expanding wildlife activities related to fishing, hunting, and wildlife watching (ECN 2006).

The proposed city lake will provide a natural resource amenity. Modification of the former WWTP lagoon in Wayne into a city lake will create a natural resource amenity in the City and County that will help attract and retain Millennials and their families. The lagoon already provides habitat for a large array of interesting birds, thus the city lake will provide outdoor recreation experiences such as bird-watching, a growing industry in Nebraska (ECN 2006). Its

**“One swallow does not make a summer, but one skein of geese, cleaving the murk of a March thaw, is the spring.” Aldo Leopold, 1949**

location near the dog Bark Park, softball arenas, community garden, and rugby fields allows for combined outdoor recreation such as picnicking and walking before, during, or after games, gardening, or dog runs. The direct economic benefits include keeping visitors in town longer resulting in increased purchases at shops and restaurants and longer stays at hotels. The indirect benefits include those related to increasing the population base by attracting and retaining the next generation of workers in the City and County.

### **Education and Outreach**

Bird biodiversity represents a unique learning opportunity. The WWTP lagoon supports a hidden world of biodiversity, not well known to many Wayne residents. At least 46 species of migratory birds have been identified by bird experts at the lagoon (Appendix 1). The open nature of the lagoon allows for easy access for viewing. A bird blind built along the south side of the lagoon has been used by scouts and birders in birding for years. This resource will serve Wayne State College students taking a newly developed course in Ornithology, providing them with a local resource for the observation and identification of birds they would not typically see in the Wayne region. The lagoon if developed into a city lake will also serve in formal and informal education on biodiversity for local and regional schools and scouting and 4-H groups. The proposed city lake along with the Wayne bike and hiking trail may serve as a location for traditional bird counts such as the Christmas Bird Count. With many bird species in dangerous decline (e.g. Butchart et al. 2010), biodiversity education is timely.



The proposed city lake will serve as an ecosystem study site. Few aquatic resources are available to serve as education and outreach locations in the region. The city lake may be designed to serve as a STEM study area. STEM stands for science, technology, engineering, and mathematics. Students in the United States lag behind most other developed countries in these disciplines (PISA 2012) and combining these disciplines into research and outreach activities increases learning (Blomstrom et al. in



press). Wayne has the unique opportunity of using the city lake for STEM projects during the conversion of the lagoon into a city lake because these activities will incorporate all four disciplines. For example, students can study how city planners use science and engineering to supply and maintain water levels in the lake and they can use math and technology to calculate the water budget needed to sustain the lake. Many other STEM integrated studies can be based on the city lake once it is developed. Providing more opportunities in STEM education is a national priority (USED 2016) and may be even more important in rural areas due to an achievement gap exhibited by rural students in STEM disciplines such as mathematics (e.g. Graham and Provost 2012).



Students learn more if they are outside and engaged. Research into teaching and learning has long shown that experiential and project based learning are effective ways to teach and learn (see review in Krajcik and Blumenfeld, 2006). More recently, a trend in declining knowledge and appreciation of nature has been observed in children (Louv 2004). This poses a problem in Nebraska where 65% of adults participate in some sort of outdoor activities (ECN 2006), thus are likely to want to pass on their appreciation of nature to their children. Nature based educational experiences engage students in learning and improve their motivation to achieve in school (Athman and Monroe 2004). Furthermore, increased outdoor activities leads to an increased appreciation of nature, by the very virtue of being outdoors and observing the world (Nicol 2014). Outdoor education can improve achievement in scientific disciplines (Rios and Brewer 2014), but knowledge achieved may be lost within a few months if no further outdoor or class room activities relate back to the original activity (Scrutton 2014).

Although outdoor education programs have been well attended in the region, including activities at the Missouri River Expo, third-grade round robin activities at IKES Lake, and the Family Outdoor Day at IKES Lake, single day events are not enough to maintain knowledge and appreciation of nature. Providing a resource such as the proposed city lake will increase the opportunities for sustained, long term outdoor education for students of all ages.

**“On motionless wing they emerge from the lifting mists, sweep a final arc of sky, and settle in clangorous descending spirals to their feeding grounds.” Aldo Leopold, 1949**

Conservation of the habitat will help sustain populations of waterfowl in the region. Few wetlands, ponds, and lakes remain in Northwest Nebraska for migratory water birds to use as stop over points, thus any available habitat is valuable to sustain these bird populations in the region. Even though waterfowl such as ducks and geese cannot be hunted at the proposed city lake, they can be hunted in the area. The Wayne WWTP lagoon has supported at least 22 species

that are legally hunted in Nebraska (Appendix 1, NGPC 2016). Research shows that loss of habitat is driving declines in most birds, particularly migratory birds (Butchart et al. 2010) and



some species found at the Wayne WWTP lagoon have been targeted for conservation management (Austin et al. 2014) (Appendix 1). Hunting organizations such as Ducks Unlimited, Pheasants Forever, and the Wild Turkey Federation have a strong conservation ethic and developing the lagoon into a city lake will allow for collaboration with these groups to sustain populations of water birds favored in hunting in the region. Conservation of waterfowl at the city lake will also serve as an educational resource for conservation biology and wildlife management students at Wayne State

College. These students are often required to create conservation and wildlife management plans, and conservation of waterfowl in Wayne will provide them with real world data and experiences in creating these plans. Finally, conserving these amazing species, many of them beautiful to behold will enhance the natural resource amenity used to support and help grow Wayne's Economy.

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

## PLAN

We need to sustain the lagoon in the short term. Water sources from the WWTP have been shut off for several months and the lagoon is going dry. Drying of the lagoon is happening when we need the most water to support migratory waterfowl during fall migration. Loss of water now may also create problems with the foundation of the lagoon creating difficulties and greater expense for developing it into a natural resource amenity later. Therefore, a temporary source of water to refill the lagoon is needed until final decisions regarding its fate are reached by the City Council. Water from the final purification units at the WWTP may be used now to fill the lagoon at minimal expense, given the proximal location of the unit to the lagoon. Also, the water may flow into the lagoon via a gravity feed thereby reducing or avoiding pumping costs.

**"To keep every cog and wheel is the first precaution of intelligent tinkering." Aldo Leopold, 1949**

Preliminary plans have already been created. An architectural drawing made by Steven Rames, McLaury Engineering, Inc. of Wayne shows plans for developing the lagoon into a city lake (Appendix 2). Note that some of the lagoon will be converted to parking and camper spaces, creating a smaller basin. A smaller basin will cost less to fill and the additional land will be used to provide trails, parking, and ease of access from two directions, connecting the lake to the softball arenas, Bark Park, rugby fields on one side and to Fairgrounds Avenue on the other. Ultimately, the size of the lake basin may be either larger or smaller depending on conservation needs if the conservation of water birds is taken into consideration as proposed here.

Sources of water need to be identified to keep water at sustainable levels in the city lake. The



South Logan Creek, below and above the HWY 15 bridge



evaporation rate is greater than precipitation, so the lagoon will dry out without any water flowing in. The most readily available water source is the nearby South Logan Creek. Water from the creek may be pumped into the city lake and overflow may outflow back into the creek. If most of the sludge from the lagoon is removed, then sediments pumped in from the Creek will provide substrate for a natural ecosystem. This ecosystem will support the aquatic community that in turn feeds the birds. The aquatic community will naturally colonize the lake from surrounding habitats such as sites along South Logan Creek with deep, slow moving current. For example, the reach right above the low river dam near the Highway 15 bridge supports a community of aquatic life that could readily colonize the newly formed lake. Again, colonization and ecosystem growth of the newly formed natural resource amenity would provide an excellent learning opportunity for students of all ages in the region.

Funding sources have already been identified. The Nebraska Environmental Trust (NET) has funds for just this type of development. The proposal submission deadline is in September allowing time to create, choose, and finalize plans for proposal submission. Preliminary funding for exploration of public information and education uses of the amenity is available from the Nebraska Environmental Trust's Public Information and Education (PIE) grants. Information gathered from PIE funded surveys and research will provide proof of concept data to increase the likelihood of success in gaining funding from NET. Two rounds of PIE grant funding will be available prior to the submission deadline for the NET proposal. We have not officially solicited feedback from the Nebraska Game and Parks Commission and the Lower Elkhorn Natural Resource District, but if this preliminary proposal to sustain the lagoon is approved, we can begin a dialogue with these and other state organizations to explore other funding options.

Stakeholders and partners. Stakeholders affected by the proposed activities include residents of the City of Wayne and Wayne County and in the region including students at Wayne State College. In fact, providing more natural resource amenities may be attractive to the college students and could be useful in student recruitment and retention. Many of the ideas for uses of this resource originated in an Environmental Concerns class (a general education class), thus may be considered appealing to the college student population in general. Some stakeholders who have already indicated support for developing this natural resource amenity include Dr. Mark Hammer and Dr. Ron Loggins of WSC who will use the resource in their teaching, and the Wayne Chapter of the Izaak Walton League. The Wayne Green Team, WSC Green Team, Logan Creek Chapter of Pheasants Forever and Ducks Unlimited show interest in supporting development of this resource but we need to await their next meetings to receive official confirmation of support. Prior to submission of a grant proposal to NET, support will be solicited from Wayne State College, St. Mary's school, Wayne Community Schools, Girl Scouts and Boy Scouts in Wayne, Wayne Area Economic Development, University of Nebraska Extension and 4-H, and local industry leaders such as Heritage Homes, Great Dane, area banks, and local businesses such as restaurants and hotels. Partners are those institutions that aid in the proposal

and/or funding along with the City of Wayne and may include the Nebraska Game and Parks Commission and the Lower Elkhorn Natural Resource District.

### **CONCLUSION**

Developing the Wayne WWTP lagoon into a city lake will create a natural resource amenity designed to improve the quality of life in Wayne as well as boost the underutilized and growing experiential economy. Opportunities to share experiences with friends and family drives the changing culture of the Millennial generation and providing these opportunities may attract and retain Millennials to Wayne, including our families and students at Wayne State College. The city lake can be used for bird-watching, hiking, cycling, picnicking and its proximity to other recreational opportunities such as the bike and hiking trail, softball arena, rugby fields and the community garden will provide greater opportunities for enjoying the outdoors in our city. The city lake will also provide ample opportunity for outdoor education, meeting a growing need to connect people to nature through formal and informal educational activities. Conservation of habitat for migratory water birds will help sustain populations for area hunters at other locations and provide opportunities to observe many different species. Finally, funding sources, stakeholders and partners have been identified to help support this project.

**“A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community.” Aldo Leopold, 1949**

Note. Much of the economic argument for natural amenities is derived from the ECN report that was funded by: The Office of U.S. Representative Jeff Fortenberry; the Office of U.S. Senator Ben Nelson; Nebraska Department of Economic Development (Division of Business Development and Division of Travel and Tourism); Nebraska Game and Parks Commission; the University of Nebraska–Lincoln Water Center; American Rivers; and the Center for Rural Affairs.

## LITERATURE CITED AND RESOURCES

- Athman, J and M Monroe. 2004. The effects of environment-based education on students' achievement motivation. *Journal of Interpretation Research* 9(1): 9-25.
- Austin, J, S Slattery, and RG Clarke. 2014. Waterfowl populations of conservation concern: learning from diverse challenges, models and conservation strategies. *Wildfowl* 2014(4): 470-497.
- Blomstrom, S, BL Hayford, and L Mumpower. *In Press*. Service-Learning and STEM Literacy: A Case Study of Speech Students and a Natural History Museum. *Research in Science Education* (Vol. VII), In Newman, J., Sunal, D., & Sunal, C. (Eds.) *Science and Service Learning*. Charlotte, NC: Information Age Publishers
- Butchart, SH, M Walpole, B Collen, A Van Strien, JP Scharlemann, RE Almond, JE Baillie, B Bomhard, C Brown, J Bruno, KE Carpenter, et al. 2010. Global biodiversity: indicators of recent declines. *Science* 328:1164-1168.
- Deller, SC, THS Tsai, DW Marcouiller, and DB English. 2001. The role of amenities and quality of life in rural economic growth. *American Journal of Agricultural Economics* 83(2): 352-365.
- ECN (ECN). 2006. Natural-resource amenities and Nebraska's economy: Current connections, challenges, and possibilities. Retrieved 24 October, 2016, from [http://www.cfra.org/sites/www.cfra.org/files/Final\\_Nebraska\\_report.pdf](http://www.cfra.org/sites/www.cfra.org/files/Final_Nebraska_report.pdf)
- Eventbrite. 2014. Millennials: fueling the experience economy. Retrieved 22 October, 2016 from <https://www.eventbrite.com/blog/academy/Millennials-fueling-experience-economy/>.
- Graham, SE and LE Provost. 2012. Mathematics Achievement Gaps Between Suburban Students and Their Rural and Urban Peers Increase Over Time, University of New Hampshire, Carsey Institute, Issue Brief No. 52.
- Howell, RT, P Pchelin, and R Iyer. 2012. The preference for experiences over possessions: Measurement and construct validation of the Experiential Buying Tendency Scale. *The Journal of Positive Psychology*, 7(1), pp.57-71.
- Keller, R. 2015. FarmNext asks Millennials about the ag industry. *Farm Journal's Ag Pro*. Retrieved 24 October, 2016 from <http://www.agprofessional.com/news/farmnext-asks-Millennials-about-ag-industry>.
- Krajcik, JS and PC Blumenfeld. 2006. Project-based learning (pp. 317-34). *In: The Cambridge Handbook of the Learning Sciences*. Keith Sawyer (ed). Cambridge University Press.
- Leopold, A. 1949. *A Sand County Almanac*. Oxford University Press, New York, 226 pp.

Draft proposal Wayne City Lake

Louv, R. 2005. *Last Child in the Woods: Saving our children from nature-deficit disorder*. Chapel Hill, NC, Algonquin. 416 pp.

Nebraska Department of Economic Development (NEDED). 2016. Population trends. Retrieved 22 October, 2016 from <http://www.neded.org/files/research/stathand/bsecc2.pdf>.

Nebraska Game and Parks Commission (NGPC). 2016. Waterfowl hunting page. Retrieved 25 October, 2016 from <http://outdoornebraska.gov/waterfowlspecies/>.

Nicol, R., 2014. Entering the Fray: The role of outdoor education in providing nature-based experiences that matter. *Educational Philosophy and Theory* 46(5): 449-461.

Njemanze, I. 2016. How can firms located in rural areas better position themselves to attract and retain Millennial talent? Retrieved 24 October from Cornell University, ILR School site: <http://digitalcommons.ilr.cornell.edu/student/111>.

Outdoor Industry Association (OIA). 2012. Nebraska State Report: Outdoor recreation economy. Retrieved 23 October, 2016 from [https://outdoorindustry.org/images/ore\\_reports/NE-nebraska-outdoorrecreationeconomy-oia.pdf](https://outdoorindustry.org/images/ore_reports/NE-nebraska-outdoorrecreationeconomy-oia.pdf).

Program for International Student Assessment (PISA). 2014. Results in Focus: What 15-year-olds know and what they can do with what they know. Retrieved 25 October 2016 from Organization of Economic Co-operation and Development (OECD) <https://www.oecd.org/pisa/keyfindings/pisa-2012-results-overview.pdf>

Rios, JM and J Brewer. 2014. Outdoor education and science achievement. *Applied Environmental Education & Communication* 13(4): 234-240.

Schallhorn, P., 2015. Five Strategies for Retaining and Attracting Youth to Rural Communities. University of Illinois Extension Publication. Retrieved 23 October, 2016 from <https://web.extension.illinois.edu/bcjmw/downloads/59520.pdf>.

Scrutton, RA. 2015. Outdoor adventure education for children in Scotland: quantifying the benefits. *Journal of Adventure Education & Outdoor Learning* 15(2): 123-137.

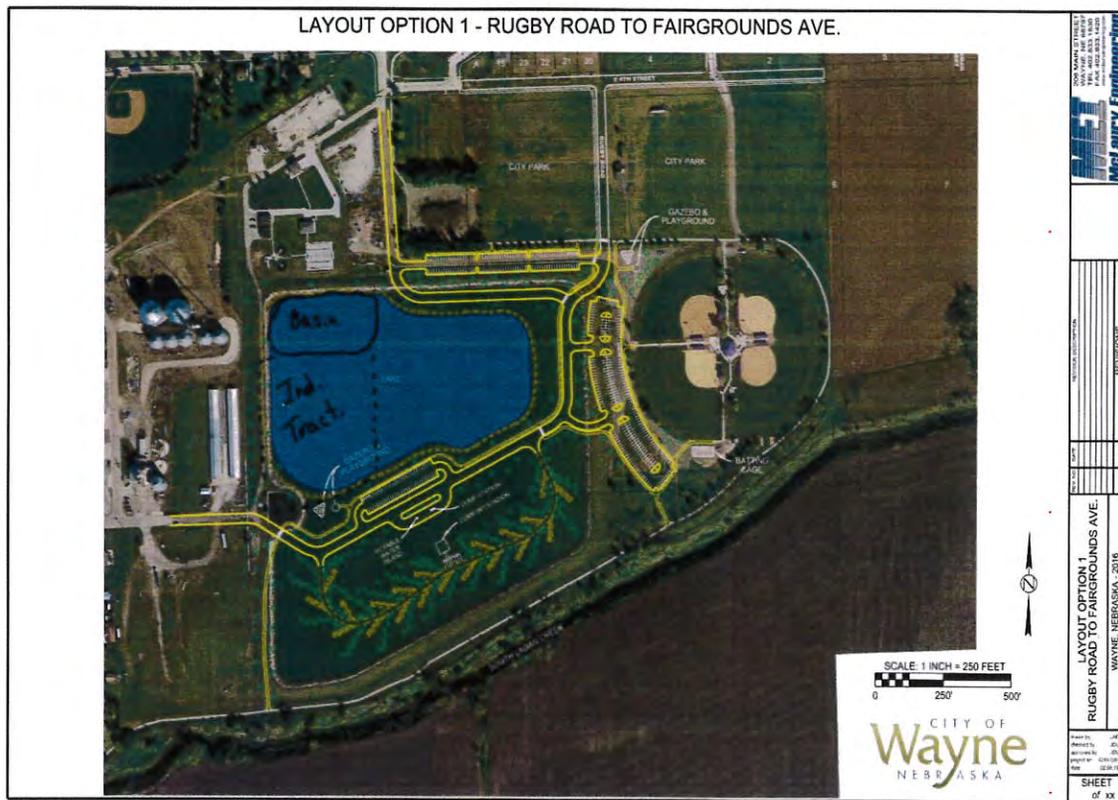
United States Department of Education (USED). 2016. Science, Technology, Engineering and Math: Education for Global Leadership. Retrieved 26 October, 2016 from <http://www.ed.gov/stem>.

## Appendix 1. Migratory water birds and other birds identified at the Wayne WWTP Lagoon.

Common Name*	Hunting Allowed	Common Name	Hunting Allowed
American Avocet		Herring Gull	
American Wigeon	x	Hooded Merganser	x
Baird's Sandpiper		Horned Grebe	
Black Tern		Killdeer	
Black-crowned Night Heron		Lesser Scaup	x
Blue-winged Teal	x	Lesser Yellowlegs	
Bonaparte's Gull		Mallard	x
Bufflehead	x	Northern Pintail	x
Canada Goose	x	Northern Rough-winged Swallow	
Canvasback	x	Northern Shoveler	x
Common Coot		Pied-billed Grebe	
Common Goldeneye	x	Redhead	x
Common Merganser	x	Ring-billed Gull	
Double crested Cormorant		Ring-necked Duck	x
Eared Grebe		Ross's Goose	x
Forester's Tern		Ruddy Duck	x
Franklin's Gull		Snow Goose	x
Gadwall	x	Snowy Egret	
Great Blue Heron		Spotted Sandpiper	
Great Egret		Tree Swallow	
Greater Scaup	x	White Pelican	
Greater White-fronted Goose	x	Wilson's Phalarope	
Greater Yellowlegs		Wood duck	x
Green-winged Teal	x		

\*List provided by Ed Brogie

# Appendix 2. Draft of on plan to develop a city lake, natural resource amenity from the Wayne WWTP lagoon.



Plans drawn up by McLaury Engineering, Inc.

**ORDINANCE NO. 2016-15**

**AN ORDINANCE AMENDING CHAPTER 54 LIBRARY, ARTICLE I IN GENERAL, BY ADDING SECTION 54-8 UNLAWFUL LIBRARY CONDUCT AND SECTION 54-9 PENALTIES IMPOSED; RECOVERY IN CIVIL ACTION; 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 54, Article I, of the Wayne Municipal Code is hereby amended to add the following sections:

**54-8 UNLAWFUL LIBRARY CONDUCT.**

It shall be unlawful for any person to take or retain possession beyond the due date of, or to remove from the public library building, in violation of any bylaw, rule or regulation adopted by the citizens' library advisory board or city council for the protection and government of the public library or in violation of any agreement entered into by any person concerning utilization of the public library, or to willfully and maliciously write upon, deface, injure or destroy any book, periodical, record, film or other property owned by, or in custody of, the public library. Any person who shall violate the terms of any agreement concerning utilization of the public library, or who unlawfully takes or retains possession beyond the due date of, or removes from the public library building, writes upon, defaces, injures or destroys any book, periodical, record, film or other property owned by or in the custody of the public library, shall be guilty of an offense.

**54-9 PENALTIES IMPOSED; RECOVERY IN CIVIL ACTION.**

Penalties imposed or accruing under any bylaw, rule or regulation adopted by the citizens' library advisory board or city council may be recovered in a civil action before any court having jurisdiction thereof. Such action shall be instituted and maintained in the name of the city. This remedy shall be in addition to that provided in section 54-8.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2016-72**

**A RESOLUTION ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A NEW 2016 BOBCAT COMPACT EXCAVATOR.**

WHEREAS, four bids were received for a 2016 Bobcat Compact Excavator for the Street, Water, Sewer and Electric Departments; and

WHEREAS, staff has reviewed the bids and recommends that the bid, as submitted by the following bidder/vendor, is the most responsible and best bid/price received as follows:

<u>Bidder</u>	<u>Amount</u>
Nebraska Harvestore Systems Norfolk, NE	\$40,826.96

BE IT RESOLVED that the bid, as above set forth, filed with the City Clerk in accordance with the terms of the published notice calling for the proposal of a 2016 Bobcat Compact Excavator for the Street, Water, Sewer and Electric Departments be, and the same is hereby accepted.

BE IT FURTHER RESOLVED that any documents by and between the City and the bidder/vendor necessary to order and procure the said mower be executed within fifteen (15) days of the Notice of Award.

PASSED AND APPROVED this 1<sup>st</sup> day of November, 2016.

CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CITY OF WAYNE**

**2016 BOBCAT COMPACT EXCAVATOR**

**Bid Opening: October 20, 2016**

COMPANY	Brand	Model	Bid
Bobcat - Nebraska Harvestore	Bobcat	E35 T4 ZTS	\$ 40,826.96
NMC	Catterpillar	303 5E2	\$ 46,000.00
Sooland Bobcat	Bobcat	E35 T4 ZTS	\$ 41,219.00
Titan Machinery	Case	CX36B	\$ 47,500.00



## Product Quotation

Quotation Number: 24416D024485

Date: 2016-10-17 14:51:53

Ship to	Bobcat Dealer	Bill To
CITY OF WAYNE Attn: Lowell 306 PEARL ST. PO BOX 8 WAYNE, NE 68787 Phone: (402) 375-8627 Fax: (402) 375-7900	Nebraska Harvestore Systems, Norfolk, NE 3201 SOUTH 13TH STREET NORFOLK NE 68701-9304 Phone: (402) 371-0144 Fax: (402) 371-6031 ----- Contact: Zach Kruse Phone: 402-371-0144 Fax: 402-371-6031 E Mail: zkruse@telebeep.com	CITY OF WAYNE Attn: Lowell 306 PEARL ST. PO BOX 8 WAYNE, NE 68787 Phone: (402) 375-8627 Fax: (402) 375-7900

Description	Part No	Qty	Price Ea.	Total
<b>E35 T4 ZTS Bobcat Compact Excavator</b> 33.5 HP Tier 4 Auto Idle Auto-Shift Auxiliary Hydraulics, Selectable Flow with Boom Mounted Flush Face Quick Couplers Canopy Includes: Cup Holder, Retractable Seat Belt, Suspension Seat with High Back Roll Over Protective Structure (ROPS)- Meets Requirements of ISO 12117-2: 2008 Tip Over Protective Structure (TOPS) - Meets Requirements of ISO 12117: 2000 Control Console Locks Control Pattern Selector Valve (ISO/STD) Dozer Blade with Float	M3207	1	\$52,041.00	\$52,041.00
			Engine/Hydraulic Monitor with Shutdown Fingertip Auxiliary Hydraulic Control Fingertip Boom Swing Control Horn Hydraulic Joystick Controls Rubber Track Spark Arrestor Muffler Two-Speed Travel (with Auto-Shift) Vandalism Protection Warranty: 12 Months, Unlimited Hours Work Lights X-Change (Attachment Mounting System) Zero Tail Swing	
<b>A71 Option Package</b> Cab Enclosure with Heat and Air Conditioning Deluxe Cloth Suspension Seat	M3207-P01-A71	1	\$8,833.00	\$8,833.00
			Hydraulic X-Change Hydraulic Clamp (Class III)	
Travel Motion Alarm	M3207-R11-C02	1	\$285.00	\$285.00
Deluxe Cab Display	M3207-R14-C04	1	\$498.00	\$498.00
Radio	M3207-R26-C02	1	\$397.00	\$397.00
24" Base Class 3	M7021	1	\$0.00	\$0.00
--- 24" X-Change Std. Duty Trenching Bucket, Class 3 (Weld-on Teeth)	M7021-R01-C01	1	\$885.00	\$885.00
<b>Total of Items Quoted</b>				<b>\$62,939.00</b>
Dealer P.D.I.				<b>\$200.00</b>
Freight Charges				<b>\$596.00</b>
Discount City of Wayne Discount				<b>(\$22,908.04)</b>
<b>Quote Total - US dollars</b>				<b>\$40,826.96</b>

### Notes:

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes. Customer must exercise his purchase option within 30 days from quote date.

**Customer Acceptance:**

Purchase Order: \_\_\_\_\_

**Authorized Signature:**

**Print:** \_\_\_\_\_ **Sign:** \_\_\_\_\_ **Date:** \_\_\_\_\_



# QUOTATION

11002 Sapp Bros Dr  
 Omaha, NE 68138  
 (800) 628-6025

**QUOTATION DATE** 10/05/2016  
**VALID UNTIL** 11/04/2016  
**QUOTATION ID** QTO020063-3

**Quoted To:**  
 City Of Wayne  
 Attn: Dawn  
 PO Box 8  
 Wayne, NE 68787  
 USA

**Ship To:**  
 City Of Wayne  
 Attn: Dawn  
 PO Box 8  
 Wayne, NE 68787  
 USA

Invoice Account	Order Account	Customer PO	Delivery Method	Page
6963000	6963000			1 of 2
Salesperson		Phone Number	Email Address	
Cody L Luchsinger		+14026724257	codyluchsinger@nmccat.com	

## Item Information

**Machine Model:** 303.5E2      **Make:** Caterpillar

### Machine Specification

**Model:** 303.5E2

**Description**

303.5E2 HYD EXCAVATOR MA3  
 LANE 3 ORDER  
 STICK PKG LONG W/O 2ND AUX  
 LINES, BOOM  
 LINES, STICK  
 TRACK, RUBBER BELT  
 CABLE, GROUND  
 RADIO  
 DRAIN, ECOLOGY  
 BLADE, 70", WELD-ON  
 SERIALIZED TECHNICAL MEDIA KIT  
 LINES, QUICK COUPLER (LONG)  
 HEATER, JACKET WATER  
 MIRROR, CAB, REAR  
 COUPLER, PG, HYD, DUAL LOCK  
 BUCKET, 24", 4.2 CFT, HD  
 PINS, BUCKET  
 PACK, DOMESTIC TRUCK

<b>Sell Price of 303.5E2</b>	46,000.00
<b>Document Fee</b>	0.00
<b>Net Balance Due</b>	<b>46,000.00</b>
<b>Sales Tax</b>	0.00
<b>After Tax Balance</b>	<b>46,000.00</b>

CONTINUED



11002 Sapp Bros Dr  
Omaha, NE 68138  
(800) 628-6025

# QUOTATION

2 of 2

**QUOTATION DATE** 10/05/2016  
**VALID UNTIL** 11/04/2016  
**QUOTATION ID** QTO020063-3

## Notes

MA3 Package Includes:

- 4525617 303.5E2 HYDRAULIC EXCAVATOR
- 4562641 CAB WITH AIR CONDITIONER
- 3977122 CONTROL, PATTERN CHANGER
- 3796419 COOLING, HIGH AMBIENT
- 4525629 ENGINE ARR
- 4342092 BELT, SEAT, 3" RETRACTABLE
- 4287870 MIRROR, CAB, RIGHT
- 4194783 ALARM, TRAVEL
- 4287874 SEAT FABRIC HIGH BACK





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October 26, 2016

Lowell Johnson  
City Administrator  
City of Wayne  
306 Pearl Street  
Wayne, NE 68787

RE: Wayne Nebraska  
Community Activity Center Parking Lot Expansion  
MEI Project No. 42160303

Dear Lowell,

Enclosed for your consideration are three copies of Application for Payment No. 3 for the Community Activity Center Parking Lot Expansion project. The contractor has completed 99% of the work. The closure pour to connect the south approach of the new parking lot was completed on Monday October 24<sup>th</sup> and the new parking lot was sealed and striped on Saturday October 22<sup>nd</sup>. Once the closure pour has attained design strength, the approach can be opened to traffic. Minor work activity remaining includes finish grading and back filling behind the curb and gutter, and seeding.

Substantial completion is November 1<sup>st</sup> and the contractor has achieved that with the work completed to date. Following a project review and punch list discussions, a certificate of substantial completion will be generated. I recommend approval of Pay Application No. 3 in the amount of \$26,624.09 to Progressive Property Inspectors.

Upon the City's approval, please forward one copy of the documents to the contractor with payment, one to MEI and the third is for your files.

Sincerely,

Steven D. Rames, PE  
Sr. Project Manager

Enclosures





# Contractor's Application

## Progress Estimate - Unit Price Work

For (Contract):		Community Activity Center Parking Lot									
Application Period:		September 30th - October 25th, 2016									
Application Number:		3									
Application Date:		10/3/2016									
A		B				C	D	E	F		
Bid Item No.	Item Description	Contract Information				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)
		Item Quantity	Units	Unit Price	Total Value of Item (\$)						
003A	EXCAVATION (ESTABLISHED QUANTITY)	2457	CY	\$6.00	\$14,742.00	2457	\$14,742.00		\$14,742.00	100.0%	
004A	REMOVE PAVEMENT	73	SY	\$8.00	\$584.00	73	\$584.00		\$584.00	100.0%	
005A	REMOVE FLARED-END SECTION	3	EA	\$130.00	\$390.00	3	\$390.00		\$390.00	100.0%	
006A	REMOVE CULVERT PIPE	22	LF	\$6.00	\$132.00	22	\$132.00		\$132.00	100.0%	
002B	TIE BARS	25	EA	\$20.00	\$500.00	25	\$500.00		\$500.00	100.0%	
003B	7" CONCRETE PAVEMENT, CLASS 47B-3500	2363	SY	\$47.71	\$112,738.73	2363	\$112,738.73		\$112,738.73	100.0%	
004B	SUBGRADE PREPARATION	2559	SY	\$1.50	\$3,838.50	2559	\$3,838.50		\$3,838.50	100.0%	
002C	CAST IRON COVER AND FRAME	1455	LB	\$3.00	\$4,365.00	1455	\$4,365.00		\$4,365.00	100.0%	
003C	CAST IRON CURB INLET GRATE AND FRAME	250	LB	\$3.00	\$750.00	250	\$750.00		\$750.00	100.0%	
004C	CURB INLET	2	EA	\$2,800.00	\$5,600.00	2	\$5,600.00		\$5,600.00	100.0%	
005C	MANHOLE	3	EA	\$2,500.00	\$7,500.00	3	\$7,500.00		\$7,500.00	100.0%	
006C	CONCRETE COLLAR	4	EA	\$1,300.00	\$5,200.00	4	\$5,200.00		\$5,200.00	100.0%	
007C	18" REINFORCED CONCRETE PIPE	58	LF	\$52.00	\$3,016.00	53	\$2,756.00		\$2,756.00	91.4%	\$260.00
008C	36" REINFORCED CONCRETE PIPE	313	LF	\$101.00	\$31,613.00	304	\$30,704.00		\$30,704.00	97.1%	\$909.00
009C	36" CONCRETE FLARED-END SECTION	1	EA	\$1,900.00	\$1,900.00	1	\$1,900.00		\$1,900.00	100.0%	
010C	24" REINFORCED CONCRETE PIPE	8	LF	\$76.50	\$612.00	8	\$612.00		\$612.00	100.0%	
002D	SEEDING, TYPE C	0.25	ACRE	\$2,600.00	\$650.00						\$650.00
003D	CURB INLET PROTECTION	10	LF	\$24.00	\$240.00						\$240.00
004D	FABRIC SILT FENCE-LOW POROSITY	70	LF	\$6.00	\$420.00						\$420.00
005D	HYDROMULCH	0.4	TON	\$1,000.00	\$400.00						\$400.00
<b>Totals</b>							<b>\$192,312.23</b>		<b>\$192,312.23</b>	<b>98.5%</b>	<b>\$2,879.00</b>





# CHANGE ORDER

No. 4

Date of Issuance: November 1, 2016 Effective Date: November 1, 2016

Project: <u>Wayne Airport Lift Station</u>	Owner: <u>City of Wayne, NE</u>	Owner's Contract No.:
Contract:		Date of Contract: <u>4-9-15</u>
Contractor: <u>Mark Albenasius, Inc.</u>		Engineer's Project No.: <u>014-1459</u>

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

Description: Quantity adjustment – seeding.

Attachments: (List documents supporting change):

**CHANGE IN CONTRACT PRICE:**

Original Contract Price:  
\$ 87,353.00

[Increase] [Decrease] from previously approved Change Orders  
No. 0 to No. 3 :  
\$ 651.00

Contract Price prior to this Change Order:  
\$ 88,004.00

[Increase] [Decrease] of this Change Order:  
\$ 7500.00

Contract Price incorporating this Change Order:  
\$ 80,504.00

**CHANGE IN CONTRACT TIMES:**

Original  Working days  Calendar days  
Substantial completion (days or date): November 30, 2015  
Ready for final payment (days or date): December 15, 2015

[Increase] [Decrease] from previously approved Change Orders  
No. 0 to No. 3 :  
Substantial completion (days or date): August 15, 2016  
Ready for final payment (days or date): August 31, 2016

Contract Times prior to this Change Order:  
Substantial completion (days or date): August 15, 2016  
Ready for final payment (days or date): August 31, 2016

[Increase] [Decrease] of this Change Order:  
Substantial completion (days or date): August 15, 2016  
Ready for final payment (days or date): August 31, 2016

Contract Times with all approved Change Orders:  
Substantial completion (days or date): August 15, 2016  
Ready for final payment (days or date): August 31, 2016

RECOMMENDED:  
By: [Signature]  
Engineer (Authorized Signature)  
Date: 10-25-16

ACCEPTED:  
By: \_\_\_\_\_  
Owner (Authorized Signature)  
Date: \_\_\_\_\_

ACCEPTED:  
By: [Signature]  
Contractor (Authorized Signature)  
Date: 10-25-16

Approved by Funding Agency (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_



**CERTIFICATE OF PAYMENT NO. 1 (final)**

**Date of Issuance:** 11/01/16

1707 Dakota Avenue South Sioux City, NE 68776

**Project No.** 014-1459

**Project:** Wayne Airport Lift Station

**Contractor:** Mark Albenesius, Inc., 608 152nd Street, South Sioux City, Nebraska, 68776

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		

**PLEASE REMIT PAYMENT TO: MARK ALBENESIUS, INC.**

Value of Work Completed: \$80,504.00

Original Contract Cost:	\$87,353.00
Approved Change Orders:	
No. 3	\$651.00
No. 4	-\$7,500.00
No.	\$0.00
No.	\$0.00
No.	\$0.00
Total Contract Cost:	\$80,504.00

Value of completed work	\$80,504.00
Less retained percentage ( 0 %)	\$0.00
Net amount due including this estimate	\$80,504.00

Less: Estimates previously approved:

No. 1	\$0.00	No. 6	\$0.00
No. 2	\$0.00	No. 7	\$0.00
No. 3	\$0.00	No. 8	\$0.00
No. 4	\$0.00	No. 9	\$0.00
No. 5	\$0.00	No. 10	\$0.00

Total Previous Estimates: \$0.00

**NET AMOUNT DUE THIS ESTIMATE: \$80,504.00**

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

cc: Mark Albenesius, Inc.  
Project File

**OLSSON ASSOCIATES**

By \_\_\_\_\_

PAY ESTIMATE NO.  
10/25/16

AIRPORT LIFT STATION  
WAYNE, NEBRASKA  
014-1459  
MARK ALBENESIUS, INC.

No.	Description	Unit	Plan Quantity	Unit Price \$	Contract Price \$	Quantities Completed	Total Amount Completed	100% Due Contractor	0% Retainage	Am. Paid Prev. Est.	Total Due This Est.
1	Traffic Control	LS	1	\$500.00	\$500.00	1	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00
2	Mobilization	LS	1	\$2,000.00	\$2,000.00	1	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00
3	Connect to Existing Manhole	EA	1	\$3,000.00	\$3,000.00	1	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$3,000.00
4	Install Dump Station	EA	1	\$5,000.00	\$5,000.00	1	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00
5	Install 1.5" HDPE Force Main	LF	1294	\$12.00	\$15,528.00	1294	\$15,528.00	\$15,528.00	\$0.00	\$0.00	\$15,528.00
6	Install 6" PVC Sanitary Sewer	LF	171	\$35.00	\$5,985.00	171	\$5,985.00	\$5,985.00	\$0.00	\$0.00	\$5,985.00
7	Install Lift Station	EA	1	\$31,000.00	\$31,000.00	1	\$31,000.00	\$31,000.00	\$0.00	\$0.00	\$31,000.00
8	Install 6"x6" Service Wye	EA	2	\$6,000.00	\$12,000.00	2	\$12,000.00	\$12,000.00	\$0.00	\$0.00	\$12,000.00
9	Install Flushing Station	LF	84	\$10.00	\$840.00	84	\$840.00	\$840.00	\$0.00	\$0.00	\$840.00
10	Remove Existing Gas Main	EA	2	\$500.00	\$1,000.00	2	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$1,000.00
11	Cap & Abandon Existing Gas Main	EA	2	\$7,500.00	\$15,000.00	2	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$15,000.00
12	Type B Rural Seeding	LS	1	\$651.00	\$651.00	1	\$651.00	\$651.00	\$0.00	\$0.00	\$651.00
13X	Electrical Wire and Conduit	LS	1	\$651.00	\$651.00	1	\$651.00	\$651.00	\$0.00	\$0.00	\$651.00
	<b>Total</b>				<b>\$88,504.00</b>		<b>\$88,504.00</b>	<b>\$88,504.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$88,504.00</b>

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of Wayne  
Municipal Extensions in Wayne



**THIS AGREEMENT**, made and entered into by and between Wayne hereinafter referred to as the "City"; and the State of Nebraska, Department of Roads, acting by and through its Director-State Engineer, hereinafter referred to as the "State" and this agreement is to have an effective date of January 1, 2017.

**WITNESSETH:**

**WHEREAS**, Nebraska Revised Statutes, relating to highways, set out the responsibilities of the State, counties and incorporated municipalities in the establishment of uniform standards of design, construction, operation and maintenance of said highways, and

**WHEREAS**, the State and the City wish to enter into an agreement relative to the maintenance of said highways, and

**WHEREAS**, Neb. Rev. Stat. § 39-1339, § 39-1344, § 39-1372, § 39-2105, § 60-6,120 and § 60-6,121, set out in detail the maintenance responsibilities of the State and the City; said responsibilities shall be incorporated herein by this reference. Therefore, the parties hereto understand that the maintenance responsibilities of the City and State under the above referenced laws are as set forth by Attachment "A" attached hereto.

**NOW THEREFORE**, in consideration of these facts the parties hereto agree as follows:

**SECTION 1a:** The State agrees to perform the maintenance on the above mentioned highways consisting of surface maintenance of those portions of municipal extensions of all rural highways within municipalities of the Metropolitan, Primary and First Class, the design of which exceeds the design of the rural highways leading into the municipality. The State shall maintain

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the entire traveled portion, not including parking lanes thereon, of the municipal extension and the City shall reimburse the State as set out in Section 8a of this agreement for maintaining that portion of said municipal extension that has been designated by statute as the City's responsibility.

**SECTION 1b:** The State agrees to perform the maintenance on the above mentioned highways consisting of surface maintenance of those portions of municipal extensions of all rural highways within municipalities of the Second Class and Villages, the design of which exceeds the design of the rural highways leading into the municipality. The State shall maintain the entire traveled portion, including parking lanes thereon, of the municipal extension and the City shall reimburse the State as set out in Section 8a of this agreement for maintaining that portion of said municipal extension that has been designated by statute as the City's responsibility.

**SECTION 1c:** The City agrees to perform the maintenance on the above mentioned highways consisting of surface maintenance of those municipal extensions of all rural highways, and the State shall reimburse the City as set out in Section 8b of this agreement for the maintenance of that portion of said municipal extension that has been designated by statute as the State's responsibility. No allowance will be made for turning lanes or for lanes used on a part-time basis as parking lanes, or other auxiliary lanes within municipalities of the Metropolitan, Primary and First Class. No allowance will be made for turning lanes or other auxiliary lanes except parking lanes within municipalities of the Second Class and Villages.

**SECTION 1d:** Special provisions in which the State shall perform partial maintenance and the City shall perform partial maintenance on the same municipal extension(s) shall be set out by addendum, in detail in Attachment "B" attached hereto, referred to in Section 5 of this agreement. Said addendum to include specific responsibilities of the State and the City and dollar amounts allowed for performance of said work by the State and by the City.

**SECTION 2:** Maintenance that may be required by "Acts of God" is not covered by this agreement but shall be performed under special agreement in each specific case.

Maintenance Agreement Between  
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and the Municipality of Wayne  
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**SECTION 3.** Repair or reconstruction projects beyond the scope of normal surface maintenance, which are let to contract through the State's contract letting procedure, are considered to be beyond the scope of this Agreement. Normal surface maintenance shall include, but is not limited to the following maintenance activities: Crack Seal, Joint Seal, Fog Seal, Seal Coats, Spot patching, Pothole repair, Sweeping, Surface Milling, Concrete patching, miscellaneous full-depth concrete replacement, or Preventive maintenance. In order to facilitate repair or reconstruction of projects which are beyond the scope of normal surface maintenance, the City shall submit, on an annual basis, a long-range plan (5 years) for such projects to the State. In the event the State and/or the City should desire to do such work, the parties hereto may enter into a separate agreement for the appropriate cost sharing.

**SECTION 4.** It is further understood that normal surface maintenance and maintenance of appurtenances by the City shall include the identifying, locating, and marking with flags of all buried municipally owned and state owned utility facilities that occupy Nebraska Department of Roads right-of-way. The above mentioned utility facilities are those that service highways referenced in this agreement and properties adjacent to the above referenced highways and will be identified, located, and marked with flags upon the request of the State or the One Call Notification Center. Identification of buried utility facilities shall follow the provisions of the One Call Notification System Act, §76-2301 through § 76-2330. (NE Rev. Stat.)

**SECTION 5.** Only those municipal extensions of rural highways shown on the attached list marked as Attachment "C" attached hereto, and hereby made a part of this agreement shall be covered by this agreement; however, additions and deletions may be made to Attachment "C" by mutual written agreement of the parties hereto.

**SECTION 6.** The above mentioned highways shall be inspected periodically, at least quarterly, by the Department's District Engineer or the District Operations and Maintenance Manager, or their authorized representatives, and by the City's Director of Public Works or his authorized representative to review the adequacy of the maintenance work which has been performed.

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of Wayne  
Municipal Extensions in Wayne

**SECTION 7.** Materials used by the City in the performance work hereunder shall be selected by mutual agreement of the parties hereto.

**SECTION 8a.** If Section 1a or 1b of this agreement is incorporated herein, the City will pay to the State the sum of \$ per Attachment "B" per lane mile. The above cost figures shall include all labor, equipment, tools, materials and supplies used or furnished by the State in the performance of the work on the above mentioned highways. Fractional miles or fractional months, if any, will be used in computing the amount payable in this agreement.

**SECTION 8b.** If Section 1c of this agreement is incorporated herein, the State will pay the City the sum of \$ per Attachment "B" per lane mile. The above cost figure price per lane mile shall include all labor, equipment, tools, materials and supplies used or furnished by the City in the performance of such work. Fractional miles or fractional months, if any, will be used in computing the amount payable in this agreement.

**SECTION 8c.** If Section 1d of this agreement is incorporated herein, the costs of partial maintenance by the State and by the City computed by fractional mile or fractional month and as set out in detail in Attachment "B", shall be offset to determine the amount, if any, to which one party or the other may be entitled after said offset.

**SECTION 8d.** Payment under this agreement will be made on an annual basis after December 31, as soon as possible after submission by the State to the City or the City to the State, as the case may be, of a Certificate approved by the District Engineer of the State, providing all work has been done during the period for which payment is made in full conformity with the agreement.

**SECTION 9.** Upon the failure of the City to perform any of the work named herein under the terms of this agreement, the Director or District Engineer of the State may, with concurrence of the City's Director of Public Works, do and perform such work or cause it to be done and performed and may retain from any monies then due to the City or thereafter becoming due, any such amount as is required for the completion of such work, provided, however, that this

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of Wayne  
Municipal Extensions in Wayne

paragraph shall not be construed to relinquish any rights of action which may accrue in behalf of either party as against the other for any breach of agreement.

**SECTION 10.** It is further understood that all persons working on such highways are employees of the State, City or of contracted third parties. All contracts and agreements made by the City with third parties for the performance of any work to be done under this agreement shall be subject to the terms of this agreement and shall comply with all State laws and requirements relating to construction and maintenance contracts.

**SECTION 11.** The City agrees to keep existing and new right-of-way free of encroachments, except those authorized by permit from the City and approved by the State and Federal Highway Administration (FHWA).

**SECTION 12.** The City agrees to abide by the provisions of the Nebraska Fair Employment Practices Act, as provided by Neb. Rev. Stat. § 48-1101 through § 48-1126.

**SECTION 13.** The parties do further agree, anything to the contrary herein notwithstanding, that the Director-State Engineer of the State of Nebraska, either in his individual or official capacity, shall not be responsible or liable in any manner to the City or to any other person or persons whatsoever for any claim, demand, action or causes of action of any kind or character arising out of or by reason of the execution of this agreement or the negligent performance and completion of the work and improvements provided for herein by the City or its agents or arising out of any contract let by the City for the performance of any of the work provided herein.

**SECTION 14.** The City indemnifies, saves and holds harmless the State and all of its departments, agents, and employees of and from any and all claims, demands, actions or causes of action of whatsoever nature or character arising out of or by reasons of the execution or performance of the work provided for herein by the City or its agents and further agrees to defend at its own sole cost and expense any action or proceeding commenced for the purposes of asserting any claim of whatsoever character arising hereunder as a result of work performed by the City or its agents.

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and the Municipality of Wayne  
Municipal Extensions in Wayne

**SECTION 15.** This agreement shall not be construed as a relinquishment by the State of any powers or control it may have over the herein before described highways.

**SECTION 16.** This agreement shall terminate December 31, 2017 , except that it may be renewed for one year at a time and each January 1 thereafter for up to four additional years by written concurrence of both parties hereto. After five years, a new agreement must be executed. The lane mile payment provided in Section 8 hereof may be renegotiated to the satisfaction of both parties at any renewal date.

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

CITY OF WAYNE

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

\_\_\_\_\_  
District Engineer

**MAINTENANCE OPERATION AND RESPONSIBILITY**  
**Municipal extensions and connecting links**  
*(Streets Designated Part of the State Highway System excluding Freeways)*

Maintenance Responsibility  
 Neb. Rev. Stat. § 39-2105

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 <sup>st</sup> Class Cities	2 <sup>nd</sup> Class Cities & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Department	Department	Department
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City
Surface maintenance on parking lanes.	City	City	City	Department
Maintenance of roadway appurtenances <i>(including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)</i>	City	City	City	City or Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City or Village
Bridges from abutment to abutment, except appurtenances.	Department	Department	Department	Department

Maintenance Responsibility  
 Neb. Rev. Stat. § 60-6, 120 & § 60-6, 121

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 <sup>st</sup> Class Cities > 40,000	1 <sup>st</sup> Class Cities < 40,000	2 <sup>nd</sup> Class Cities
Pavement markings limited to lane lines, centerline, No passing lines, and edge lines on all connecting links except state maintained freeways	City	City	City	Department	Department
Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City
Maintenance and associated power costs of traffic signals and roadway lighting as referred to in original project agreement.					
Procurement, installation and maintenance of guide and route marker signs	City	City	City	Department	Department
Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Department	Department



Good Life. Great Journey.

DEPARTMENT OF ROADS

### City Maintenance Agreement

#### Attachment B

City of: Wayne

Date: 10/3/16

Surface Maintenance

From Attachment "C", it is determined that the City's responsibility for surface maintenance within the City limits is 2.36 lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the City agrees to pay to the State the sum of \$1,575.00 per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the State for surface maintenance:  
 2.36 lane miles x \$1,575.00 per lane mile = \$3,717.00.

Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$ \_\_\_\_\_ per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:  
 \_\_\_\_\_ lane miles x \$ \_\_\_\_\_ per lane mile = \$ \_\_\_\_\_

Other (*Explain*)

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

RESPONSIBILITY FOR SURFACE MAINTENANCE  
OF MUNICIPAL EXTENSIONS

NEB. REV. STAT. 39-1339  
and NEB. REV. STAT. 39-2101

DESCRIPTION	HWY. NO.	REF. POST		LENGTH IN MILES	NUMBER DRIVING LANES	LANE MILES TOTAL	RESPONSIBILITY	
		FROM	TO				STATE	CITY
S. City Limits to N. City Limits	15	163.84	166.00	2.16	2	4.32	4.32	0.00
W. City Limits to City Limits E of Centennial Rd.	35	28.68	30.77	2.09	3	6.27	4.18	2.09
City Limits at Industrial Drive to E. City Limits	35	31.03	31.30	0.27	3	0.81	0.54	0.27
	35	31.30	31.68	0.38	2	0.76	0.76	0.00
<b>Total Lane Miles</b>				4.90		12.16	9.80	2.36