

(*Amended: 5/14/10)

AGENDA
CITY COUNCIL MEETING
May 18, 2010

5:30 Call to Order

1. Approval of Minutes – May 4, 2010

2. Approval of Claims

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the City Council Chambers.

Anyone desiring to speak on an agenda item is invited to do so, and should limit themselves to three minutes. After being recognized by the Chair, proceed to the rostrum and state your name and address for the record.

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. Appointment of Tom Sievers as Fire Chief of Wayne Volunteer Fire Department

Background: Tom was re-elected by the department membership for a second year as Chief in the annual department elections. The Chief must be re-appointed each year by the City Council.

4. Action on Application for Special Designated Liquor Permit of The White Dog Pub – July 10th – Beer Garden in Carhart's Parking Lot for Chicken Show

Background: The White Dog Pub and The Max have begun a rotation of sponsoring a beer garden for profit during the Chicken Show.

5. Action on Request to close the following streets on Friday, July 9th, from 3:00 p.m. until 12:00 midnight for the annual Henoween Celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from the Alley West of Main Street to the Alley East of Main Street; and 3rd Street from Pearl Street (not including the intersection) to the Alley East of Main Street — Wes Blecke, Executive Director WAED

6. Action on Request to close the following streets on Saturday, July 10th, from 6:00 a.m. until 5:00 p.m. for the Annual Chicken Show Celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and Douglas Street from 8th Street to 10th Street – Intersections at 10th and Douglas and 10th and

Lincoln Streets are Requested to be Closed — Wes Blecke, Executive Director WAED

7. Action on Request to Close the following Streets on Saturday, July 11th, for the Annual Chicken Show Parade from 9:00 a.m. until 11:30 a.m. (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street — Wes Blecke, Executive Director WAED
8. Action to Authorize Police Chief to Issue Future Street Closing Requests Received in Conjunction with Parade Permit Requests
9. Presentation on Groundwater Foundation Programs and Services to Communities — Brian Reetz, Program Coordinator for Nebraska.

Background: The Groundwater Foundation was established to educate the public about best management practices for preserving ground water quality and recognize property managers for good groundwater protection practices.

10. Action on Proposal to Submit Application for Bressler Park for Participation as Groundwater Guardian Green Sites

Background: Brian is looking for public property cooperators to work with him to establish educational Groundwater Guardian Green Sites in Wayne. We are working on an application for Bressler Park to be included and will send that completed application to you by separate packet and have copies available at the billing counter when it is complete.

- *11. Consideration and Action on Request from Leadership Wayne Committee for \$20,000 to Purchase/Upgrade Playground Equipment for East Park

12. Public Hearing: To Consider the Planning Commission's Recommendation in regard to amending Section 90-10 Definitions, of the Municipal Code, by adding the following Definitions: "Non-farm Buildings" and "Vehicle Towing Service" (Advertised Time: 5:30 p.m.)

Background: "Non-Farm Buildings": Our current City Code requires all new structures in the two-mile extraterritorial jurisdiction of Wayne to have city building permits and comply with the International Building Code. All of the rest of Wayne County outside corporate village and city limits is not required to have building permits. This definition of "non-farm buildings" complies with Nebraska Statutes and allows farm buildings to be treated differently.

"Vehicle Towing Service": This use was previously amended into the zoning code, but a legal definition was not added to the "Definitions" Section at the same time. This amendment will add this definition to the code for enforcement purposes.

Attachments: Please see attached memorandum from the Planning Commission to the City Council.

13. Ordinance 2010-10: Amending Wayne Municipal Code Section 90-10 Definitions

Recommendation: The recommendation of the Planning Commission is to amend the Zoning Code to add these definitions to facilitate the following two amendments to the Zoning Code.

14. **Public Hearing:** To Consider the Planning Commission's Recommendation in regard to amending the Extraterritorial Jurisdiction Map by Eliminating the Current Arc System to a Straight Line System (Advertised Time: 5:30 p.m.)

Background: The two-mile limits of our current official extraterritorial jurisdiction map is based on the arc method of creating the boundary. This amendment will convert the official Zoning Map to ETJ boundaries that follow half-mile property lines that are within the two-mile zone. This will provide greater clarity for public understanding and for enforcement

15. Resolution 2010-25: Changing Extraterritorial Jurisdiction Map from Arc System to Straight Line System

Recommendation: The recommendation of the Planning Commission is to approve the amendment and change the zoning map.

16. **Public Hearing:** To Consider the Planning Commission's Recommendation in regard to amending the Building Code Requirements by Eliminating the Need for Permits and City Construction Oversight for Structures other than Non-farm Buildings Located Outside the City Limits but within the City's Two-Mile Zoning Jurisdiction (Advertised Time: 5:30 p.m.)

Background: This amendment would eliminate city staff time and cost to enforce building codes on farm buildings outside the city limits in the two-mile extraterritorial jurisdiction. New residential and commercial structures and buildings on acreages of 20 acres or less that are producing less than \$1,000 per year in farm income would still require building permits. All other buildings in the ETJ would be considered farm buildings for new construction and would require only a "Use Permit" for zoning enforcement.

17. Ordinance 2010-11: Amending Wayne Municipal Code Section 90-882 Building Permits Required

Recommendation: The recommendation of the Planning Commission is to approve the amendment and change the zoning code.

18. Action on Contractor's Pay Estimate No. 1 for the "Former Kardell Landfill Stream Restoration Project" - \$56,483.05 to Gana Trucking and Excavating, Inc.

19. Review of and Action Approving “Invitation to Bid” on the Water/Wastewater Treatment Plant Project

20. Action Approving Request for Proposals for Contract Operation of the Wayne Transfer Station

Background: Attached for your review is a draft “Request for Proposals” for private operation of the Wayne Transfer Station. We want your review and input before sending this out.

Attachment: See attached draft

Recommendation: None

21. Discussion and Possible Selection of FEMA Hazard Mitigation Projects

22. Action on Change Order No. 1 – 2009 Water Distribution Improvement Project — \$10,399.66

Background: This Change Order is for additional water line to loop the water main between the Fire Hall and Tomar Drive. The additional amount is covered by stimulus funding that has already been approved.

23. Resolution 2010-26: Accepting Work on the 2009 Water Distribution Improvement Project and Authorizing Final Payment Thereto (\$144,008.70)

Recommendation: This has been reviewed and approved by the Engineer on the project.

24. Action on Application for Payment No. 5 on the Well House and Municipal Well 2009-1 Project to Layne Christensen Co. in the Amount of \$36,785.33

Recommendation: This has been reviewed and approved by the Engineer on the project.

25. Recess

- a. **Convene as Community Development Agency**
- b. **Approve Minutes – May 4, 2010**
- c. **Action on Request for Three Month Extension of the Twelve Month Deadline of April 16th to obtain an occupancy Permit for the House on Lot 6, Western Ridge II Subdivision — Lou Benscoter, President of Benscoter Plumbing & Heating**

26. Adjourn as Community Development Agency and Reconvene As Council

27. Report on Heartland EDC Conference in Blue Springs, Missouri and NEDA Conference in Gering, NE — Nancy Braden, Finance Director

28. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

Library Board Meeting Minutes (April 6, 2010)

Planning Commission Meeting Minutes (April 5, 2010)

May 4, 2010

The Wayne City Council met in regular session at City Hall on Tuesday, May 4, 2010, at 5:30 o'clock P.M. Mayor Lois Shelton called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Doug Sturm, and Ken Chamberlain; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmembers Kaki Ley and Kathy Berry.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 22, 2010, 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 Sturm made a motion and seconded by Councilmember Van Delden, whereas the Clerk has prepared copies of the Minutes of the meeting of April 20, 2010, 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 Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the Minutes approved, as corrected.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALERT-ALL CORP, SU, 307.50; AMERITAS, RE, 2191.53; APPEARA, SE, 134.33; ARNIE'S FORD-MERCURY, SU, 22581.00; ARNIE'S FORD-MERCURY, SE, 4763.42; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 210.00; BLACK HILLS ENERGY, SE, 575.07; CITY OF WAYNE, RE, 250.00; CITY OF WAYNE, PY, 55099.61; CITY OF WAYNE, RE, 92.76; COMMUNITY HEALTH, RE, 4.00; CREDIT BUREAU SERVICES, RE, 245.83; EGAN SUPPLY, SU, 29.24; ELLIS PLUMBING & HEATING, SE, 137.00; FIRST CONCORD GROUP, FE, 3824.78; FLETCHER FARM SERVICE, RE, 375.00; FLOOR MAINTENANCE, SU, 236.59; GLEN'S AUTO BODY, SU, 343.42; HD SUPPLY WATERWORKS, SU, 3319.73; HOUCHEM BINDERY, SE, 131.35; HYTREK LAWN SERVICE, SE, 600.00;

ICMA, FE, 560.00; ICMA, RE, 5630.46; INLAND TRUCK PARTS, SU, 31.05; IRS, TX, 18085.02; KELLY SUPPLY COMPANY, SU, 214.34; MARRIOTT HOTELS, SE, 94.00; MIDWEST OFFICE AUTOMATION, SE, 1064.29; MIDWEST TAPE, SU, 630.81; NE DEPT OF REVENUE, SE, 2684.66; NE EMERGENCY SERVICE, FE, 65.00; NE PUBLIC HEALTH, SE, 128.00; NE SAFETY COUNCIL, SE, 109.15; NIAGARA CONSERVATION CORP, SU, 1046.20; NMPP ENERGY, FE, 285.00; NNPPD, SE, 1940.09; NWOD, FE, 10.00; OVERHEAD DOOR COMPANY, SU, 104.00; PIEPER, MILLER & DAHL, SE, 1553.50; CITY EMPLOYEE, RE, 486.86; PUSH-PEDAL-PULL, SE, 163.33; QUALITY 1 GRAPHICS, SU, 60.00; QUALITY BOOKS, SU, 8.76; QUILL, SU, 59.41; QWEST, SE, 512.95; QWEST, SE, 192.02; RAMADA INN – KEARNEY, SE, 130.00; CITY EMPLOYEE, RE, 64.45; REXCO EQUIPMENT, SU, 33.58; RUSS VOLK, RE, 217.37; ST MARY'S CHURCH, RE, 1019.00; STADIUM SPORTING GOODS, SU, 250.00; THE FINAL TOUCH, SU, 2934.00; VAN WALL TURF & IRRIGATION, SE, 1491.82; VERIZON, SE, 379.86; VIAERO, SE, 139.44; WAYNE AUTO PARTS, SU, 1843.84; WAYNE COMMUNITY SCHOOLS, RE, 4260.00; WAYNE HERALD, SU, 430.00; WIGMAN COMPANY, SU, 432.47; BACON & VINTON, SE, 15000.00; BARONE SECURITY SYSTEMS, SE, 149.00; CITY EMPLOYEE, RE, 196.75; CITY EMPLOYEE, RE, 307.10; BOMGAARS, SU, 1087.89; CITY EMPLOYEE, RE, 60.00; CITY EMPLOYEE, RE, 101.23; CARROT-TOP INDUSTRIES, SU, 605.64; CITY OF WAYNE, RE, 20.00; COPY WRITE, SE, 404.78; DE LAGE LANDEN FINANCIAL, SE, 77.00; EAKES OFFICE PLUS, SU, 46.75; EASYPERMIT POSTAGE, SU, 1156.73; CITY EMPLOYEE, RE, 734.92; GERHOLD CONCRETE, SU, 567.50; HEIKES AUTOMOTIVE SERVICE, SE, 47.93; INGRAM BOOK COMPANY, SU, 903.83; JACK'S UNIFORMS, SU, 329.47; JEO CONSULTING GROUP, SE, 10000.00; CITY EMPLOYEE, RE, 172.22; CITY EMPLOYEE, RE, 609.27; KTCH, SE, 1080.00; CITY EMPLOYEE, RE, 131.87; LP GILL, SE, 7288.74; NORTHEAST EQUIPMENT, SU, 120.03; N.E. NE AMERICAN RED CROSS, SE, 180.00; PAC N SAVE, SU, 26.05; PEERLESS WIPING CLOTH, SU, 202.50; CITY EMPLOYEE, RE, 40.25; PETERSON INDUSTRIAL ENGINE, SE, 12704.67; PLUNKETT'S PEST CONTROL, SE, 178.00; PRESTO X, SE, 77.20; QUILL, SU, 80.61; CITY EMPLOYEE, RE, 548.55; SHAWN STORY, SE, 85.00; US BANK, SE, 2396.87; VEL'S BAKERY, SU, 16.00; WAED, SE, 6383.33; WAYNE COUNTY CLERK, SE, 21.00; WAYNE STATER, SE, 122.50; WAYNE VETERINARY CLINIC, SE, 168.00; WESTERN IOWA TECH, SE, 70.00; ZACH HEATING & COOLING, SE, 254.75; ZACH OIL COMPANY, SU, 4654.46; ZACH PROPANE, SU, 33.00;

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

Mayor Shelton 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, she 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.

Administrator Johnson stated in 2009, the Mayor and Council appointed him as the Interim Zoning Administrator. He was requesting at this time that Joel Hansen, Building Inspector/Planner/Cert. Street Supt., be appointed the Zoning administrator since he has received the necessary training and is now familiar with the Wayne Zoning Code and legal enforcement process.

Councilmember Sturm made a motion and seconded by Councilmember Van Delden to appoint Joel Hansen as the Zoning Administrator (replacing City Administrator Lowell Johnson as Interim Zoning Administrator). Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Roger Protzman, JEO Consulting Group, gave a report and update on the status of the Wastewater Treatment Plant Project. They have finished the design and submitted the final plans and specifications to NDEQ, the EPA and Fire Marshall for their review, and have now received responses back from all. Most of the comments, in their opinion, have been relatively minor. JEO is now working on a cost opinion, and they plan to bring that before Council May 18th. In addition, they are working on an agreement between the City and Aquarius regarding the warranty period. The plan is to start advertising for bids in May with an award being made at the July 6th Council meeting.

Representatives from the Mayor's Youth Council who worked on the "Sports Related" item were present requesting Council consideration to purchasing an ADA pool

lift for the swimming pool. They showed the video of the pool lift that they feel would meet everyone's needs at the pool. They have spoken with several people and their families who would be using this lift, and they all had very positive comments about the lift and said it would fit their needs. The cost of this pool lift would be \$4,750, without accessories. They would like the lift installed before the pool opens this summer.

It was noted that \$5,500 had been put in the budget for this purchase. In addition, the Knights of Columbus was going to donate some of the proceeds from the Tootsie Roll Drive towards the purchase of this pool lift.

Garry Poutre, Supt. of Public Works & Utilities, advised the Council that the lift operates on water pressure. The City Clerk is working on specifications with Aquatic Access at this time. This lift has been approved by the State of Nebraska Department of Health and Human Services that oversees the State regulations related to pools.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the request of the Mayor's Youth Council to purchase the proposed ADA pool lift for the swimming pool. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Tony Kochenash, representing the Q125 Committee, presented a check in the amount of \$2,800 to the City, which represents the unused funds from the \$5,000 previously given to the Committee in 2009, and thanked the City and staff for their support throughout the year on this celebration. Mr. Kochenash requested that these funds be used to erect a sign in the apple orchard and help purchase benches and trash receptacles for the downtown.

Marie Mohr representing the Revitalize Wayne Committee was present requesting the Council to help fund and purchase benches and trash receptacles for the downtown area. There were two letters of support in the Council packet, one from Heritage Nebraska Main Street and one from the Revitalize Main Committee, WAED. They were requesting three benches and three trash receptacles. They would like to purchase the pieces from Behlen Manufacturing of Columbus, NE, who is having a stock reduction sale. If the City would pay 50% of the cost for the six pieces, it would be \$1,647.

Councilmember Sturm thought the City should purchase more than what was being proposed.

Councilmember Alexander recalled previous Council discussion regarding trash containers downtown and that the same was not approved.

Garry Poutre stated when the Team 15 Committee met, there was concern that there would be too many things on the walking path because of the street lights, etc. He thought at that time there was a "wait and see" attitude. The receptacles proposed are the right kind if the City is going to purchase them.

Councilmember Frevert was in favor of putting the \$2,800 towards the purchase of the receptacles, with the Committee then using their \$1,647 to purchase additional pieces.

Nancy Braden, Finance Director, advised the Council that quite some time ago Frances Johnson gave a memorial of \$500 to the City for the beautification of Wayne. That has now grown to \$663. The only way she can spend this money is if the Council allocates it towards a specific project. In addition, the City has two grants from the Wal-Mart Foundation that can be used for projects. One grant was in honor of Pat Gross for

his work with the Library and the other was in honor of Jane O'Leary. There is a total of \$4,163 that could be used for the purchase of these receptacles.

Traci Bruckner thought they should not just be thinking about trash, but also recycling downtown as well.

After discussion, a motion was made by Councilmember Sturm and seconded by Councilmember Chamberlain to purchase eight trash receptacles and three benches and to allocate the funding that has been set aside for beautification to purchase the same. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Frevert and Haase who voted Nay, the Mayor declared the motion carried.

Councilmember Frevert made a motion and seconded by Councilmember Chamberlain to spend the money that has been set aside for beautification (\$4,163) and the refund from the Q125 Committee (\$2,800) towards trash receptacles and benches and to incorporate those already authorized by the prior motion. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Sturm introduced Ordinance No. 2010-9, and moved for approval of the second reading thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2010-9

AN ORDINANCE AMENDING THE WAYNE MUNICIPAL CODE, CHAPTER 74, ARTICLE VIII, SECTION 74-293 FEES; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

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

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain to move for final approval of Ordinance No. 2010-9. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Nancy Braden, Finance Director, requested Council consideration to amending the Sales Tax Capital Project's Budget to include the \$100,000 to the Airport Authority for the airport runway project.

Councilmember Chamberlain made a motion and seconded by Councilmember Haase to amend the Sales Tax Capital Project's Budget to include \$100,000 to the Airport Authority for the airport runway project. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Berry arrived at 6:28 p.m.

Administrator Johnson stated with the funding in place for the pedestrian underpass, that needs to be added to our operating Strategic Plan for operations and for communications to the public of what our goals and projects are.

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain to add the Underpass as a goal to the Strategic Plan Schedule. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Alexander who voted Nay, the Mayor declared the motion carried.

Lance Webster, Police Chief requested Council consideration to approving the specifications for either a sedan or a compact AWD SUV and to go out for bids. The purchase of a vehicle is included in this year's budget (\$35,000). The car being replaced is Unit 11 (1996 Crown Victoria), which has 161,000 miles on it.

Councilmember Sturm made a motion and seconded by Councilmember Frevert approving the specifications for either a police car sedan or a compact AWD SUV and to authorize staff to go out for bids. Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who voted Nay, the Mayor declared the motion carried.

Irene Fletcher representing the Citizens Economic Development Advisory Committee for LB840 Grant Assistance advised the Council that this group received an application from the Wayne Farmers Market and Wayne Community Gardens for \$5,000. After meeting on the matter, they are recommending that the Council consider granting \$1,000 to the Wayne Farmer's Market and \$250 to the Wayne Community Gardens.

Administrator Johnson advised the Council that the Community Garden would fall under the City's umbrella insurance policy should someone get hurt down there. Our agreement provides that they cannot sell their products.

Traci Bruckner, Monica Snowden, Larry Sherer and Bonnie Anderson were present concerning this matter. In addition, they requested Council consideration to granting the full amount in lieu of what was recommended by the Citizens Economic Development Advisory Committee for LB840 Grant Assistance.

Ms. Bruckner advised the Council that there are federal grants for farmers markets.

The Community Garden organization will be responsible for the water usage and monthly meter charge.

Mayor Shelton stated this is a little money that will impact a lot of people.

After a lengthy discussion, Councilmember Sturm made a motion and seconded by Councilmember Chamberlain approving \$2,750 for the Wayne Farmers Market (\$2,500) and Wayne Community Gardens (\$250). Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who voted Nay, the Mayor declared the motion carried.

Councilmember Sturm made a motion and seconded by Councilmember Alexander to recess as Council and convene as the Community Development Agency. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Chair Chamberlain called the meeting of the Community Development Agency to order. Those in attendance were: Members Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Lois Shelton, Doug Sturm, and Kathy Berry; City Attorney Mike Pieper; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Member Ley.

Chair 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.

The next item on the CDA agenda was to approve the minutes of the April 20, 2010, meeting.

Member Van Delden made a motion and seconded by Member Alexander approving the minutes of the April 20, 2010, meeting. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Administrator Johnson stated that the TIF Agreement for Western Ridge was written as a rolling TIF Agreement that would need to be amended as new houses are build in Western Ridge. Wayne Habitat for Humanity will be building a house on Lot 15 this summer. This action will request the City Council to set a public hearing date to amend the Western Ridge II TIF Agreement by adding Lot 15 thereto.

Member Frevert made a motion and seconded by Member Van Delden to amend the Western Ridge TIF Agreement to include Lot 15. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

There were no claims.

Member Sturm made a motion and seconded by Member Frevert to adjourn as the Community Development Agency and reconvene as Council. Chair Chamberlain stated the motion, and the result of roll call being all Yeas, the Chair declared the motion carried.

Councilmember Chamberlain made a motion and seconded by Councilmember Frevert setting the public hearing to amend the Western Ridge TIF Agreement for June 1, 2010, at or about 5:30 p.m. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson reviewed the 2010-2011 Strategic Plan with the Council.

Councilmember Sturm made a motion and seconded by Councilmember Haase to enter into executive session for the annual review of the City Administrator and to protect

the reputation of the Administrator. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and executive session began at 7:45 p.m.

Mayor Shelton again stated that the matter to be discussed in execution session relates to the annual review of the City Administrator.

Councilmember Alexander made a motion and seconded by Councilmember Sturm to resume open session. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried, and open session resumed at 8:05 p.m.

Councilmember Alexander made a motion and seconded by Councilmember Frevert to adjourn the meeting. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 8:05 p.m.

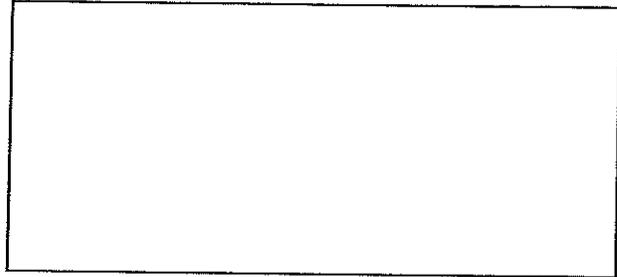
CLAIMS LISTING MAY 18, 2010

ALMETEK INDUSTRIES, INC	MANHOLE NO DUMPING EMBLEMS	1,808.25
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,146.19
APPEARA	LINEN & MAT SERVICE	95.24
BAKER & TAYLOR BOOKS	BOOKS	811.81
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	210.00
BARONE SECURITY SYSTEMS	FIRE ALARM INSPECTIONS	680.04
CITY EMPLOYEE	HEALTH REIMBURSEMENT	9.60
BIG T ENTERPRISES, INC	BATTERY	95.95
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	750.00
CITY OF WAYNE	CAT TRAP REFUND	20.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	185.59
CITY EMPLOYEE	HEALTH REIMBURSEMENT	129.45
CITY OF WAYNE	PAYROLL	56,525.31
CITY OF WAYNE	UTILITY REFUNDS	2,521.14
CHARTWELLS	APRIL CONGREGATE MEALS	5,361.05
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
CULLIGAN WATER OF NE	WATER FILTER RENTAL	42.25
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	135.00
DOESCHER APPLIANCE	GE DRYER	400.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	102.68
ED M FELD EQUIPMENT INC	STRAPS	182.20
EISCHEID ARTIFICIAL RAIN	IRRIGATION REPAIRS	288.48
FBINAA-NE CHAPTER	REGISTRATION	40.00
FLOOR MAINTENANCE	NAPKINS/DISH POWDER/SUPPLIES	278.54
FREDRICKSON OIL CO	BALANCE TIRES/TIRE REPAIRS	52.00
GANNA TRUCKING & EXCAVATING	STREAM RESTORATION PROJECT	56,483.05
GERHOLD CONCRETE CO INC.	GRID MARKERS/RESTROOM REPAIRS	150.80
GILL HAULING, INC	SANITATION SERVICE/HAULING FEES	2,935.40
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	95.77
HARTINGTON SHOPPER	SUMMER REC ADS	56.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	134.15
HEIMAN INC	FIREMAN BOOTS	252.25
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,638.50
IRS	FEDERAL WITHHOLDING	18,246.81
JASON CAROLLO	MOWING-CH/LIB/SR CENTER	140.00
JEFF ELLIS	UNPLUG WATER COOLER DRAIN-CH	222.00
JOHN'S WELDING AND TOOL	BEND IRON	31.63
LIQUID ENGINEERING CORP	WATER TOWER SEDIMENT REMOVAL	3,239.50
MICROFILM IMAGING SYSTEMS	DOCUMENT SCANNING	1,507.46
MIDWEST LABORATORIES, INC	BOD TESTING	338.35
MOONLIGHT TOWING LLC	TRUCK & SIDEDUMP FOR RED ROCK	225.00
NE DEPT OF REVENUE	STATE WITHHOLDING	2,707.47
NEBR PUBLIC POWER DIST	ELECTRICITY	173,074.17
NIAGARA CONSERVATION CORP	WATER HEATER JACKETS	2,105.79
NMC, INC.	REPAIRS TO CAT LOADER	15,190.78

NORFOLK DAILY NEWS	GREEN EXPO ADS	137.73
N.E.NEB AMERICAN RED CROSS	PAYROLL DEDUCTIONS	59.24
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	10,698.54
OTTE CONSTRUCTION COMPANY	WALKING TRACK REPAIR	12,795.00
PAMIDA STORE # 165	SHADE TREE/REMOTE FANS	139.97
PEPSI-COLA	CAC POP	312.70
PRESTO X COMPANY	PEST CONTROL	77.20
QWEST	TELEPHONE CHARGES	1,311.87
ROBERTSON IMPLEMENT CO	PARK VEHICLE PARTS	256.65
S & S WILLERS, INC.	FILL SAND	192.80
SHAWN STORY	TRANSLATION	25.00
SPARKLING KLEAN	JANITORIAL SERVICE-AUDIT/CH/POLICE	1,418.00
SPARKLING KLEAN	TOWELS/TISSUE/SOAP	371.18
STALP GRAVEL INC	WASHED ROCK	1,528.87
STATE NATIONAL BANK	ACH FEES	94.15
CITY EMPLOYEE	HEALTH REIMBURSEMENT	133.17
TOM'S BODY & PAINT SHOP	DOOR PIN REPAIR	77.96
UNITED WAY	PAYROLL DEDUCTIONS	32.32
VAN DIEST SUPPLY	ABATE PELLETS	1,883.20
WAYNE AREA ECONOMIC DEVEL	BECA GRANT	5,270.66
WAYNE CO SHERIFF	POSTING NOTICES	20.32
WAYNE GRAIN & FEED INC	SCALE CHARGES	124.00
WAYNE GREENHOUSE	FLOWERS FOR VOLUNTEERS @ LIBRARY	23.96
WAYNE HERALD	ENERGY WISE ADS	2,708.14
WAYNE STATE COLLEGE	LIGHTING EFFICIENCY	300.00
WBDA	UNITED WAY FUNDS	1,000.00
WEST PAYMENT CENTER	TERMINATION LAW BULLETIN	176.50
WESTERN AREA POWER ADMIN	ELECTRICITY	30,974.84

**APPLICATION FOR SPECIAL
DESIGNATED LICENSE
RETAIL LICENSE HOLDERS**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/



BEFORE SUBMITTING APPLICATION TO THE LIQUOR CONTROL COMMISSION

- Include approval from the City, Village or County Clerk where the event is to be held
- A license fee \$40 (payable to Nebraska Liquor Control Commission) for each day/event to be licensed (i.e. if you have two separate areas at one event they both need to be licensed) (unless licensed as a K. Caterer no fees required)
- Application MUST be received at the Liquor Control Commission Office no later than 10 working days prior to event (excluding weekends, Federal and State observed holidays)

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed

- Beer
- Wine
- Distilled Spirits

2. Liquor license number and class (i.e. C-55441)

C.K. 70085

3. Licensee name (last, first, middle), Corporate name, Limited Liability Company (LLC)

NAME: White Dog Pub inc.

ADDRESS: 102 N. Main Street

CITY Wayne

ZIP 68787

4. Location where event will be held; name, address, city, county, zip code

ADDRESS: 105 Main Street (Carhart Lumber Parking Lot)

CITY Wayne

ZIP 68787

COUNTY Wayne

- a. Is this location within the city/village limits? YES NO
- b. Is this location within the 150' of church, school, hospital or home aged/indigent or for veterans their wives? YES NO
- c. Is this location within 300' of any university or college campus? YES NO

Must be consecutive days

5. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

Date	Date	Date	Date	Date	Date
July 10, 2010					
Hours From 4: P.M.	Hours From				
To 1:00 P.M.	To	To	To	To	To

a. Alternate date: _____

b. Alternate location: _____
(Alternate date or location must be approved by local)

6. Indicate type of activity to be carried on during event
 Dance Reception Fund Raiser Beer Garden Sampling/Tasting Other _____

7. Description of area to be licensed
 Inside building, dimensions of area to be covered IN FEET _____ x _____
 Name of building _____ (not square feet or acres)

Outdoor area dimensions of area to be covered IN FEET 150' x 75'
 (not square feet or acres)

If outdoor area, how will premises be enclosed
 fence, type of fence snow fence chain link cattle panels other _____
 tent
 other, explain _____

*If both inside and outdoor area to be licensed include simple sketch

8. How many attendees do you expect at event? 200

9. If over 150, indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. I.D.'s will be checked, Security will be present, off duty police officer will be present

10. Will premises to be covered by license comply with all Nebraska sanitation laws?
 YES NO

a. Are there separate toilets for both men and women? YES NO

11. Where will you be purchasing your alcohol wholesaler retailer both

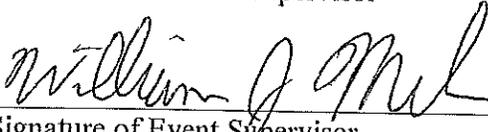
12. Will there be any games of chance operating during the event? YES NO
 If so, describe activity _____

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

13. Any other information or requests for exemptions:

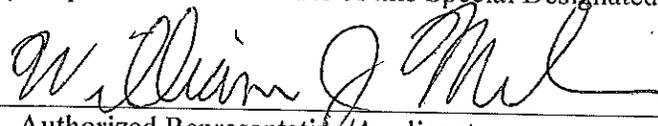
14. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to.

William J. Melena Phone: Before (402) 375-9958 During (402) 375-8544
Print name of Event Supervisor


Signature of Event Supervisor

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign here  President-White Dog Pubinc 5/10/10
Authorized Representative/Applicant Title Date

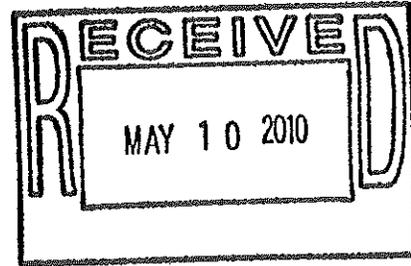
William J. Melena
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

[Back to Top](#)

**Wayne⁺
Area**
Economic Development
Chamber ■ Main Street



May 10, 2010

Chief of Police Lance Webster
City of Wayne
306 Pearl St.
PO Box 8
Wayne, NE 68787

Dear Chief Webster:

On behalf of the Chicken Show Committee, this letter is a request for three (3) separate street closures during the 30th Annual Chicken Show, Friday and Saturday, July 9th and 10th, 2010.

On Friday, July 9th, the Committee is requesting the closure of the following streets from 3:00 pm until 12 Midnight for the Annual Henoween celebration: Main Street from 1st Street to 4th Street (not including the end intersections); 2nd Street from the alley west of Main Street to the alley east of Main Street; and 3rd Street from Pearl Street (not including the intersection) to the alley east of Main Street.

On Saturday, July 10th, the Committee is requesting the closure of the following streets from 6:00 am until 5:00 pm, for the Annual Chicken Show celebration in Bressler Park: 10th Street from Lincoln Street to Douglas Street; Lincoln Street from 10th Street to 8th Street; and, Douglas Street from 8th Street to 10th Street. Intersections at 10th and Douglas and 10th and Lincoln Streets are requested to be closed.

Finally, the Committee is requesting the closure of the following streets on Saturday, July 11th for the Annual Chicken Show Parade from 9:00 am until 11:30 am (or until the end of the parade): Main Street from 1st Street to 10th Street (including intersections) and 10th Street from Main Street to Lincoln Street.

Lincoln Street from 10th Street to 7th Street will also be used for the parade. If possible we would ask that 10th Street from Main Street to Douglas Street be marked the night before to ensure that vehicles will be off of the streets by 9 am, July 10th. In the past the parade has been delayed due to parked cars along 10th Street.

The Chicken Days Committee appreciates your consideration of these requests. Please contact us at 375-2240 if you have any questions or concerns regarding these requests. Please notify the our office at 108 W. 3rd when a decision has been determined.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Blecke".

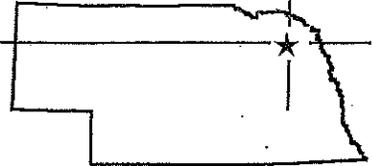
Wes Blecke
Executive Director
Wayne Area Economic Development

City of Wayne

306 Pearl • P.O. Box 8
Wayne, Nebraska 68787

(402) 375-1733
Fax (402) 375-1619

Incorporated - February 2, 1884



REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. If you have additional documentation which would be beneficial to the topic, please attach to this form. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Event insurance is required for anyone wishing to use city right-of-way (e.g. block off streets for block parties, block off sidewalks and/or alleys).

Name: Wayne Leadership Group-Terri Heggemeyer, Melanie McManigal, Jessie Piper & Dawn Navrkal

Address: _____

Telephone No.: (402) 375-1733 Work (402) 833-5090 Home

Date of Request: May 18, 2010

Description of Requested Topic: Recommendation for Park Equipment East Park. Attached is a drawing and quote for equipment from Miracle. We will also be adding tetherball, concrete (18x2x6) basketball pad. Park Equipment \$ 18,806.42, Concrete \$ 700, Tetherball \$ 150. Total Cost \$ 19,692.42. We are asking for a maximum of \$ 20,000 in case of contingency. Equipment may not be placed in the same arrangement due to space in the park.





Crouch Recreation

6946 North 97th Circle
 Omaha, NE 68122
 Ph: (402) 727-8191 Fax (402) 496-2018
www.crouchrecreation.com
eric@crouchrecreation.com
les@crouchrecreation.com

Quotation

Date: 5/14/10	Project: <i>City of Wayne</i>
Contact: Dawn Navrkal	Bill To: <i>306 Pearl St</i>
Phone: 402-375-1300	<i>Wayne, Ne 68787</i>
Fax:	
Email:	Ship To:
	<i>Same</i>

QTY	MODEL #	DESCRIPTION	PRICE EA.	TOTAL
1	704872H8	30" ID 8' Hip Crawl Tube		\$ 2,810.00
1	740Ct	Crawl Tube Ground Level/Adaptor Kit		\$ 340.00
4	718555	3 1/2"ODx70" post for crawl tube		\$ 296.00
1	733003PI	Toddlers Choice Play unit		\$ 2,172.00
3	1266 J	6' Miracle Benches	\$ 466.00	\$ 1,398.00
1	714-913	Balanace Beam		\$ 386.00
1	8196	Boulder Ridge Wall 6 section, In ground		\$ 4,949.00
1		Miracle Custom Play unit		\$ 9,406.00
10	7147721	Bongo Perch (Stationary)		\$ 1,440.00
Crouch Discount				\$ (5,439.25)

Shipping	Terms	Sub Total	\$ 17,757.75
3-4 weeks	Net 30 days	Freight	\$ 1,088.67
		Tax	\$ -
		Total	\$ 18,846.42

Signed by: **Les Giddens**
 Crouch Recreational Design, Inc.

Accepted by: _____ Date ___/___/2010

Tax not included

If applicable, also fax a copy of your tax-exempt certificate, and a credit application

Quotes are valid for 30 days

Thank you for the opportunity to provide this quotation

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

Date: May 12, 2010

To: Mayor Shelton
Wayne City Council

From: Joel Hansen, Planning Commission Liaison 

Re: Recommendations from May 3, 2010 Meeting

At their meeting held on Monday, May 3, 2010 the Wayne Planning Commission held three public hearings. The recommendations of each follow:

Amending Section 90-10 Definitions of the Wayne Municipal Code

After some discussion, motion was made by Commissioner Sorensen and seconded by Commissioner Sweetland to forward a recommendation of approval to the City Council amending Section 90-10 Definitions of the Wayne Municipal Code, by adding the definitions of “nonfarm buildings” as presented and “vehicle towing service”, with the following corrections “*Vehicle Towing Service* is any person or business offering the services of a vehicle wrecker or towing service to the general public, whereby disabled motor vehicles are towed or otherwise removed from the place where they are located disabled by use of a wrecker so designed for that purpose, or by a truck, or other equipment vehicle so adapted to that purpose, or in the business of storing towed disabled vehicles”, with the findings of fact being 1) consistency in the municipal code and 2) staff’s recommendation. Acting Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Hill – aye; Commissioner Brogie – aye; and Acting Chair Melena – aye. Acting Chair Melena declared the motion carried unanimously.

Amending the Extraterritorial Jurisdiction Map

After a brief discussion, motion was made by Commissioner Brogie and seconded by Commissioner Hill to forward a recommendation of approval to the City Council amending the extraterritorial jurisdiction map, with the arc system eliminated and the straight line system implemented, with the findings of fact being, staff’s recommendation. Acting Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Hill – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Acting Chair Melena – aye. Acting Chair Melena declared the motion carried unanimously.

Memo to Mayor Shelton & City Council
May 12, 2010
Page Two

Amending Section 90-882 Building Permits Required

Motion was made by Commissioner Sweetland and seconded by Commissioner Brogie to forward a recommendation of approval to the City Council amending Section 90-882 Building Permits Required, by eliminating the need for building permits and city construction over-site for structures other than non-farm buildings which are located outside the city limits, but within the extraterritorial jurisdiction with the findings of fact being, staff's recommendation. Acting Chair Melena stated the motion and second. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Hill – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Acting Chair Melena – aye. Acting Chair Melena declared the motion carried unanimously

JH:cb
Attachments

**Amending Section 90-10 Definitions
By Adding the Following:**

Nonfarm Buildings are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

Vehicle Towing Service is any person or business offering the services of a vehicle wrecker or towing service to the general public, whereby motor vehicles are towed or otherwise removed from the place where they are located, by use of a wrecker so designed for that purpose, or by a truck, or other equipment so adapted to that purpose, or in the business of storing towed vehicles.

Amending Section 90-882 Building Permits Required

(a) No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the administrative official. No permit shall be issued by the administrative official except in conformity with the provisions of this chapter, unless he receives a written order from the board of adjustment in the form of an administrative review or variance as provided by this chapter.

(b) No building permit or city construction over-site shall be required for farm buildings erected within the city's extraterritorial zoning jurisdiction. Any farm buildings being erected will however require a Certificate of Zoning Compliance and an Occupancy Certificate, once the structure is complete. A building permit, inspections, and occupancy certificate are still required for all non-farm buildings erected within the city's extraterritorial zoning jurisdiction.

ORDINANCE NO. 2010-10

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I. IN GENERAL, BY AMENDING SECTION 90-10 DEFINITIONS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 3, 2010, and recommended amending Section 90-10 Definitions of the Wayne Municipal Code, with the "Findings of Fact" being that it will provide consistency in the Municipal Code and it is staff's recommendation.

Section 2. That Chapter 90, Article I, Section 90-10 of the Wayne Municipal Code is amended by adding the following definitions:

Sec. 90-10. Definitions.

Non-farm Buildings are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

Vehicle Towing Service is any person or business offering the services of a vehicle wrecker or towing service to the general public, whereby motor vehicles are towed or otherwise removed from the place where they are located, by use of a wrecker so designed for that purpose, or by a truck, or other equipment so adapted to that purpose, or in the business of storing towed vehicles.

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

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

PASSED AND APPROVED THIS _____ day of _____, 2010.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2010-25

A RESOLUTION CHANGING EXTRATERRITORIAL JURISDICTION MAP FROM ARC SYSTEM TO STRAIGHT LINE SYSTEM.

WHEREAS, the Planning Commission, subsequent to a public hearing held May 3, 2010, recommended amending the extraterritorial jurisdiction map by eliminating the arc system and implementing the straight line system, with the "Finding of Fact" being staff's recommendation; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the straight line extraterritorial jurisdiction map attached hereto shall be the official extraterritorial jurisdiction map of the City of Wayne, Nebraska.

PASSED AND APPROVED this 18th ay of May, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

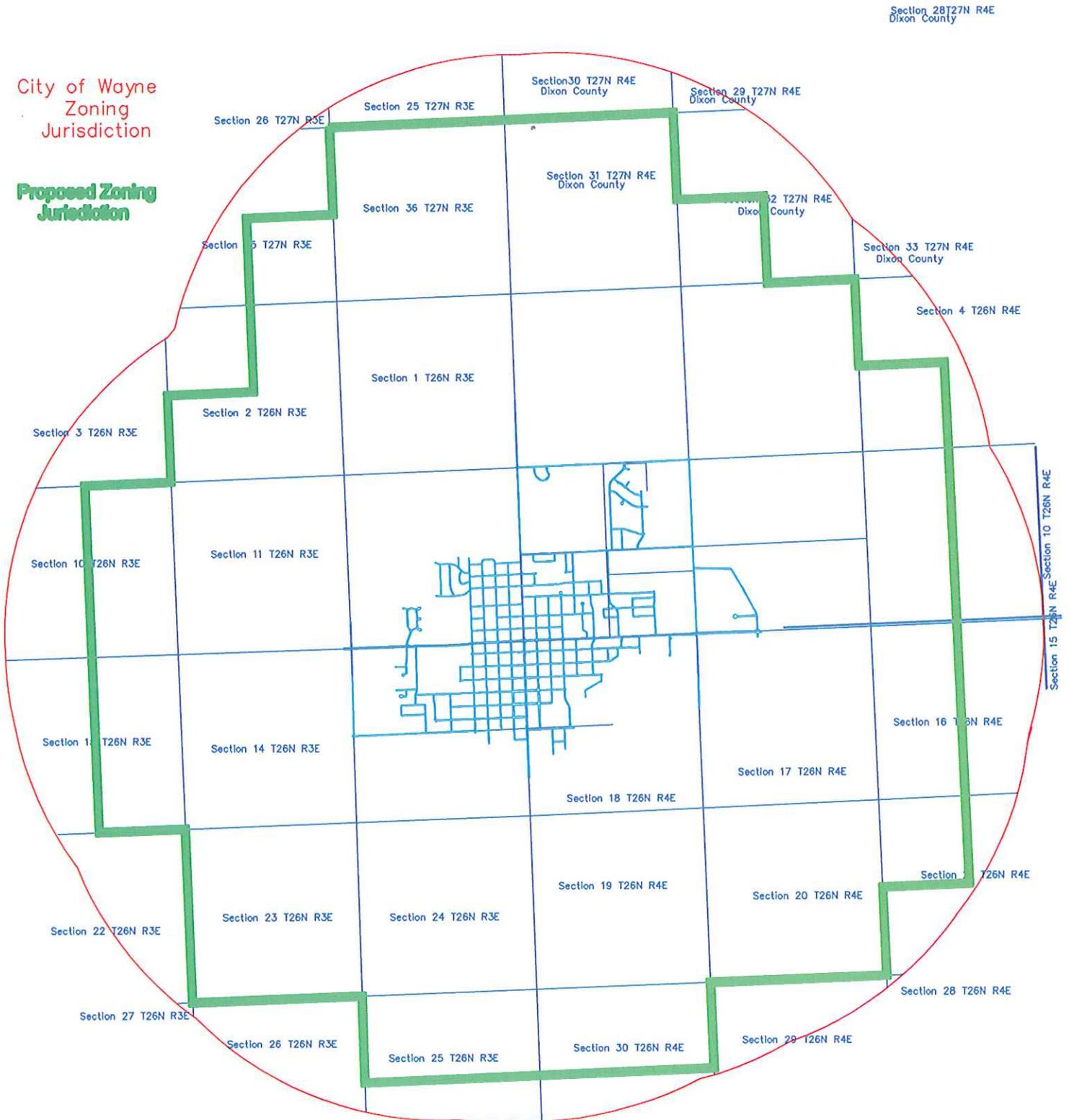
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

City of Wayne
Zoning
Jurisdiction

Proposed Zoning
Jurisdiction



ORDINANCE NO. 2010-11

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE XII ADMINISTRATIVE PROCEDURE AND ENFORCEMENT BY AMENDING SECTION 90-882 BUILDING PERMITS REQUIRED; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. The Planning Commission held a public hearing on May 3, 2010, and recommended amending Section 90-882 Building Permits Required of the Wayne Municipal Code, with the "Finding of Fact" being that it is staff's recommendation.

Section 2. That Chapter 90, Article XII, Section 90-882 of the Wayne Municipal Code is amended by adding the following definitions:

Sec. 90-882. Building Permits Required.

(a) No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the administrative official. No permit shall be issued by the administrative official except in conformity with the provisions of this chapter, unless he receives a written order from the board of adjustment in the form of an administrative review or variance as provided by this chapter.

(b) No building permit or city construction over-site shall be required for farm buildings erected within the city's extraterritorial zoning jurisdiction. Any farm buildings being erected will however require a Certificate of Zoning Compliance and an Occupancy Certificate once the structure is complete. A building permit, inspections, and occupancy certificate are still required for all non-farm buildings erected within the city's extraterritorial zoning jurisdiction.

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

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

PASSED AND APPROVED THIS ____ day of _____, 2010

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk



CONTRACTOR'S PAY ESTIMATE NO. 1

PROJECT: City of Wayne, NE
Former Kardell Landfill – Stream Restoration Project

OWNER: City of Wayne
306 Pearl Street
P.O. Box 8
Wayne, NE 68787
Attn: Lowell Johnson

CONTRACTOR: Gana Trucking & Excavating, Inc.
2700 W Panama Road
Martell, NE 68404

DATE: April 27, 2010

ENGINEER: Kirkham Michael

KM PROJECT NO.: 1001235

CONTRACT FOR: Entire Work

CONTRACT DATE: 12/3/2009

Total Contract Amount plus Approved Change Orders	\$	65,239.87
Total Completed and Stored to Date	\$	62,758.95
Retained 10%	\$	6,275.90
Previous Estimates	\$	0.00
Due the Contractor This Estimate	\$	56,483.05

I have reviewed this estimate and it appears to be correct.

KIRKHAM MICHAEL

By: Rich Robinson
Rich Robinson, P.E.

Date: 4-26-10

Approved: _____
(Owner)

Date: _____

Progress Estimate



2200 W. Panama Road
Martell, NE 68404
794-5000

Number: KM-0805249 Project: Kardell Landfill Application No.: 1
 Period From: 3/1/10 To: 4/22/2010 Date: 4/22/10

DESCRIPTION	CONTRACT			QUANTITY			COMPLETED COST		PERCENT COMPLETED	
	QTY	Unit	Unit Price	Extension	Current	Previous	Todate	Current		Todate
Mobilization	1	LS	\$4,497.00	\$4,497.00	1	0	1	\$4,497.00	\$4,497.00	100.0%
Clear & Grub	1	LS	\$1,900.19	\$1,900.19	1	0	1	\$1,900.19	\$1,900.19	100.0%
Excavation	1069	CY	\$10.53	\$11,256.57	1069	0	1069	\$11,256.57	\$11,256.57	100.0%
Remove 36" Tree	2	EA	\$434.00	\$868.00	2	0	2	\$868.00	\$868.00	100.0%
Rip Rap	1010	TN	\$35.90	\$36,259.00	1010	0	1010	\$36,259.00	\$36,259.00	100.0%
Silt Fence	305	LF	\$2.75	\$838.75	305	0	305	\$838.75	\$838.75	100.0%
Seeding	0.5	AC	\$1,250.00	\$625.00	0	0	0	\$0.00	\$0.00	0.0%
Clay Borrow	616	CY	\$11.59	\$7,139.44	616	0	616	\$7,139.44	\$7,139.44	100.0%
Erosion Blanket	888	SY	\$2.09	\$1,855.92	0	0	0	\$0.00	\$0.00	0.0%
TOTAL				\$65,239.87				\$62,758.95	\$62,758.95	96.2%

(a) Gross Amount Earned \$62,758.95
 (b) Less Retainage 5% ~~10%~~ *6,275.90*
 (c=a-b) Net Amount Earned ~~\$59,624.00~~ *56,483.05*
 (d) Less Previous PMTS \$0.00
NET AMOUNT DUE ~~-\$59,624.00~~ *56,483.05*

**Please see attached invoice.

 Jake Whitefoot

INVITATION TO BID

Sealed Proposals for the construction of "2009-2010 Wastewater Treatment Facility Improvements Phase 1 for the City of Wayne, Nebraska," JEO Project No. 090621 (617S7) will be received by the City Clerk at City Hall, P. O. Box 8, 306 Pearl Street, Wayne, Nebraska 68787, until 2:00 p.m. on the 22nd day of June, 2010, and thereafter will be read aloud.

The work consists of the following approximate quantities:

BASE BID – WASTEWATER TREATMENT FACILITY

1 LS Phase I Wastewater Treatment Facility - Complete

ENGINEER'S OPINION OF COST \$6,000,000

Proposals will be taken for said construction work listed above by unit prices, as an aggregate bid for the entire project.

All Proposals for said construction work must be made on blanks furnished by the ENGINEER and must be accompanied by Bid Security of not less than 5% of the amount bid. Bid Security to be made payable to the Treasurer of the City of Wayne as liquidated damages in case the bid is accepted and the bidder neglects or refuses, to enter into contract and furnish bond in accordance herewith.

Contractors and subcontractors on USEPA federally assisted construction projects are required to pay their laborers and mechanics not less than those established by the U.S. Department of Labor. A current wage decision containing the appropriate building and/or heavy type rates is included in the specifications for bidding purposes.

The Code of Federal Regulations at Title 40, Part 32, prohibits participation in EPA funded contracts by persons excluded or disqualified from doing business with the federal government. Bidders are responsible for advising the Owner if they are excluded or disqualified, and to check whether subcontractors they intend to use are excluded or disqualified. All tiers of subcontractors have the same responsibility to notify the one for which they are providing services if they are excluded or disqualified, and to check the status of any subcontractors they intend to use. Status can be checked on the Excluded Parties List System located on the Internet at www.epls.gov. All subcontracts at any tier should include this language.

Bidders of this work will be required to comply with the President's Executive Order Number 11246, as amended, which requires the contractor to take steps to meet aggregate workforce goals of 6.9% for minority participation and 1.2% for female participation. These requirements are explained in the Equal Employment Opportunity provisions included in the Contract Documents.

Each bidder must fully comply with the requirements, terms and conditions of the U.S. Environmental Protection Agency, Disadvantaged Business Enterprise (DBE) requirements, including the fair share objectives for disadvantaged business participation during the performance of this contract. The bidder commits itself to the fair share objective for

disadvantaged business participation contained herein and all other requirements, terms and conditions of these bid conditions by submitting a properly signed bid.

Subrecipients who request or receive from the grant recipient a subgrant, contract, or subcontract exceeding \$100,000, at any tier under a Federal grant, shall comply with the Anti-Lobbying Act, Section 319 or Public Law 101-121, and file an Anti-Lobbying Certification form, and the Disclosure of Lobbying Activities form, if required, to next tier above.

Plans, Specifications and Bid Documents may be inspected at the office of the City Clerk, 306 Pearl Street, Wayne, Nebraska, and will be issued by JEO Consulting Group, Inc., Consulting Engineers, 11717 Burt Street, Ste. 210, Omaha, Nebraska 68154, **a payment of \$100.00 for a half-size page set, printed specifications and a CD containing electronic drawings and specifications; \$175.00 for a full-size page set, printed specifications and a CD containing electronic drawings and specifications; or \$25.00 for only the CD containing electronic drawings and specifications to cover partial cost, none of which will be returned, needs to be paid prior to plans and specifications being sent out.** In order to bid the project, the plans and specifications must be issued directly by JEO Consulting Group, Inc. to the bidder.

The Mayor and City Council, reserves the right to waive informalities and irregularities and to make awards on bids which furnish the materials and construction that will, in their opinion serve the best interests of the City of Wayne, and also reserves the right to reject any and/or all bids.

DATED THIS ____ DAY OF _____, 20__

CITY OF WAYNE, NEBRASKA
Lois Shelton, Mayor

ATTEST: Betty McGuire
City Clerk

PUBLISHED: Wayne Herald
May 19, 2010
May 26, 2010
June 2, 2010
June 9, 2010
June 16, 2010

Request for Proposals for Operation Agreement of the City of Wayne Transfer Station

The City of Wayne is seeking proposals for an “Operation Agreement” of the City of Wayne Transfer Station with the following conditions:

1. The preferred term would be two years with 90 days written notice to terminate.
2. The operator would operate the transfer station under the City of Wayne NDEQ Solid Waste Permit and meet the requirements and conditions of the permit.
3. The operator would be responsible to keep the transfer station site free of litter.
4. The operator would provide proof of liability insurance in the amount of \$1 million with the City named as an additional insured and would pay the cost of the city insurance for the transfer station.
5. The operator will pay all utility costs of the transfer station.
6. The City will mow, repair and maintain the transfer station, transfer station equipment and the transfer station site.
7. The City will amend the city code to eliminate the requirement that garbage collected in Wayne be dumped at the City of Wayne transfer station.
8. The operator would provide staffing and management to operate the transfer station as a garbage facility and keep it open to the public for a minimum of 15 hours per week and by appointment for special dumping as determined by the operator.
9. The operator would accept garbage from city buildings, city projects, Henoween and Chicken Show events, city parks and sports facilities at no cost to the City, and Wayne County road litter and Wayne County Fair at no cost to the County.
10. The operator would provide containers on site to collect co-mingled recycling and metal scrap from the City and the public to be transported and sold by the operator.
11. The operator would collect tires for a fee set by the operator to cover disposal costs.
12. The operator would accept waste oil at no charge, and the waste oil will be collected by Wayne County at no cost to the operator.
13. **Separate glass container?**
14. The operator would continue to provide access and space for the area Boy Scouts to operate their current paper collection program.

15. The operator would accept refrigeration appliances and charge a collection fee to be paid to the City. The City will drain these and certify them Freon free for scrap for the metal scrap container.
16. The City would retain control and use of Lots 4 and 5 of the Original Town.
17. Private garbage route collectors may still operate in Wayne with the permit requirements that they: a) offer voluntary pay-to-throw pickup (pay by the bag instead of a flat fee per month) and, b) provide a co-mingled recycling service (curbside or a drop off location).
18. The operator will pay a monthly fee to the City of \$_____ for the use of the facility.



May 13, 2010

Lowell D. Johnson
City Administrator
PO Box 8
Wayne, NE 68787

RE: Wayne, Nebraska
2009 Water Main Improvements
JEO Project No. 617W7

Dear Lowell:

Enclosed for your approval are four (4) copies of Change Order No. 1(Revised), Application for Payment No. 1 (Final) and the Recommendation of Acceptance.

Change Order No. 1 accounts for changes made during construction to account for conditions in the field resulting in a net increase of \$10,399.66.

Change Order No. 1 allows for the installation of water main to loop the system near the development on South Tomar Street (Plan Sheet 5.1) and the reduction of water main installation due to acceptable existing water main near Pac-N-Sav (Plan Sheet 3.1) resulting in a net increase of 122 Lf of 8" water main.

Other major components of Change Order No. 1 include:

- 1) The additional removal of street pavement to abandon water services on Douglas Street.
- 2) Additional boring to allow installation under the storm sewer on Douglas Street
- 3) Installation of additional water services on Douglas Street.
- 4) Fire Hydrant Extensions to bring the hydrants to grade.
- 5) Additional 90 Degree Bends and 90 feet of 8" water main to accommodate alignment changes at Pac-N-Sav (Plan Sheet PP 3.2) and Zach Property Plan Sheets (PP 1.3 & 1.4).

Pay Application No. 1 (Final) represents all work completed from start of construction to date. All work has been completed 1 tests of the system produced the specified result.

We find the work to date completed in accordance with the plans and specifications; therefore, we recommend approval of Pay Application No. 1 (Final) in the amount of \$144,008.70.

Also enclosed for your action is the Recommendation of Acceptance (ROA). Upon acceptance, the one year warranty period begins. The ROA requires the Contractor to be responsible for warranty and testing of water main has been completed satisfactorily. We find no reason to not accept the project.

City of Wayne
May 13, 2010
Page 2

Upon the Council's final acceptance, please forward one copy of the documents to the Contractor with payment, one to JEO, one to DHHS for their file and keep the other for your file. Thank you for the opportunity to serve the City on this project.

Sincerely,

A handwritten signature in cursive script that reads "Dale E. Bohac".

Dale E. Bohac, P.E.
Project Engineer

DEB/skw
Enclosures

Pc: Gary Poutre
Jeff Brady

CHANGE ORDER NO. 1

DATE OF ISSUANCE:	<u>May 10, 2010</u>	EFFECTIVE DATE:	<u>May 10, 2010</u>
OWNER:	<u>City of Wayne, Nebraska</u>		
CONTRACTOR:	<u>Rutjens Construction, Inc.</u>		
Project:	<u>2009 Water Distribution Improvements, Wayne, NE</u>		
JEO Project No.:	<u>617W7</u>		
ENGINEER:	<u>JEO Consulting Group, Inc.</u>		

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

Description:

Adjust final quantities
Fire Hydrant Extensions - \$1067.89
Abandon Water Services in Street - \$500.00

Reason for Change Order:

Attachments: (List documents supporting change)

CHANGE IN CONTRACT PRICE:
Original Contract Price <u>\$133,609.04</u>
Net Increase (Decrease) from previous Change Orders No.: <u> </u> to <u> </u> : \$ <u> </u>
Contract Price prior to this Change Order: <u>\$133,609.04</u>
Net increase (decrease) of this Change Order: <u>\$10,399.66</u>
Contract Price with all approved Change Orders: <u>\$144,008.70</u>

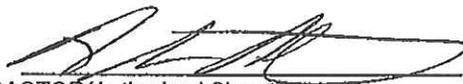
CHANGE IN CONTRACT TIMES:
Original Contract Times: Ready for final payment: _____ (days or dates)
Net change from previous Change Orders No.: <u> </u> to <u> </u> : Ready for final payment: _____ (days)
Contract Times prior to this Change Order: Ready for final payment: _____ (days or dates)
Net increase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

RECOMMENDED: JEO Consulting Group, Inc.

By: 
ENGINEER (Authorized Signature)

Date: 5-11-2010

ACCEPTED: Rutjens Construction, Inc.

By: 
CONTRACTOR(Authorized Signature)

APPROVED: City of Wayne, Nebraska

By: _____
OWNER (Authorized Signature)

Date: _____

Date: 5/10/2010

2008 Water Distribution Improvements
Wayne, Nebraska
JEO Project No. 617W7

May 10, 2010

Owner: City of Wayne, Nebraska

Contractor: Rutjens Construction, Inc.

ORIGINAL CONTRACT AMOUNT:

\$133,609.04

ITEM NO.	QTY	UNIT	DESCRIPTION	UNIT PRICE	ADD	DEDUCT
1	1	EA	Install 8" Gate Valve and Box	\$917.00		\$917.00
4	1	EA	Install 8" x 8" x 6" Tee	\$276.00	\$276.00	
5	1	EA	Install 6" x 6" x 6" Tee	\$246.00	\$246.00	
6	1	EA	Install 8" x 8" x 8" x 6" Cross	\$425.00		\$425.00
7	212	LF	Install 8" PVC Water Main C909	\$17.48	\$3,705.76	
8	33	LF	Directional Bore 8" Restrained Joint PVC Water Main DR18	\$25.94	\$856.02	
9	23	LF	Install 6" PVC Water Main C909	\$15.25	\$350.75	
10	1	LF	Install 4" PVC Water Main C909	\$14.39		\$14.39
11	4	EA	Install 8" 45 Degree Bend	\$220.00		\$880.00
12	4	EA	Install 8" 90 Degree Bend	\$213.00	\$852.00	
14	1	EA	Install 8" 22.5 Degree Bend	\$209.00	\$209.00	
15	2	EA	Install 8" 11.25 Degree Bend	\$209.00		\$418.00
17	2	EA	Install 6" Ductile Iron Coupling (Sleeve)	\$290.00	\$580.00	
19	1	EA	Install 2" Water Service Connect to Existing Service Line	\$399.00		\$399.00
23	1	EA	Install 4" x 4" x 4" Tee	\$129.00		\$129.00
24	1	EA	Install 8" x 6" Reducer	\$125.00	\$125.00	
27	425	SF	Remove & Replace 6" Pavement	\$8.25	\$3,506.25	
28	144	SF	Remove & Replace 4" Sidewalk	\$3.75	\$540.00	
29	20	LF	Remove & Reinstall Chainlink Fence	\$35.00		\$700.00
30	93	LF	Install 1" SIDR7 Poly Service Line	\$14.66	\$1,363.38	
31	2	EA	Install 1" Corporation	\$148.00	\$296.00	
32	1	EA	Install 2" Corporation	\$257.00		\$257.00
33	1	EA	Install 2" Curb Stop	\$325.00		\$325.00
34	2	EA	Install Curb Stop	\$195.00	\$390.00	
1	1	LS	Fire Hydrant Extension	\$1,067.89	\$1,067.89	
2	1	LS	Abandon Water Services in Street	\$500.00	\$500.00	
TOTAL ADD					\$14,864.05	
TOTAL DEDUCT						\$4,464.39
NEW CONTRACT AMOUNT					\$144,008.70	

APPLICATION FOR PAYMENT NO. 1

To: City of Wayne, Nebraska
From: Rutjens Construction, Inc.
Contract For: 2009 Water Distribution Improvements
ENGINEER's Project No. 617W7
For Work accomplished through the date of: April 26, 2010

1. Original Contract Price:	\$	<u>133,609.04</u>
2. Net change by Change Orders and Written Amendments (+ or -):	\$	<u>10,399.66</u>
3. Current Contract Price (1 plus 2):	\$	<u>144,008.70</u>
4. Total completed and stored to date:	\$	<u>144,008.70</u>
5. Percent of Project Completed <u>100%</u>		
6. Retainage (per agreement):		
<u>0%</u> of completed Work and Stored Materials:	\$	<u>-</u>
(10% of the first 50% of work completed & stored)		
Total Retainage:	\$	<u>-</u>
7. Total completed and stored to date less retainage (4 minus 6):	\$	<u>144,008.70</u>
8. Less previous Application for Payments:	\$	<u>-</u>
9. DUE THIS APPLICATION (7 MINUS 8):	\$	<u>144,008.70</u>

Accompanying Documentation:

CONTRACTOR'S Certification:

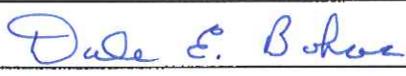
The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for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

Dated: 4/26/2010 Rutjens Construction, Inc.

By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated: 5-11-2010 JEO CONSULTING GROUP, INC.

By: 

APPLICATION APPROVED BY: City of Wayne, Nebraska

By: _____

Title: _____

Date: _____

ATTEST:

By: _____

Title: _____

CONTRACTOR'S PROGRESS ESTIMATE

Owner: City of Wayne, Nebraska

Date: 26-Apr-10

Project: 2009 Water Distribution Improvements

Estimate No.: 1

Contractor: Rutjens Construction, Inc.

JEO Project No.: 617W7

ITEM NO.	CONTRACT QTY	UNIT	DESCRIPTION	QTY TO DATE	UNIT PRICE	TOTAL
1	8	EA	Install 8" Gate Valve and Box	8	\$917.00	\$7,336.00
2	4	EA	Install 6" Gate Valve and Box	4	\$669.00	\$2,676.00
3	2	EA	Install 4" Gate Valve and Box	2	\$674.00	\$1,348.00
4	6	EA	Install 8" x 8"x 6" Tee	6	\$276.00	\$1,656.00
5	1	EA	Install 6" x 6"x 6" Tee	1	\$246.00	\$246.00
6	1	EA	Install 8" x 8" x 8" x 6" Cross	1	\$425.00	\$425.00
7	4,031	LF	Install 8" PVC Water Main C909	4031	\$17.48	\$70,461.88
8	657	LF	Directional Bore 8" Restrained Joint PVC Water Main DR18	657	\$25.94	\$17,042.58
9	15	LF	Install 6" PVC Water Main C909	15	\$15.25	\$228.75
10	19	LF	Install 4" PVC Water Main C909	19	\$14.39	\$273.41
11	8	EA	Install 8" 45 Degree Bend	8	\$220.00	\$1,760.00
12	4	EA	Install 8" 90 Degree Bend	4	\$213.00	\$852.00
13	1	EA	Install 4" 90 Degree Bend	1	\$165.00	\$165.00
14	2	EA	Install 8" 22.5 Degree Bend	2	\$209.00	\$418.00
15	3	EA	Install 8" 11.25 Degree Bend	3	\$209.00	\$627.00
16	1	EA	Install 8" Ductile Iron Coupling (Sleeve)	1	\$315.00	\$315.00
17	1	EA	Install 6" Ductile Iron Coupling (Sleeve)	1	\$290.00	\$290.00
18	5	EA	Install 8" x 8"x 8" Tee	5	\$310.00	\$1,550.00
19	1	EA	Install 2" Water Service Connect to Existing Service Line	1	\$399.00	\$399.00
20	2	EA	Remove and Salvage Fire Hydrant	2	\$325.00	\$650.00
21	1	EA	Install 8" x 12" Tapping Tee w/Valve	1	\$1,410.00	\$1,410.00
22	2	EA	8" Plug	2	\$149.00	\$298.00
23	1	EA	Install 4" x 4"x 4" Tee	1	\$129.00	\$129.00
24	3	EA	Install 8"x 6" Reducer	3	\$125.00	\$375.00
25	2	EA	Install 8"x 4" Reducer	2	\$130.00	\$260.00
26	6	Ton	Road Gravel	6	\$33.00	\$198.00
27	55	SF	Remove & Replace 6" Pavement	55	\$8.25	\$453.75
28	137	SF	Remove & Replace 4" Sidewalk	137	\$3.75	\$513.75
29	20	LF	Remove & Reinstall Chainlink Fence	20	\$35.00	\$700.00

30	62	LF	Install 1" SIDR7 Poly Service Line	62	\$14.66	\$908.92
31	3	EA	Install 1" Corporation	3	\$148.00	\$444.00
32	1	EA	Install 2" Corporation	1	\$257.00	\$257.00
33	1	EA	Install 2"Curb Stop	1	\$325.00	\$325.00
34	3	EA	Install Curb Stop	3	\$195.00	\$585.00
35	1	LS	Change Order Items	1	\$10,399.66	\$10,399.66
SUBTOTAL GROUP "A"						\$125,976.70
ITEM NO.	CONTRACT QTY	UNIT	DESCRIPTION	QTY TO DATE	UNIT PRICE	
1	7	EA	Install Fire Hydrant Assembly	7	\$2,576.00	\$18,032.00
TOTAL GROUP "A" (SUBTOTAL + TAX)						\$144,008.70

EXHIBIT "E"
RECOMMENDATION OF ACCEPTANCE

DATE OF ISSUANCE: May 10, 2010

OWNER: City of Wayne, Nebraska

CONTRACTOR: Rutjens Construction, Inc.

Contract: 2008 Water Distribution Improvements, Wayne, Nebraska

Project: 2008 Water Distribution Improvements

OWNER's Contract No.: _____

ENGINEER's Project No.: 617W7

This Recommendation of Acceptance applies to all Work under the Contract Documents or to the following specified parts thereof:

To: City of Wayne, Nebraska
OWNER

And To: Rutjens Construction, Inc.
CONTRACTOR

The Work to which this Recommendation of Acceptance applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be complete in accordance with the Contract Documents on _____, expressly subject to the provisions of the related Agreement documents and the terms and conditions set forth herein.

CONDITIONS OF RECOMMENDATION OF ACCEPTABILITY OF WORK

The Recommendation of Acceptability of Work ("Recommendation") on the front side of this sheet is expressly made subject to the following terms and conditions to which all persons who receive said Recommendation and rely thereon agree:

1. Said Recommendation is given with the skill and care ordinarily used by members of the engineering profession practicing under similar conditions at the same time and in the same locality.
2. Said Recommendation reflects and is an expression of the professional judgment of ENGINEER.
3. Said Recommendation is given as to the best of ENGINEER's knowledge, information, and belief as of the date hereof.
4. Said Recommendation is based entirely on and expressly limited by the scope of services ENGINEER has been employed by OWNER to perform or furnish during construction of the Project (including observation of the CONTRACTOR's work) under ENGINEER's Agreement with OWNER and under the Construction Contract referenced herein, and applies only to facts that are within ENGINEER's knowledge or could reasonably have been ascertained by ENGINEER as a result of carrying out the responsibilities specifically assigned to ENGINEER under ENGINEER's Agreement with OWNER and the Construction Contract referenced herein.

5. Said Recommendation is not a guarantee or warranty of CONTRACTOR's performance under the Construction Contract referenced herein nor an assumption of responsibility for any failure of CONTRACTOR to furnish and perform the Work thereunder in accordance with the Contract Documents. The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

OWNER: Responsible for security, operation, safety and maintenance.

CONTRACTOR: Responsible for the one-year warranty and guarantee shall commence to run as of the date of acceptance by the OWNER shown below.

The following documents are attached to and made a part of this Recommendation of Acceptance:
Payment Application No. 1 (Final)

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

Executed by ENGINEER on 5-11-2010
Date

JEO Consulting Group, Inc.
ENGINEER

By: Dale E. Bohue
(Authorized Signature)

CONTRACTOR accepts this Recommendation of Acceptance on 5/10/2010
Date

Rutjens Construction, Inc.
CONTRACTOR

By: [Signature]
(Authorized Signature)

OWNER accepts this Recommendation of Acceptance on _____
Date

City of Wayne, Nebraska
OWNER

By: _____
(Authorized Signature)

APPLICATION FOR PAYMENT NO. 5

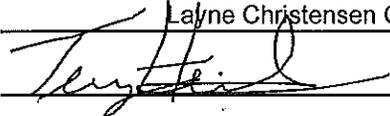
To: City of Wayne, Nebraska
From: Layne Christensen Co.
Contract For: Well House and Municipal Well 2009-1
ENGINEER's Project No. 617W6
For Work accomplished through the date of: March 31, 2010

1. Original Contract Price:	\$	363,651.00
2. Net change by Change Orders and Written Amendments (+ or -):	\$	(5,088.00)
3. Current Contract Price (1 plus 2):	\$	358,563.00
4. Total completed and stored to date:	\$	204,934.47
5. Percent of Project Completed	<u>57%</u>	
6. Retainage (per agreement):		
<u>10%</u> of completed Work and Stored Materials:	\$	<u>20,493.45</u>
(10% of the first 50% of work completed & stored)		
Total Retainage:	\$	20,493.45
7. Total completed and stored to date less retainage (4 minus 6):	\$	184,441.02
8. Less previous Application for Payments:	\$	147,655.69
9. DUE THIS APPLICATION (7 MINUS 8):	\$	36,785.33

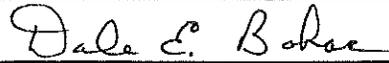
Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 4 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated: March 31, 2010
By:  Layne Christensen Co.

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated: 5-11-2010
By:  JEO CONSULTING GROUP, INC.

APPLICATION APPROVED BY: City of Wayne, Nebraska

By: _____
Title: _____ Date: _____

ATTEST:

By: _____ Title: _____

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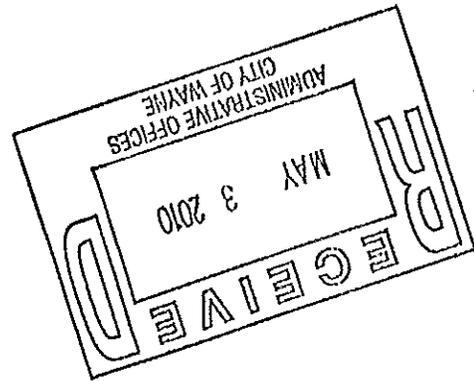
May 3, 2010

Ken Chamberlain, Chairman

Wayne Community Development Agency

306 Pearl

Wayne, NE 68787



Dear Mr. Chamberlain,

I am respectfully requesting a 3 month extension of the 12 month deadline of April 16th to secure an Occupancy Permit for the house we are building on Lot 6 of Western Ridge II. The house on Lot 11 is complete and awaiting final inspection.

The reason for the delay and our request for an extension is a combination of the delay of start time from excessive snow drift cover on the lot and subsequent personal circumstances that have taken family members off the crew for the project.

Sincerely,

Lou Bencoter, President

Bencoter Plumbing and Heating

Newcastle, NE 68757

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Heartland EDC
Blue Springs Missouri

I want to thank the council for their continued support of City staff attending educational conferences. I attended the Heartland EDC conference on April 18 to April 22. This was a very good conference. It reinforced many of the things I have learned in the past and also gave me some insight into trends in Economic Development

Some of the topics discussed:

The 8 "P"s for Economic Development

1. Planning
2. Preparation
3. Product
4. Promotion
5. Professionalism
6. Partnership
7. Persistence
8. Personal

The 7 "C"s of Economic Development

1. Competition
2. Creativity
3. Challenge
4. Calculate
5. Change
6. Copy
7. Commitment

Business Retention/Expansion-Remember your community's best companies are another communities best prospects.

Workforce Development – immigration
Financing Economic Development and Incentives

Strategic Planning for Economic Development

A tour of Haldex Coproration – a manufacture of air brake adjusters for semi trailers.
(One of their customers is Great Dane)

Entrepreneurship – the need to develop the talent.

Marketing your community – Your target marketing should be the platform of the strategic marketing plan. You need to believe what you are doing is right. **You need to know your data!**

Web sites were reviewed. We still have some room for improvement. Some suggestions I came up with are:

- List the size of a pdf file
- Make sure in your e-mail signature you have the web site listed
- We should have a map of where we are in the country on the front page of the web site. Site selectors are looking at logistics
- We need to spell out our e-mail address as many sight selectors have limited internet access in hotels and are looking for information on their smart phones. A hot link to a e-mail package does not work on the smart phones.

The most interesting section was listening to a site selector. Here are key thing I gleaned from his session:

- Confidentiality of a potential company. If it leaks out in the community that company XYZ is locating in your community two things will probably happen. First the company will not locate in your community and secondly, that site selector will never recommend you to another company.
- Website – Make sure the website is updated, easy to use and the data about your community is in your first page so the site selector does not need to go searching for it. They will leave your site and rule your community out right away.
- The site selectors are ruling out communities as quickly as possible.
- When you get a request for information, provide only the answers to the information that is requested and in the order that is requested.
- Prior to a site selector or a prospect coming to town learn as much about the prospect as you can. They are going to be seeking all information on you to have before their visit too.
- When the site selector or a company comes to town have the key people available to meet with them. Whoever is involved needs to know the answers to the questions asked or be able to get back to them with the correct data as soon as possible. Do not let someone promise something that cannot be done in your community.
- Maintain professionalism throughout the visit.
- **Promptly** follow up with additional information requested.
- Send a hand written thank you note to the site selector and the prospect. That is a way to **be remembered** as there are very few hand written notes anymore.

Respectfully submitted
Nancy L. Braden

Wayne Public Library Board of Trustees
Tuesday, April 6, 2010 / 5 p.m., Conference Room

MINUTES

The meeting was called to order at 5:00 PM.

All members were present except for Betty Heier. Lauran Lofgren, Library Director was also present.

Anyone desiring to view the Open Meetings Act may do so. The document is available for public inspection and is located on the south wall of the Library/Senior Center Conference Room.

The minutes were approved as written.

The financial report was approved as written.

DIRECTOR'S REPORT 50% of year

- Statistics
- | | FEB 10 | MAR10 | MAR09 | % of Previous Year Total |
|--|--------|-------|-------|--------------------------|
|--|--------|-------|-------|--------------------------|

	FEB 10	MAR10	MAR09	% of Previous Year Total
Circulation	3621	4329	4327	46
Patrons	3839	4397	4597	45
Meeting Room	13	30	15	80
Reference ?s	249	249	246	51
Computer ?s	318	292	285	54
Phone Calls	465	457	459	42
OPACS	220	206	225	48
CD-ROMs	123	153	120	50
Internet	1015	1079	1165	45
New Patron Cards	22	27	30	37
Items Added	144	137	212	62
Items Deleted	316	511	635	75

- Meetings attended
 - LKL attended OneLibrary quarterly meeting
 - LKL met with Kevin Peterson about digital Wayne Herald
 - JOsnes attended Summer Reading Program workshop
- Staff projects and concerns
 - Fishers of Kids pre-school tour
 - JOsnes presented at two WSC education classes
 - RMcLean and KHansen taught computers classes on Using Ebay and Microsoft Office Shortcuts
 - Annual Easter Egg Hunt had a huge response this year. Well over 100 kids with parents and grandparents had a great time hunting for eggs in the library followed by a storytime.
 - Annual Aid to Libraries check was received for \$1,849 (several hundred higher due to our improved accreditation)
 - LKL took week of vacation and was absent for two days for a family funeral in Kansas.
 - A major weeding project in the adult collection is continuing, and will be complete before the FOL booksale in mid-April.

- We received an update on the Library Improvement Grant. All paperwork is in and has been submitted to the federal government. Successful applications will start being notified in June, with notifications continuing through September 2010.

OLD BUSINESS

- Technology plan – Brian Kesting added a few words, but made no large changes. The board approved the technology plan.
- 2010-2011 budget – The board briefly looked over the proposed budget for 2010-2011. Some statistics on how the youth services position has grown in scope will be explored and distributed before the next meeting.

There was no New Business.

The meeting adjourned at 5:22 PM.

Respectfully submitted,
Mollie Spieker

**Wayne Planning Commission Meeting Minutes
Monday, April 5, 2010**

Chair Sharon Braun called the regular meeting of the Wayne Planning Commission to order at 7:00 P.M., on Monday, April 5, 2010, in the Council Chambers of the Municipal Building. Roll call was taken with the following members present: Lee Brogie, Bill Kranz, Pat Melena, Kelby Herman, Jill Sweetland, Chair Sharon Braun, and City Administrator Lowell Johnson. Absent: Derek Hill, Buffany Deboer, and Mark Sorensen.

Motion was made by Commissioner Sweetland and seconded by Commissioner Brogie to approve the minutes as presented for December 7, 2009. Chair Braun stated the motion and second. All were in favor; motion carried unanimously.

Chair Braun read the Open Meetings Act and advised that anyone desiring to speak should limit themselves to three minutes and wait until being recognized by the Chair.

Chair Braun stated the next item on the agenda was a public hearing amending Section 74-293 Fees of the Municipal Code to reduce the fee from eight (8) percent of the Fair Market Value of the total land area to one (1) percent for areas outside of the city limits, with the applicant being the City of Wayne.

Chair Braun opened the public hearing to the public for comments; there being no comments from the public, Chair Braun closed the hearing and opened discussion amongst the Commission.

Commissioner Mark Sorensen arrived at 7:03 p.m.

Commissioner Kranz questioned where the park fee dollars go, what are they used for and what could they be used for.

Administrator Johnson noted that Municipal Code Section 74-292, states that any subdivision must contribute some to buy park land or equipment for the good of the community. This would not change only the amount contributed.

Commissioner Kranz questioned if the park funds from the Western Ridge development would need to go back to the Western Ridge development or if they would go elsewhere.

Administrator Johnson stated they go into a special park fund.

Chair Braun gave the Commission an example of a subdivision which laid in the ETJ and the park fee. Chair Braun questioned if the developer got the choice of donating land or paying the park fee.

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Administrator Johnson stated the City Council makes the choice as to whether it will be land for a park or a fee.

After some discussion, motion was made by Commissioner Melena and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council for the amended language of Section 74-293 Fees of the Municipal Code, as stated in the attachment, with these changes, the amount of such fee shall be one percent of the fair market value of the total land area and the park fee for non-annexed, non-contiguous subdivisions to the city limits which are outside of the city limits, in the extraterritorial jurisdiction, and not served by any city services shall be one percent, with findings of fact being staff's recommendation and the Planning Commission. Chair Braun stated the motion and second, with the roll call vote as follows: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Herman – aye; Commissioner Melena – aye; Commissioner Kranz – aye; Commissioner Brogie – aye; and Chair Braun – aye. Chair Braun declared the motion carried unanimously.

Chair Braun stated the next item on the agenda was the discussion of "Roberts Rules of Order".

Chair Braun noted that Administrator Johnson had stated in his notes, the City Council does not follow Robert's Rules of Order. Chair Braun opined the Robert's Rules of Order is a good thing, but is very detailed and feels the process should be simplified.

Commissioner Melena opined that if they follow Robert's Rules of Order once, they need to each time and if they are getting along without it now, and if Council is not using it, then the Commission should leave it alone and not follow it.

Consensus of the Commission was to not follow Robert's Rules of Order at this time.

Chair Braun stated the next item on the agenda was the discussion / presentation from the NPZA Conference.

Chanelle Belt, Administrative Assistant discussed her findings which included the following 1) community standards; 2) good zoning definitions; 3) city annexing land and the ETJ area; 4) findings of fact; 5) exceptions / conditional uses and the findings of fact to go with them; and 6) retreat session for Planning Commission.

Joel Hansen, Building Inspector/Planner/Street Superintendent, discussed his findings with the Commission and also showed the Commission how to navigate around the new city's website, which included the zoning map, city code – specifically Chapter 90 Zoning, and the comprehensive plan. The findings that Inspector Hansen brought back from the conference included: 1) the extraterritorial jurisdiction map should be easily definable – arc system compared to a straight line system; 2) consider having the Planning Commission review the Comprehensive Plan annually, maybe during the winter months; 3) consider having the Planning Commission and City Council meet annually.

Chair Braun questioned having the Board of Adjustment meet at the same time. Inspector Hansen said that would be fine.

Commissioner Kranz questioned if the Planning Commission could change the comprehensive plan or was it a City Council document?

Administrator Johnson stated that the Planning Commission could change the comprehensive plan at anytime; the changes just need to be approved by Council through resolution.

Inspector Hansen noted that if an annual review of the comprehensive plan is made, then any changes can be forwarded onto the City Council, you can address issues at the time and not wait ten years.

Commissioner Kranz questioned who can bring forward the changes to the comprehensive plan.

Chair Braun stated that the council cannot make the changes on their own; the changes need to come to them as a recommendation from the Planning Commission. A public hearing would need to take place at the Planning Commission level first and then a recommendation made to the Council.

Inspector Hansen noted for the Commission on the extraterritorial jurisdiction (ETJ) map. State Statute says that you can go out to the two mile limit you do not need to include all of it. If the Commission wants to adopt the ETJ map with the section (straight) lines they can. State Statutes does allow counties to cede their zoning jurisdiction to first class cities.

Lowell Johnson, City Administrator presented his findings to the Commission, which included requiring only zoning use permit for construction and not a building permit, unless they are doing something residential or nonfarm. The city would only look at the use. The second item is the need for a sustainability plan

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in the comprehensive plan as well as the zoning code, for subdivision development and construction, land development, and storm water runoff plans. Administrator Johnson wanted to make the Commission aware of this and the possible future need for a sustainability plan.

Commissioner Sorensen opined that he would like to see a change in the permit requirements for farm buildings for the ETJ.

There being no further discussion, motion made by Commissioner Melena and seconded by Commissioner Sweetland to adjourn the meeting. Chair Braun stated the motion and second. All were in favor; motion carried unanimously; meeting was adjourned.