

**AGENDA
CITY COUNCIL MEETING
July 6, 2010**

5:30 Call to Order

1. Approval of Minutes – June 15, 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. Report from LB840 Committee — Wes Blecke, WAED Director

Background: When the voters approved the one cent local option sales tax for Economic Development and city capital projects, they also approved a local economic development plan and created a Citizen Advisory Committee to review proposed economic development projects and make funding recommendations to the Mayor and City Council. The Economic Development Plan requires a representative of the Advisory Committee to report on the progress of the economic development plan and the status of projects and funding.

Enclosures: Included in this packet is a copy of the report Wes Blecke will present at the meeting.

**4. Review of Bids for 2009-2010 Wastewater Treatment Facility Improvements
Phase 1 — Roger Protzman, JEO Consulting Group**

Background: The engineer construction cost estimate for this new Aquarius sewer treatment plant was \$6 million. The low bid was about \$5.1 million from Eriksen Construction of Blair. The bid includes the rebuilding of the existing lift stations, construction of the new plant and demolition and removal of the old treatment plant. The bid does not include demolition or removal of the existing 26-acre lagoon, or a proposed 300,000 gallon sludge holding cell, or a proposed equalization basin to hold a sudden surge of influent rain water in the event of a large rain storm. The construction start date will be in August of 2010, and start-up of the new treatment plant will be in August of 2011.

This low bid is the result of team work begun in 2005 by the Mayor and appointed citizens committee led by Garry Poutre, Jeff Brady and Doug Echtenkamp in the Wastewater Department and Roger Protzman and Lucas Bilsbauch with JEO Consulting Group. The WW Dept. spent an enormous

amount of hours evaluating the performance of pilot treatment plants on-site for the City to determine that this is a viable design.

The total project cost will include \$1 million+ for design and construction engineering and permitting, less the \$550,000 EPA Demonstration Grant received for the innovative Aquarius design.

Enclosure: Bid Tab Sheet listing all bids received for the project.

Recommendation: The recommendation of the project engineer is to accept the low bid of \$5,133,000 from Eriksen minus an additional deduct of \$34,230 for an alternate bid on submersible pumps that match all our other pumps. The total project cost would then be \$5,098,770. Other equipment alternative bids were considered by staff and JEO, but are not recommended for approval.

5. Resolution 2010-41: Accepting Bid and Awarding Contract on 2009-2010 Wastewater Treatment Facility Improvements Phase I

6. Resolution 2010-42: Approving Two-Year Warranty Agreement with Aquarius for the Wastewater Treatment Plant

Background: When we selected the Aquarius system for waste treatment, we made a verbal agreement with them for a two-year warranty instead of the usual one-year warranty. The written agreement will specify and define the terms of the warranty.

Enclosure: Enclosed for your review is a draft of the agreement being reviewed at this time by Aquarius attorneys.

Recommendation: None at this time. We may have final approval from Aquarius by meeting time.

7. Request of Kiwanis Club to Provide and Help Maintain a School Bus Stop Shelter for Children in the Vicinity of Sunnyview Park — Dr. Ken Liska

Background: The Kiwanis Club is one of several in Wayne that target projects to benefit children. This proposal would be designed and built locally by Heritage Industries and installed in a location approved by Garry and Todd at the school bus stop at 10th Street and Providence Road. If you approve this design, we will have it reviewed by our insurance carrier before giving Kiwanis the go-ahead. The shelter would be paid for and installed by the Kiwanis Club. They have offered to help maintain the shelter, but if it is on City right-of-way or in the city park, the responsibility and liability for safety and maintenance will be ours.

Enclosures: Elevation drawings of the metal and tempered glass structure

Recommendation: Garry Poutre and Parks Director, Todd Hoeman have reviewed this and are ok with this joint Kiwanis/City/School Project.

8. Public Hearing: To Consider the Planning Commission's Recommendation in regard to amending Section 74-102 (a) Administrative Subdivisions, by Allowing for up to Two Administrative

Subdivision Replats for the same Tract of Land. The applicant is the City of Wayne. (Advertised Time: 5:30 p.m.)

9. Ordinance 2010-13: Amending Wayne Municipal Code Sec. 74-102 (a) Administrative Subdivisions

Background: All subdivisions annexed into the city limits are zoned and platted into lots that meet the requirements of State Statutes and the City Zoning Code. It is common for property owners to buy or sell portions of lots or combine lots at a later date.

Wayne City Code currently allows the Zoning Administrator to create a new legal description by “administrative plat” for property owners who want to sell or combine part of a lot, providing that:

- 1) the lot has not been previously subdivided administratively after 1979;
- 2) the new subdivided area does not include dedication of full-width streets;
- 3) the administrative subdivision does not create more than 4 new lots;
- 4) the administrative subdivision does not require vacating city utility easements; and
- 5) in the opinion of the Zoning Administrator, the administrative subdivision is not contrary to the Comprehensive Plan.

This ordinance amends requirement #1 above to allow two administrative replats of an original subdivision lot by the Zoning Administrator. State Statutes do not limit the number of administrative replats done on a lot by a Zoning Administrator.

Recommendation: After a public hearing and public discussion of this amendment, the Planning Commission recommends approval of this amendment to the City Council. As an additional note of information, Planning Commission members were supportive of allowing three administrative replats of an original lot by the Zoning Administrator, but were unsure if the wording of the public hearing notice would allow them to make that alternate recommendation. After this public hearing, the City Council has the authority to approve, disapprove or amend the recommendation of the Planning Commission.

10. Public Hearing: To Consider the Planning Commission’s recommendation in regard to amending Section 90-203 Permitted Accessory Uses and Structures; Section 90-233 Permitted Accessory Uses and Structures; Section 90-263 Permitted Accessory Uses and Structures; Section 90-293 Permitted Accessory Uses and Structures; Section 90-313 Permitted Accessory Uses and Structures; and Section 90-703 Accessory Uses, to Allow for an Adjustment in the Maximum Building Size and Total Area of Accessory Structures on a Lot. The applicant is the City of Wayne. (Advertised Time: 5:30 p.m.)

Background: In 2004, the City received a building permit application for a larger than normal accessory building in the back yard of a residential lot. The property owner of the abutting residential property objected to the large size of the building and asked the City to disapprove the building permit. We disapproved the permit on the basis that the extreme size of the building would

diminish the value of the neighbor's residence. The permit applicant filed suit in court to compel the City to approve the permit for the large building and prevailed on the basis that the City had no limit on building size in residential zones. The Planning Commission and City Council then approved an amendment to residential zoning that limits the amount of building coverage of a residential lot to 50%, with a maximum total area of accessory buildings on a lot of 1,064 square feet.

Since that time, we find numerous property owners of large residential lots on the perimeter of the city limits that want to build larger accessory buildings than the code permits. This amendment provides a graduated formula to accommodate larger accessory buildings on larger lots and sets a new maximum size.

Recommendation: The recommendation of the Planning Commission is to approve the amendment.

11. Ordinance 2010-14: Amending Wayne Municipal Code Sections 90-203, 90-233, 90-263, 90-293, 90-313 and 90-703

Background: All city building codes adopted by the City Council provide for an appeals board to hear appeals from contractors or property owners of the Building Inspector's interpretation of the Building Codes or Property Maintenance Code. The purpose of this amendment is to clarify that the single Board of Appeals appointed by the Mayor and Council serves as the board for all the codes and to expand the size of the board to provide a broader base of review of future appeals.

Recommendation: The recommendation of the Planning Commission is to approve the amendment.

12. Ordinance 2010-12: Amending Wayne Municipal Code Section – Construction Board of Appeals by expanding the board from three members with two alternates to 6 members with two alternates with this Board serving as the Board of Appeals for the Property Maintenance Code and all City Building Codes (Second Reading)

13. Ordinance 2010-15: Amending the Wayne Zoning Map to go from an Arc System to Straight-Line System

Background: The existing zoning boundaries of the City of Wayne Extra-territorial Jurisdiction use the "Arc System" that creates arc boundary lines with 2 mile radii pivoting on outer corner points of the city limits. These arc boundaries dissect buildings and farms and are confusing when determining the boundary locations on the ground. This ordinance changes our arc boundary system to a straight line boundary system with the extraterritorial zoning boundaries located on half mile lines for simplicity and clarity.

Recommendation: The recommendation of the Planning Commission after public hearing is to change to this system.

14. Resolution 2010-43: Adopting Official Zoning Map

Background: Our Zoning Code provides for the Mayor and City Council to update the official zoning map annually with all the changes made during the past year and to post the official zoning map in the City Clerk's Office. In the past, the up-dated map has been kept electronically and updated with each zoning change.

Recommendation: City Code requires this action.

15. Resolution 2010-44: Accepting Bid and Authorizing Purchase of Commercial Front Deck Mower

Background: We hire mostly college students for part-time summer help to mow about 35 acres of grass areas. We need three mowers to cover this ground, and we need one mower that can safely mow 2:1 slopes and ditches. We received two bids to replace our 1999 Ransom mower that has a relatively worn and week hydro-stat transmission. The repair cost was about the same as the \$2,500 trade in value. Public Works decided to keep the Ransom for mowing flat ground, now that we are also mowing the softball area and use the new mower for the heavy duty large area coverage and slopes.

Recommendation: Public Works recommendation is to accept the bid for the John Deere mower and use the old Ransom on flat ground for as long as we can.

16. Report on Proposed Changes in Recycling Collection at the Transfer Station Starting July 31st

Background: Waste Connections will close down its plastic and can recycling operation at the transfer station in August. We will continue to recycle cardboard, scrap iron, tires, appliances and refrigeration units, and the Boy Scouts will continue their paper and aluminum can recycling at the transfer station.

17. Action per City code to open Tomar Drive, East 4th Street to public use and establish a road across the east end of the rugby field to connect the summer sports complex

Background: Wayne City Code requires Council action to open a platted street to public traffic. When the contractor starts work on the airport runways, they will generate a large amount of ground asphalt. Garry and Public Works will use some of that ground asphalt to cover the parking area at the softball fields. We will route the trucks over the new platted Tomar Street and east end of the platted 4th Street extension through the Benscoter Subdivision and then south along the east rugby field fence to the softball fields. We believe this provides a good opportunity to open another access road to the Summer Sports Complex for the public with Council action to approve.

18. Action on Certificate of Payment No. 3 for the Muhs Acres Water Main Extension Project in the amount of \$18,173.71 to Robert Woehler & Sons Construction, Inc.

Recommendation: Approve payment for work completed and inspected by the project engineer.

19. Action on Contractor's Pay Estimate No. 2 for the Former Kardell Landfill – Stream Restoration Project in the amount of \$8,756.82 to Gana Trucking & Excavating

Recommendation: Approve payment for work completed and inspected by the project engineer.

20. Action on Change Order No. No. 2 (Final) – Wayne Booster Pump Station 2009 Project (Addition of SRF Federal Assurance Requirements to the Contract Documents)

Recommendation: Approve minor terms in the contract documents recommended by the project engineer to meet compliance requirements for stimulus funding.

21. Action on Change Order for Gana Trucking & Excavating Contract to Reinstall Silt Fence in the “Former Kardell Landfill Stream Restoration Project”

Background: The high water in Logan Creek from the June 13th storm ripped out all of the vegetative cover portion of the Kardell Landfill Erosion Control Project. We are required by our Corps of Engineers' permit to keep a silt fence in place at all times until the vegetative cover is permanent. This work must be done, and Gana's quote of \$838 is a lower price than we can do it ourselves at the water level location of the creek bank.

Recommendation: Approve the work change order to be done by Gana.

22. Action on Change Order for Gana Trucking & Excavating Contract to Accept Option B to put Rip Rap on the Entire Length of the Project - “Former Kardell Landfill Stream Restoration Project” - \$44,429.67

Background: This additional work converts the vegetative bank cover to large rock rip rap at the bottom of the south portion of the project where the flood water washed out the vegetative cover and the bottom of the stream bank. This was already bid as Alternate B, but we recommended rocking only the most curved portion as a cost savings. However, the flood has shown us that the south area is vulnerable also and needs this more durable base.

Recommendation: Approve the additional work as proposed. Nancy has obtained an extension of additional time for the Nebraska Environmental Trust grant to be used to cover half of this additional cost.

23. Action on Change Order for Knife River for work Being Done on E. 12th Street between Schreiner Drive and Walnut Street in the amount of \$6,248.55

Background: This ½ block of East 12th Street is internal to and on WSC campus. The State College Board rejected acceptance of this ½ block of street from the City of Wayne in 2008 unless the City repaved it first. The City still owns this ½ block of street in the campus. We propose to cover this section with 2” of asphalt overlay while we are completing the 12 blocks of asphalt overlay on the Nebraska Street project this summer. WSC is ok with this.

24. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

June 15, 2010

The Wayne City Council met in regular session at City Hall on Tuesday, June 15, 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, Kaki Ley, Kathy Berry, and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on June 3, 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 Van Delden made a motion and seconded by Councilmember Ley, whereas the Clerk has prepared copies of the Minutes of the meeting of June 1, 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, with the exception of Councilmember Sturm who abstained, the Mayor declared the motion carried and the Minutes approved, as corrected.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: FIREFIGHTER, RE, 167.00; AMERITAS, RE, 2174.48; APPEARA, SE, 98.72; BANK FIRST, FE, 210.00; FIREFIGHTER, RE, 200.00; CITY EMPLOYEE, RE, 60.42; CHARTWELLS, SE, 4860.10; CITY OF WAYNE, RE, 99.95; CITY OF WAYNE, PY, 56218.07; CITY OF WAYNE, RE, 100.00; CITY OF WAYNE, RE, 225.55; CITY OF WAYNE, RE, 1520.20; COMMUNITY HEALTH, RE, 4.00; COMPRESSION SYSTEMS, SE, 2921.93; COPY WRITE, SU, 139.07; D.L. RICCI CORP, SU, 4712.89; DAVE'S DRY CLEANING, SE, 135.00; CITY EMPLOYEE, RE, 195.82; EASYPERMIT POSTAGE, SU, 1117.26; ECHO GROUP, SU, 14.86; CITY EMPLOYEE, RE, 604.76; ED M FELD EQUIPMENT, SU, 83.10; ELLIS PLUMBING, SE, 75.00; FREDRICKSON OIL, SU, 98.00; GALE GROUP, SU, 190.00; GERHOLD

CONCRETE, SU, 1117.75; GILL HAULING, SE, 3203.30; FIREFIGHTER, RE, 200.00; GREAT PLAINS ONE-CALL, SE, 86.14; GUARANTEE ROOFING, SE, 465.00; GUILDCRAFT, SU, 31.55; CITY EMPLOYEE, RE, 68.30; HAUFF MID-AMERICAN SPORTS, SU, 599.20; HAWKINS, INC, SU, 34.97; HEARTLAND STAINLESS, SU, 104.88; CITY EMPLOYEE, RE, 42.78; ICMA, SE, 5638.50; INGRAM BOOK COMPANY, SU, 190.03; IRS, TX, 18058.77; JACOB'S ROOM, SU, 34.38; JASON CAROLLO, SE, 210.00; JAY SNELL, RE, 500.00; JOHN'S WELDING AND TOOL, SE, 330.00; CITY EMPLOYEE, RE, 650.55; FIREFIGHTER, RE, 200.00; KATHY MAGNUSON, RE, 500.00; KIRKHAM MICHAEL, SE, 1390.00; FIREFIGHTER, RE, 286.00; CITY OF WAYNE, RE, 500.00; KTCH, SE, 605.00; LAW ENFORCEMENT SYSTEMS, SU, 180.99; LAYNE CHRISTENSEN, SE, 17075.20; LENA ROBERTS, SU, 30.00; LP GILL, SE, 7982.78; MAGGIE GUBBLES, SU, 30.00; MICROFILM IMAGING SYSTEMS, SE, 1016.12; MIDLAND EQUIPMENT, SU, 182.04; MIDWEST LABORATORIES, SE, 247.95; FIREFIGHTER, RE, 253.00; NE DEPT OF ENVIRONMENTAL, FE, 734.30; NE DEPT OF REVENUE, TX, 2656.11; NPPD, SE, 194093.03; NEBRASKALAND, SU, 44.00; NORFOLK TRUCK CENTER, SU, 64.98; NORTHEAST EQUIPMENT, SU, 309.71; N.E. NE AMERICAN RED CROSS, RE, 59.24; NeFSMA, FE, 80.00; OVERHEAD DOOR COMPANY, SE, 92.75; CITY EMPLOYEE, RE, 34.06; PRESTO X, SE, 112.20; QWEST, SE, 1323.06; QWEST BUSINESS SERVICES, SE, 190.36; RAD, SU, 87.45; RIEKES EQUIPMENT, SU, 233.95; SHEAR FAMILY COMPOUND, RE, 800.00; STATE NATIONAL BANK, RE, 253303.75; STATE NATIONAL BANK, SE, 47.46; SUPER 8, SE, 1035.00; CITY EMPLOYEE, RE, 235.82; TACO'S & MORE, RE, 100.00; T & S TRUCKING, SE, 232.92; UNITED RENTALS, SE, 119.00; UNITED WAY, RE, 32.32; US BANK, SU, 4717.98; UTILITIES SECTION, SE, 1847.50; FIREFIGHTER, RE, 200.00; WAKEFIELD BASEBALL, FE, 75.00; WAYNE AUTO PARTS, SU, 1414.74; WAYNE COUNTY CLERK, SE, 11.50; WAYNE COUNTY COURT, RE, 300.00; WAYNE GRAIN & FEED, SE, 138.80; WAYNE HERALD, SE, 2453.54; WAYNE STATE COLLEGE, RE, 800.00; WAYNE VETERINARY CLINIC, SE, 231.00; WESCO, SU, 260.07; WAPA, SE, 27180.79; FIREFIGHTER, RE, 372.00; FIREFIGHTER, RE, 372.00; ZACH HEATING & COOLING, SU, 200.00; ZACH OIL, SU, 4006.59; CITY EMPLOYEE, RE, 16.00; FIREFIGHTER, RE, 200.00; ZEE MEDICAL SERVICE, SU, 83.55; AMERITAS, SE, 2830.80; BAKER & TAYLOR BOOKS, SU, 501.12; BANK FIRST, SE, 210.00; BAUER UNDERGROUND, SE, 6336.00; CITY EMPLOYEE, RE, 3.20; CITY EMPLOYEE, RE, 202.45; CITY EMPLOYEE, RE, 154.94; CARHART LUMBER CO, SU, 1006.39; CHARLES SHAPIRO, RE, 500.00; CITIZENS NATIONAL BANK, TX, 3587.47; CITY OF WAYNE, RE, 150.00; CITY OF WAYNE, RE, 500.00; CITY OF WAYNE, PY, 64510.94; CITY OF WAYNE, RE, 146.19; CLAUSSEN & SONS IRRIG., SE, 313.75; COMMUNITY HEALTH, RE, 4.00; CULLIGAN, SE, 42.25; DAKOTA BUSINESS SYSTEMS, SE, 101.50; DE LAGE LANDEN FINANCIAL, SE, 394.00; DEMCO, SU, 121.45; DON PIPITT, RE, 30.00; CITY EMPLOYEE, RE, 567.86; CITY EMPLOYEE, RE, 58.62; EAKES OFFICE PLUS, SU, 19.98; ED M FELD EQUIPMENT, SE, 50.90; ELECTRIC FIXTURE, SU, 1392.12; FLOOR MAINTENANCE, SU, 270.27; FORT DEARBORN LIFE, SE, 1615.93; GERHOLD CONCRETE, SU, 2045.17; GLEN'S AUTO BODY, SU, 6750.00; HAWKINS, SU, 780.80; ICMA, SE, 5644.64; IRS, TX,

20475.50; K & M SEEDS, SU, 9.75; KRIZ-DAVIS, SU, 219.57; LANCASTER CO SHERIFF, SE, 25.00; LIGHT & SIREN, SU, 363.53; M. K. ERVIN, SU, 3380.00; CITY EMPLOYEE, RE, 166.89; MID-STATE ENGINEERING, SE, 389.00; MIRACLE RECREATION, SU, 18846.42; NE DEPT OF REVENUE, TX, 2974.65; NNPPD, SE, 10688.54; PAMIDA, SU, 439.18; PEPSI-COLA, SU, 92.74; QUILL, SU, 83.99; QWEST, SE, 79.68; RANDOM HOUSE, SU, 169.56; ROBERT WOehler & SONS, SE, 943.53; SPARKLING KLEAN, SE, 1857.00; SPARKLING KLEAN, SU, 143.04; VOSS LIGHTING, SU, 78.00; WAYNE JAYCEES, RE, 1500.00; CITY EMPLOYEE, RE, 1679.42; WOOD PLUMBING & HEATING, SU, 125.14

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain 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.

Dennis Otte, representing the Wayne County Veterans Memorial Committee, was requesting the following street be closed during the Chicken Show activities:

- ❖ On Sunday, July 11th, the Committee is requesting the closure of the 5th Street from Pearl to Lincoln Streets from 12:00 noon until 2:00 p.m. for the Veterans Memorial dedication ceremony.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the request made by Dennis Otte on behalf of the Wayne County Veterans Memorial Committee to close 5th Street from Pearl to Lincoln Streets from 12:00 noon until 2:00 p.m. for the Veterans Memorial Dedication on Sunday, July 11th.

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

Administrator Johnson presented the proposed Resolution 2010-39 which would amend the “Wage and Salary Schedule” by changing the Recreation-Leisure Services Asst. II position from a labor grade 9 to a Labor Grade 16. At the end of the Council Retreat, Johnson made a specific list of changes or goals that the Council wanted to see staff improve on. In regard to the Community Activity Center, this included such things as membership contact, marketing, cleaning, general organization, etc. These things tend to get put on the back burner when you don’t have a specific person tasked or dedicated to do such things over a longer period of time. He was recommending bringing an existing staff person up to a 34-hour position to be tasked with these duties. Budgets are now being prepared by the department heads. If approved, this position would not start until October 1st. This would allow fewer part-time people to be hired. This person would also be the pool manager. Therefore, only nine months of this position would be allocated towards the CAC budget. It’s projected that this would impact the budget by about \$10,000. The expectation is that CAC revenues will increase because of better management and coordination of memberships, etc.

Jeff Zeiss, Recreation-Leisure Services Director, stated normally they have around 8 part-time staff members. This would eliminate three of those part-time staff members.

Councilmember Chamberlain introduced Resolution No. 2010-39 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2010-39

A RESOLUTION AMENDING THE WAGE AND SALARY SCHEDULE.

This person would be hired at a rate of \$15.60 per hour. The pay range in this pay grade is \$12.37 to \$16.24 per hour.

Mr. Zeiss advised the Council that this person is in the process of obtaining her Zumba certification so that she can teach Zumba. She is also willing to get training to teach additional classes, which would bring in additional revenue because the City would then be running the classes.

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

Councilmember Sturm introduced Ordinance 2010-10, and moved for approval of the third and final reading thereof; Councilmember Alexander seconded.

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.

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

Councilmember Alexander introduced Ordinance 2010-11, and moved for approval of the third and final reading thereof; Councilmember Frevert seconded.

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.

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

Administrator Johnson stated the following Ordinance would amend the Wayne Municipal Code by adding a division entitled "Board of Appeals." This would also expand the board from three members with two alternates to six members with two alternates. The Board of Appeals will also serve as the Board of Appeals for the Property Maintenance Code, all City Building Codes, and the Flood Plain enforcement ordinance. This proposal was brought back from the Nebraska Planning & Zoning conference.

Councilmember Ley introduced Ordinance 2010-12, and moved for approval thereof; Councilmember Alexander seconded.

ORDINANCE NO. 2010-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 2, ARTICLE IV, BY ADDING DIVISION 8 BOARD OF APPEALS; 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. The second reading will take place at the next meeting.

Mayor Shelton stated the following Resolution would adopt the city Administrator's employment contract.

Councilmember Alexander introduced Resolution No. 2010-33 and moved for its approval; Councilmember Berry seconded.

RESOLUTION NO. 2010-33

A RESOLUTION TO ADOPT EMPLOYMENT AGREEMENT.

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

Administrator Johnson stated three bids were received on the procurement of a police vehicle; two for a full-size rear wheel drive sedan and one for a compact four-wheel drive SUV. The lowest bid came from Cornhusker Auto for a 2010 Dodge Charger in the amount of \$20,040.

Councilmember Chamberlain introduced Resolution No. 2010-34 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-34

A RESOLUTION ACCEPTING BID AND AUTHORIZING PURCHASE OF POLICE VEHICLE.

Mayor Shelton stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Frevert who abstained, the Mayor declared the motion carried.

Administrator Johnson stated the following four Resolutions represent the next step in the downtown sidewalk improvement district projects. The projects will be bid out as one project and a unified assessment per foot of frontage to the property owners.

Terry Mead, representing JEO Consulting Group, Engineer on the project, was present to answer questions. They have reviewed the plans and specs with staff, and they will begin advertising for bids this week, with the bid opening being July 6th. The estimated costs for Street Improvement District No. 2010-1 is \$253,000 (also includes water main and storm sewer project costs); Street (Sidewalk) Improvement District No.

2010-2 is \$147,000; Street (Sidewalk) Improvement District No. 2010-3 is \$149,000; and Street (Sidewalk) Improvement District No. 2010-4 is \$34,000.

Councilmember Chamberlain introduced Resolution No. 2010-35 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2010-35

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR STREET IMPROVEMENT DISTRICT NO. 2010-1 AS PREPARED BY THE CITY'S ENGINEER, JEO CONSULTING GROUP, AND DIRECTING ADVERTISEMENT FOR BIDS.

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

Councilmember Chamberlain introduced Resolution No. 2010-36 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2010-36

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-2 AS PREPARED BY THE CITY'S ENGINEER, JEO CONSULTING GROUP, AND DIRECTING ADVERTISEMENT FOR BIDS.

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

Councilmember Sturm introduced Resolution No. 2010-37 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-37

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR STREET (SIDEWALK) IMPROVEMENT DISTRICT NO. 2010-3 AS PREPARED BY THE CITY'S ENGINEER,

JEO CONSULTING GROUP, AND DIRECTING ADVERTISEMENT
FOR BIDS.

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

Councilmember Sturm introduced Resolution No. 2010-38 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2010-38

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS, AND
ESTIMATE OF COST FOR STREET (SIDEWALK) IMPROVEMENT
DISTRICT NO. 2010-4 AS PREPARED BY THE CITY'S ENGINEER,
JEO CONSULTING GROUP, AND DIRECTING ADVERTISEMENT
FOR BIDS.

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

Administrator Johnson stated a change order request has been received from the contractor working on the Well House and Municipal Well 2009-1 Project (Layne Christensen Co.) to extend the project completion date from February 28, 2010, to July 23, 2010.

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving Change Order No. 2 which would extend the project completion date for the Well House and Municipal Well 2009-1 Project from February 28, 2010, to July 23, 2010. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a pay request has been received from Layne Christensen Co. in the amount of \$17,075.20 for the Well House and Municipal Well 2009-1 Project. The engineer on the project has approved the same.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving Pay Application No. 6 for the Well House and Municipal Well 2009-1 Project in the amount of \$17,075.20 to Layne Christensen Company. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a pay request has been received from Steve Harris Construction for the Kardell Subdivision Paving, Drainage & Water Improvement Project in the amount of \$22,358.44. The engineer on the project has approved the same.

Councilmember Ley made a motion and seconded by Councilmember Alexander approving Certificate of Payment No. 5 for the Kardell Subdivision Paving, Drainage and Water Improvement Project in the amount of \$22,358.44 to Steve Harris Construction. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a pay request has been received from Robert Woehler & Sons Construction for the Muhs Acres Water Main Extension Project in the amount of \$20,944.95. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Sturm approving Certificate of Payment No. 2 for the Muhs Acres Water Main Extension Project in the amount of \$20,944.95 to Robert Woehler & Sons Construction, Inc. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated a change order request has been received from Robert Woehler & Sons Construction to extend the project completion date for the Muhs Acres Water Main Extension Project from May 15, 2010, to September 15, 2010.

Councilmember Alexander made a motion and seconded by Councilmember Ley approving Change Order No. 1 which would extend the project completion date for the Muhs Acres Water Main Extension Project from May 15, 2010, to September 15, 2010. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Administrator Johnson stated that the Council must adopt by Resolution the Interlocal Cooperation Agreement between the City of Wayne and the City of Wisner, Village of Winside, City of Ponca, and Ponca Rural Fire District. This packet of information (“Mutual Finance Assistance Application”) must be postmarked and mailed no later than July 1st to the State. In addition, the Resolution will approve the City Administrator as the representative to the Mutual Finance Organization. There is a complicated formula that the Forest Service, Legislature and Nebraska Treasurer’s office set up in 1998, which requires a minimum of 3,000 people in rural districts to combine and set one unified mill levy. That mill levy was set lower than any of the members’ former mill levies for their fire departments. Then, the State, as a property tax reduction measure, pays all entities the difference between last year’s levy and the unified levy they are starting with. The State will pay us \$28,000 for property tax reduction so we can keep our fire department budget the same. This \$28,000 is the difference between what our mill levy was last year and the unified levy (3.5 mills). The Wayne Rural Fire

District is not a part of this interlocal agreement because their mill levy is below the unified levy which would require them to pay the difference into the group.

Councilmember Ley introduced Resolution No. 2010-40 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-40

A RESOLUTION ADOPTING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF WISNER, VILLAGE OF WINSIDE, CITY OF PONCA, PONCA RURAL FIRE DISTRICT AND CITY OF WAYNE; AUTHORIZING THE EXECUTION OF SAID AGREEMENT; AND APPOINTING THE CITY ADMINISTRATOR AS THE REPRESENTATIVE TO THE MUTUAL FINANCE ORGANIZATION.

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

Gene Hansen, Electric Production Superintendent, gave a report/update on the Power Plant Energy Grant and new EPA Emission Requirements and estimated costs of catalytic control systems for the exhaust from stationary power plants like ours beginning in May, 2013.

Mayor Shelton requested Council consideration to the following appointments to the Board of Adjustment: Rozan Pedersen (reappointment, term ending June 30, 2013) and Jeff Morlok (reappointment, term ending June 30, 2010).

Councilmember Sturm made a motion and seconded by Councilmember Alexander approving the reappointments of Rozan Pedersen and Jeff Morlok to the Board of Adjustment. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton requested Council consideration to the following appointment to the Library Board: Joel Ankeny (reappointment, term ending June 30, 2014).

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain approving the reappointment of Joel Ankeny to the Library Board. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton requested Council consideration to the following appointments to the Planning Commission: Mark Sorensen (reappointment, term ending June 30, 2013), Jill Sweetland (reappointment, term ending June 30, 2013), Derek Hill (reappointment, term ending June 30, 2013); Sharon Braun (reappointment, term ending December 30, 2010); and appointment of Jessie Piper, term ending June 30, 2013.

Councilmember Chamberlain made a motion and seconded by Councilmember Sturm approving the reappointments Mark Sorensen, Jill Sweetland, Derek Hill and Sharon Braun, and appointment of Jessie Piper to the Planning Commission. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton requested Council consideration to the following appointment to the Housing Authority: Dorothy Cull (reappointment, term ending June 30, 2015).

Councilmember Sturm made a motion and seconded by Councilmember Chamberlain approving the reappointment of Dorothy Cull to the Housing Authority. Mayor Shelton stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Shelton requested Council consideration to the following appointments to the LB 840 Committee: Liz Hageman (reappointment – 3 year term), and Traci Bruckner (reappointment – 3 year term).

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander approving the reappointments of Liz Hageman and Traci Bruckner to the LB 840 Committee. 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 Alexander 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 6:50 p.m.

[Back to Top](#)

CLAIMS LISTING JULY 6, 2010

AMAZON	DVD'S	223.21
AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,158.14
APPEARA	LINEN & MAT SERVICE	162.48
AS CENTRAL SERVICES	TELECOMMUNICATION CHARGES	448.00
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	210.00
BATTERIES AMERICA LLC	BATTERIES	252.20
BAUER UNDERGROUND	CONVERSION TO UNDERGROUND	10,304.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	168.06
BIG T ENTERPRISES, INC	SIREN BATTERIES	783.80
CITY EMPLOYEE	HEALTH REIMBURSEMENT	844.78
BLACK HILLS ENERGY	GAS BILLS	2,271.37
BOMGAARS	FAN/PUMP/PIPE/BLOWER ETC	753.56
CITY EMPLOYEE	HEALTH REIMBURSEMENT/SAFETY SHOES	1,689.47
BROWN SUPPLY CO	LIGHT BAR	216.41
CENTRAL STATES GROUP	FLEX HOSE	82.93
CITY OF NORFOLK	INSPECTION FEES	308.90
CITY OF WAYNE	AUDITORIUM REFUNDS	300.00
CITY OF WAYNE	BUILDING PERMIT REFUNDS	2,000.00
CITY OF WAYNE	CLOTHING REIMBURSEMENT	50.00
CITY OF WAYNE	DRIVEWAY BOND REFUND	500.00
CITY OF WAYNE	CORRECT UTILITY PAYMENTS	285.95
CITY OF WAYNE	PAYROLL	65,747.04
CITY OF WAYNE	TREE INCENTIVES	100.00
CITY OF WAYNE	UTILITY REFUNDS	199.57
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
COMPRESSION SYSTEMS	TURBO OVERHAUL ENGINE 5	11,242.03
COVENTRY HEALTH	HEALTH PREMUIIMS	19,107.08
CREDIT BUREAU SERVICES	WEB SUBMISSIONS	390.00
CUSTOMER SOLUTIONS NETWORK	MEMBERSHIP DUES	75.00
DANKO EMERGENCY EQUIPMENT	FIRE HOSE-BACKFLOW/WATER WAGON	356.00
DE LAGE LANDEN FINANCIAL	SR CENTER COPIER LEASE	77.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	1,099.72
DUTTON-LAINSON COMPANY	LIGHT BULBS	182.76
ECHO GROUP INC JESCO	BALLAST/BULBS/DELAY/FUSES	320.13
EGAN SUPPLY CO	AUDITORIUM FLOOR RESURFACING	1,530.03
EISCHEID ARTIFICIAL RAIN	IRRIGATION REPAIRS	40.00
ELECTRIC FIXTURE & SUPPLY	FUSES/BALLAST	725.91
ELKHORN VALLEY	NEW HOUSING	30,000.00
ELLIS PLUMBING & HEATING	CAC WATER LINE REPAIR	129.46
ERIC NIELSEN	ENERGY INCENTIVE	500.00
FARMERS & MERCHANTS	INVESTMENT	500,000.00
FASTENAL CO	BOLTS	94.86
FIRST CONCORD GROUP LLC	CAFETERIA PLAN FEES	3,824.78
FLETCHER FARM SERVICE INC	WEED KILLER	50.00
FLOOR MAINTENANCE	WET FLOOR SIGN/TOWELS/DISINFECTANT	528.91

FORT DEARBORN LIFE	VFD INSURANCE	106.64
FREDRICKSON OIL CO	TIRES/ALIGNMENT/OIL/LUBE	1,002.35
GAYLORD BROS	BOOK JACKET COVERS	28.18
GEMPLER'S INC	WASH BRUSH/NOZZLE/SHUT OFF VALVE	125.75
GERHOLD CONCRETE CO INC.	CONCRETE/GRID MARKERS/SAND/GRAVEL	1,779.72
GILL HAULING, INC	SANITATION SERVICE	133.00
GODFATHER PIZZA	PARK REC	56.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	112.18
HAMPTON INN -GRAND ISLAND	LODGING- L LOFGREN	109.00
HAUFF MID-AMERICAN SPORTS	MARKING PAINT	43.00
HAWKINS, INC	POOL CHEMICALS	679.00
HEARTLAND STAINLESS INC.	WASHERS	2.56
CITY EMPLOYEE	HEALTH REIMBURSEMENT	11.12
HOLIDAY INN OF KEARNEY	LODGING-FINANCE CONFERENCE	291.80
ICMA RETIREMENT TRUST	RETIREMENT	5,644.64
IRS	FEDERAL WITHHOLDING	20,445.11
JACK'S UNIFORMS	XT HOLDER	28.94
JASON CAROLLO	MOWING	25.00
JEO CONSULTING GROUP	SIDEWALK REPLACEMENT/WELL/TP	21,601.00
KORY LESEBERG	CITY SIDEWALK COST SHARE	391.00
L.G. EVERIST	RIPRAP ROCK	507.38
LEAGUE OF NEBRASKA	FINANACE CONFERENCE	1,104.00
LIBERAL GASKET MFG CO INC	FLANGE	104.39
CITY EMPLOYEE	HEALTH REIMBURSEMENT	106.11
MERCY MEDICAL CLINICS	COLLECTION FEE	26.00
MID-STATE ENGINEERING	BANK STABILIZATION	132.50
MID-SUMMER CLASSIC	10 & UNDER BASEBALL FEE	150.00
MIDLAND COMPUTER	ANTI-VIRUS RENEWAL	1,757.25
MUNICIPAL SERVICE	SUBMERSIBLE PUMP PARTS	395.34
N.E. NEB ECONOMIC DEV DIS	WESTERN RIDGE	1,483.00
NE AIR FILTER	CAC AIR FILTERS	450.61
NE CODE OFFICIAL ASSOC.	REGISTRATION-J HANSEN	150.00
NE DEPT OF ENVIRONMENTAL	REGISTRATION G HANSEN/J TRIGGS	20.00
NE DEPT OF REVENUE	STATE WITHHOLDING	2,957.35
NE NEB INS AGENCY INC	INSURANCE	59,126.00
NELEIN	POLICE TRAINING	650.00
NEXIC, INC	SUPPORT RENEWAL	426.00
NMPP ENERGY	MUNICIPAL REPRESENTATION	509.25
NORTHEAST EQUIPMENT	SB MOWER REPAIRS	57.55
N.E. NE AMERICAN RED CROSS	PAYROLL DEDUCTION	59.24
NORTHEAST NE PUBLIC POWER	ELECTRICITY	2,446.56
NWEA	REGISTRATION- J BRADY	55.00
OVERHEAD DOOR COMPANY	4 GARAGE DOORS	1,215.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	58.50
PIEPER, MILLER & DAHL	ATTORNEY FEES	2,137.00
PITNEY BOWES INC	POSTAGE METER/FOLDER LEASE	648.00
POLLARD PUMPING	YOUTH COUNCIL PORT-A-POTTIES	155.00

PUSH-PEDAL-PULL	CABLE/PULLEY/HANDLE REPAIRS	280.32
QUILL CORPORATION	OFFICE SUPPLIES	246.16
QWEST	TELEPHONE CHARGES	427.95
QWEST BUSINESS SERVICES	LONG DISTANCE	185.35
ROBERT WOEHLE & SONS	MUHS ACRES	20,944.95
SD MEYERS	SUBSTATION OIL TESTING	2,634.00
SKARSHAUG TESTING LAB INC	CLEAN & TEST GLOVES	102.89
STATE FARM INSURANCE	SURETY BOND	425.00
STATE NATIONAL BANK	INVESTMENTS	1,500,000.00
STATE NATIONAL BANK	LIBRARY PETTY CASH	98.67
STEVE HARRIS CONSTRUCTION	PAVING & STORM SEWER EROSION	22,358.44
THE PENWORTHY COMPANY	BOOKS	288.22
TOM'S BODY & PAINT SHOP	SENIOR VAN REPAIRS	1,119.30
CITY EMPLOYEE	HEALTH REIMBURSEMENT	68.30
TYLER TECHNOLOGIES	SPECIAL ASSESSMENT MAINTENANCE	1,777.00
ULTRA PLASTIC PRINTING	LIBRARY CARDS	370.00
UNITED WAY	PAYROLL DEDUCTIONS	32.32
US BANK	LODGING/MEALS/HOSE/PARTS ETC	2,621.40
VAN DIEST SUPPLY	WEED KILLER	87.42
VERIZON WIRELESS SERVICES	CELL PHONES	578.02
VIAERO	CELL PHONES	138.70
VOSS LIGHTING	LIGHT BULBS	123.96
WAYNE AREA ECONOMIC DEVEL	JULY 10 CONTRIBUTION	6,383.33
WAYNE COUNTY CLERK	PRIMARY ELECTION	526.47
WAYNE COUNTY COURT	BOND	600.00
WAYNE GRAIN & FEED INC	SCALE CHARGES	122.00
WAYNE STATE COLLEGE	LIGHTING EFFICIENCY	2,500.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	704.39
WESCO DISTRIBUTION INC	BOX PAD	420.68
WHELEN ENGINEERING CO INC	TONE DECODER	24.75
WINNING FINISH	SENIOR VAN CLEANING	90.00
Y & Y LAWN SERVICE	AUDITORIUM FERTILIZER	57.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	334.77

6-Month Report to the Wayne City Council

LB 840 Funds Committed (as of 6/30/10)

<u>Applicant</u>	<u>Amount</u>	<u>Type of funding</u>	<u>Purpose</u>	<u>Committee review</u>
Digital Blue	\$ 30,600.00	performance based loan	relocation/expansion	5/27/2009
Louis and Jevonah Benscoter	\$ 36,000.00	performance based loan	land development	8/13/2009
Interactive Impact	\$ 30,000.00	performance based loan	intellectual property development	8/13/2009
Wayne Area Economic Development	\$ 10,000.00	grant	marketing (general)	11/12/2009
Wayne Area Economic Development (Project Majestic)	* \$ 200,000.00	grant	theater renovation/remodel	11/12/2009
Wayne Veterans Memorial Project	\$ 75,000.00	grant	memorial completion	2/11/2010
Farmers Market and Community Garden	\$ 2,500.00	grant	marketing	4/15/2010
Subtotal of "grant"	\$ 384,100.00	12.00%		
City of Wayne	* \$ 64,200.00	zero percent loan	housing downpayment match	10/8/2009
Northeast Nebraska Investors	** \$ 250,000.00	zero percent loan	hotel project	1/12/2010 revised
Jim Milliken (Godfathers)	\$ 38,000.00	zero percent loan	parking lot	10/8/2009
Subtotal of revolving	\$ 352,200.00	11.01%		
TOTAL FUNDS COMMITTED (as of June 30, 2010)	\$ 736,300.00	23.01%		
TOTAL AVAILABLE FOR 15 YEARS (to collect)	\$ 3,200,000.00			

*not fully disbursed

**not disbursed



July 1, 2010

Engineering
Architecture
Surveying
Planning

Mayor and City Council
City of Wayne
306 Pearl St.
Wayne, NE 68787

RE: Wayne, Nebraska
2009-2010 Wastewater Treatment Facility Improvements
JEO Project No. 617S7

Ladies and Gentlemen:

On June 22nd, 2010 the City received seven (7) bids for the construction of the mechanical wastewater treatment facility (see enclosure). The bids ranged from \$5,133,000.00 to \$5,998,000.00, and the apparent low bidder is Eriksen Construction of Blair, NE with a bid of \$5,133,000.00. Their bid documents are in order and we found no irregularities. All bids were below our cost opinion of \$6,000,000.00 as presented at the May 18th council meeting.

The bid received from Eriksen did include alternate deductive pricing for the following items and their corresponding deductive values are shown below:

Grit & Screw Classifier System -- John Muenier:	\$53,150.00
Grit & Screw Classifier System -- Waste-Tech:	\$50,000.00
Submersible Lift Pumps -- ABS:	\$34,230.00
Scraper Style Clarifiers -- Walker Process Equipment:	\$17,000.00
Scraper Style Clarifiers -- Envirodyne:	\$19,000.00
Vertical Fine Screen -- Or-Tec:	\$18,450.00

Staff from JEO conducted a conference call with staff from the City of Wayne on June 30th, 2010 concerning the alternate deductive items and based on those conversations and our recommendations we do recommend that the City accept the bid with the following alternate deductive item:

Submersible Lift Pumps -- ABS:	\$34,230.00
--------------------------------	-------------

This will lower the bid from Eriksen to the amount of \$5,098,770.00.

Eriksen has completed a number of projects satisfactorily for JEO clients and in addition, we did follow up with reference calls to the City of Blair, NE and the City of Mount Ayr, Iowa. At this point, we find no reason to withhold award to Eriksen Construction in the amount of \$5,098,770.00 with the above deductive alternate item selected. The motion for approval should be contingent upon State approval of contract documents and should be documented in the minutes. Upon award of the project, please sign the enclosed Notice of Award and return to this office.

Sincerely,

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

Roger S. Protzman, P.E.
Project Engineer

RSP:lcb
Enclosures

PENDING AWARD

ALTERNATE DEDUCTIVE ITEMS

ON	SECTION 11200 - FLAT GRIT & SCREW CLASSIFIER SYSTEM - JOHN MUENIER	SECTION 11210 - GRIT & SCREW CLASSIFIER SYSTEM - WASTE-TECH	SECTION 11210 - SUBMERSIBLE LIFT PUMPS - ABS	SECTION 11211 - ROTARY LOBE PUMPS - VOGELSANG	SECTION 11211 - ROTARY LOBE PUMPS - NETZSCH	SECTION 11225 SCRAPER STYLE CLARIFIERS - WALKER PROCESS EQUIPMENT	SECTION 11225 SCRAPER STYLE CLARIFIERS - ENVIRODYNE	SECTION 11330 - VERTICAL FINE SCREEN - JOHN MUENIER	SECTION 11330 - VERTICAL FINE SCREEN - OR-TEC	SECTION 11331 - INTERNALLY FED DRUM SCREEN - WESTECH	SECTION 11331 - INTERNALLY FED DRUM SCREEN - KUSTERS- ZIMAWASTE-TECH	SECT SCR COM WI
id	\$53,150.00	\$50,000.00	\$34,230.00	No Bid	No Bid	\$17,000.00	\$19,000.00	No Bid	\$18,450.00	No Bid	No Bid	
id	No Bid	\$50,000.00	\$34,000.00	No Bid	No Bid	\$20,000.00	No Bid	No Bid	\$18,000.00	No Bid	No Bid	
id	\$50,000.00	\$50,000.00	\$30,000.00	No Bid	No Bid	\$20,000.00	No Bid	No Bid	\$15,000.00	No Bid	No Bid	
id	\$45,000.00	\$45,000.00	\$30,000.00	No Bid	No Bid	\$20,000.00	No Bid	No Bid	\$15,000.00	No Bid	No Bid	
id	\$53,000.00	\$54,000.00	\$30,000.00	No Bid	No Bid	\$10,000.00	Add \$22,000.00	Add \$90,000.00	\$18,000.00	No Bid	No Bid	
id	\$53,000.00	\$54,000.00	\$34,000.00	No Bid	No Bid	\$22,000.00	\$0.00	\$0.00	\$18,000.00	No Bid	\$0.00	
id	\$53,150.00	\$54,042.00	\$34,230.00	No Bid	No Bid	\$60,600.00	\$16,100.00	No Bid	\$18,450.00	No Bid	No Bid	

NOTICE OF AWARD

Dated July 6, 2010

TO: Eriksen Construction Company, Inc.
(BIDDER)

ADDRESS: P. O. Box 610

2546 So. Hwy. 30

Blair, Nebraska 68008

Project: 2009-2010 Wastewater Treatment Facility Improvements Phase 1, Wayne, Nebraska

You are notified that your Bid dated June 22, 2010 for the above Project has been considered. You are the apparent Successful Bidder and have been awarded a Contract for Construction of a 0.730 MGD Wastewater Treatment Facility as shown on the plans and incidentals thereto.

(Indicate total Work, alternates or sections or Work awarded)

The Contract Price of your Contract is Five Million Ninety-Eight Thousand Seven Hundred Seventy Dollars and no cents (\$5,098,770.00).

4 copies of each of the proposed Agreement (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within 15 days of the date you receive this Notice of Award.

1. Deliver to the OWNER 4 fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents, Bonds and Certificates of Insurance as required by Contract Documents.
3. (List other conditions precedent).

Owner is accepting submersible lift pump deduct bid for ABS Pumps thus reducing the base Bid from \$5,133,000 to \$5,098,770.00.

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

Within ten days after you comply with the above conditions, OWNER will return to you one fully executed counterpart of the Contract Documents.

City of Wayne
(OWNER)

By: _____
(AUTHORIZED SIGNATURE)

Lois Shelton, Mayor
(TITLE)

Acknowledgement of Receipt

Eriksen Construction Company, Inc.
CONTRACTOR

By _____
Name Title

Date _____

RESOLUTION NO. 2010-41

**A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE
“2009-2010 WASTEWATER TREATMENT FACILITY IMPROVEMENTS
PROJECT.”**

WHEREAS, seven bids were received on June 22, 2010, on the “2009-2010 Wastewater Treatment Facility Improvements Project”; and

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

WHEREAS, JEO Consulting Group is recommending that the contract be awarded to Ericksen Construction of Blair, Nebraska, in the amount of \$5,133,000.00 less the alternate deductive item (submersible lift pumps - \$34,230.00), which lowers the bid to \$5,098,770.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Wayne, Nebraska, that they find and declare that the bid for the “2009-2010 Wastewater Treatment Facility Improvements Project”, as submitted by the following contractor, is reasonable and responsive, and the same is hereby accepted:

<u>Bidder</u>	<u>Amount</u>
Ericksen Construction Blair, Nebraska	\$5,098,770.00

BE IT FURTHER RESOLVED, that the bid, as set forth and filed with the City Clerk in accordance with the general terms calling for the proposals for the furnishing of labor, tools, materials, and equipment required for said project in the City of Wayne, Nebraska, be and the same is hereby accepted.

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

PASSED AND APPROVED this 6th day of July, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

RESOLUTION NO. 2010-42

A RESOLUTION APPROVING AQUARIUS TECHNOLOGIES, INC., MSABP PROCESS PERFORMANCE GUARANTEE AGREEMENT.

WHEREAS, the Wayne City Council is desirous of entering into a "Performance Guarantee Agreement" with Aquarius Technologies, Inc., regarding the performance, operation and production of the Aquarius Wastewater System; and

WHEREAS, a proposal has been requested and received from Aquarius Technologies, Inc.; and

WHEREAS, staff recommendation is to accept and approve said Performance Guarantee Agreement of Aquarius Technologies, Inc.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the MSABP Process Performance Guarantee Agreement between the City of Wayne and Aquarius Technologies, Inc., be accepted and that the City Administrator and/or Mayor is authorized and directed to execute said agreement on behalf of the City.

PASSED AND APPROVED this 6th day of July, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

DRAFT



MSABP® PROCESS PERFORMANCE GUARANTEE

This Agreement is entered into this _____ day of _____, by and between Aquarius Technologies, Inc. (hereinafter, the "Company"), whose principal offices are located at 1103 Mineral Springs Drive, Suite 300 - Port Washington, Wisconsin 53074 and City of Wayne, NE (hereinafter, "Owner"), and whose principal offices are located at 306 Pearl St., Wayne, Nebraska 68787.

And whereas the Company proposes to provide equipment for the Multistage Activated Biological Process (MASBP);

And whereas the Company provided sizing requirements and specified required equipment performance such that the MASBP would function properly and that the Owner and it's consultant relied upon this information for designing a new wastewater treatment facility;

And whereas the intent of the City is to build a new facility that would treat wastewater to reduce pollutants to a level to meet the Owner's National Pollutant Discharge and Elimination System Permit No. NE0033111 permit limits reliably and consistently each month for the next 20 years based on the anticipated design loadings described in the Facility Plan dated June 2009 and prepared by the Owner's consultant;

And whereas the Company is willing to provide a performance guarantee and the Owner desire's assurance the proposed improvements will operate and perform for the minimum of the next two years from date of initial operation, the parties agree to the following:

1.0 Objective

1.1 The objective of the testing is to confirm that the MSABP process meets specified NPDES permit effluent requirements and performance at design load conditions.

2.0 Wastewater Sampling

2.1. Sample collection will be as follows:

2.1.1 Normal Sample Collection shall be per the requirement of the NPDES Permit.

2.1.2 Non-compliance Sampling: Should the system not meet NPDES Permit requirements, the Owner agrees to sample the system as follow:

2.1.2.1 Influent: Bi-Weekly – 1 day every two weeks – 24 hour composite

2.1.2.2 Effluent: Bi-Weekly – 1 day every two weeks – 24 hour composite

2.1.2.3 Collection Points are as follows:

(a) Influent: Raw wastewater channel before degritter basin.

(b) Effluent: Effluent weir discharge box at MSABP tank.

2.2 Each sample collection shall include the following analysis.

2.2.1 Influent: BOD₅, TSS, NH₃N, pH

2.2.2 Effluent: BOD₅, TSS, NH₃N, pH

3.0 System Performance

3.1 The MSABP process shall produce the following monthly effluent quality based on a 30-day arithmetic average of the test data:

BOD ₅	25	mg/l or less
Total Suspended Solids	30	mg/l or less
Ammonia Nitrogen (NH ₃ -N)	18.86	mg/l or less from Mar. 1 – May 31
	8.8	mg/l or less from Jun. 1 – Oct. 31
	17.85	mg/l or less from Nov. 1 – Feb. 28/29
pH	6.5 to 9.0	

3.2 The MSABP process will produce the following monthly effluent quality based on a 7 day arithmetic average of the test data:

BOD ₅	40	mg/l or less
Total Suspended Solids	45	mg/l or less
Ammonia Nitrogen (NH ₃ -N)	30.52	mg/l or less from Mar. 1 – May 31
	12.07	mg/l or less from Jun. 1 – Oct. 31
	22.23	mg/l or less from Nov. 1 – Feb. 28/29

3.3 The following components of the MSABP process shall remain free of defects in workmanship, design, or material for a two year period and shall be inspected by the Company prior to placing the system into service:

3.3.1. Fine Bubble Aeration Components

1. Stainless steel droplegs
2. PVC manifolds and retainer rings
3. PVC diffuser holders and retainer rings
4. Stainless steel supports and anchors
5. Bolts, nuts and gaskets for aeration system flange connections
6. Air distributor purge systems

7. Membrane disc diffusers with integral O-ring gaskets, and subplates
8. Other miscellaneous appurtenances supplied by the Owner that are critical to reliable system operation.

3.3.2. Media Rack Components

1. Synthetic media
2. Stainless steel structural frames
3. Hooks, bolts and nuts for connections
4. Other miscellaneous appurtenances supplied by the Owner that are critical to reliable system operation.

4.0 The Process performance of this guarantee will be effective so long as all the following conditions are met:

4.1. The influent wastewater to the Process shall be equal or less than the following conditions:

Average Daily Flow	0.730	MGD
Maximum Flow	2.120	MGD
Duration of Maximum Flow	1	Hour
30-Day Average BOD ₅	247	mg/l
30-Day Average Total Suspended Solids	280	mg/l
30-Day Average Ammonia Nitrogen (NH ₃ -N)	33	mg/l

4.2. The wastewater shall not have concentrations of inorganic or organic pollutants that exceed the United States Environmental Protection Agency (EPA) threshold level that are inhibitory to biological treatment, or have other physical-chemical characteristics that detrimentally affect the biological process.

- 5.0 The wastewater treatment facility associated with the Process shall have been built and installed in accordance with the drawings and specifications provided by the Owner's consultant and reviewed by the Company. The Company shall review the installation of materials prior to commencing treatment to insure proper installation of material and the Owner's contractor shall make minor repairs and adjustment discovered during the review and prior to commencing operation.
- 5.1 The Process shall be operated in accordance with the Plant Operations and Maintenance Manual provided by the Company. The Process equipment shall not be misused or neglected.
- 5.2 The equipment, fixtures, or other components of the project provided, furnished or installed shall function in accordance with the manufacturer's specification and the specifications issued by the Owner's Engineer.
- 6.0 The ability of the Process to satisfy the requirements of the performance guarantee shall be determined on the basis of a seven hundred thirty day (730) day test period hereinafter referred to as the "Performance Test Period".
- 6.1 The Performance Test Period shall commence within sixty (60) to one hundred twenty (120) days, or at a time mutually agreeable to the parties and after the Wastewater Treatment Plant and the MASBP Process have been placed into continuous service and have achieved equilibrium operating conditions.
- 6.2 The Owner's personnel shall operate the MASBP Process and take the specified measurements and samples. Testing shall be conducted by independent, State certified laboratory personnel, mutually agreed upon by the Owner and Company. All operating and testing costs shall be paid for by the Owner to ensure impartiality of the testing procedures. The Company, at its discretion, shall be allowed to witness the operation and tests. The testing shall be conducted in accordance with the most recent edition of "Standards Methods for

the Examination of Water & Wastewater" published jointly by the American Public Health Association (APHA), American Water Works Association (AWWA) and Water Environment Federation (WEF). The Owner shall submit to the Company the operating and test data on a b-weekly basis during the Performance Test Period and/or as available from the laboratory.

6.3 In the event that the guaranteed performance is not obtained, the following steps shall be taken:

1. One (1) lot of concentration tests for inorganic pollutants listed in Appendix "A" , the United States EPA list for threshold concentration of inorganic pollutants that are inhibitory to biological treatment processes shall be collected by the Owner and data provided to the Company.
2. In the event that one or more inorganic pollutants exceeds the threshold concentration as defined in Appendix "A", it shall be the responsibility of the Owner to remove the non-conforming pollutants from the influent to the Process.
3. In the event that no inhibitory pollutants are found, the Company shall take all necessary steps it deems necessary, at no cost to the Owner, to fulfill its performance guarantees herein; including, but not limited to, repairing, modifying, and/or replacing any of the Equipment, provided by the Company, causing the MASBP Process not to produce the guaranteed effluent quality; and/or correct, alter, modify or change the Process to enable it to produce the guaranteed effluent quality. The time frame for completion of these necessary steps shall be four (4) months from the time the failure is determined.

4. Upon correction of the process, the Company agrees to extend the guarantee an additional twelve (12) months from the original expiration of the Performance Testing Period.
5. The Owner shall pay for laboratory test costs and/or repair or modification costs if the failure is determined to be due to an overload, or the influent is noncompliant with the influent conditions described in this guarantee.

IN WITNESS WHEREOF, the parties have caused their authorized officers to execute this Agreement on the date and year first above written.

Aquarius Technologies, Inc.

Attest _____

Title _____

By _____

David D. Lauer, P.E.
Vice President – Sales and Marketing

Owner

Attest _____

Title _____

By _____

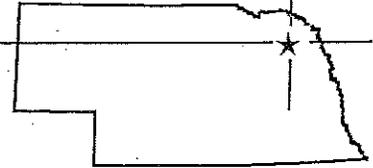
Title _____

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: Dr. Ken Liska, George Phelps, Jim O'Donnell

Address: 57379 854th Road

Wayne, NE 68787

Telephone No.: 375-1254

Date of Request: July 6, 2010

Description of Requested Topic: Representing Wayne Kiwanis Club
which would like to provide and help maintain
a school bus stop shelter for children in
the vicinity of Sunnyview Park





905 CENTENNIAL ROAD • WAYNE, NE 68787
PHONE: (402) 375-4770 • FAX: (402) 375-4711

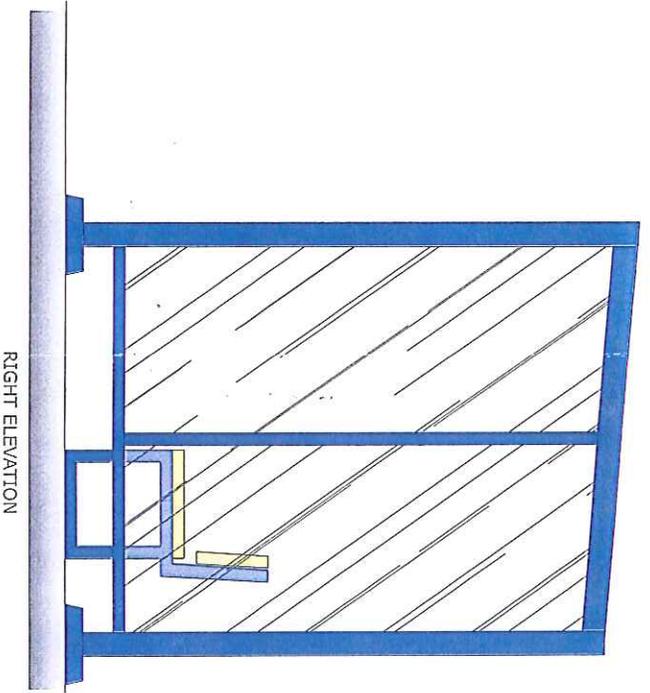
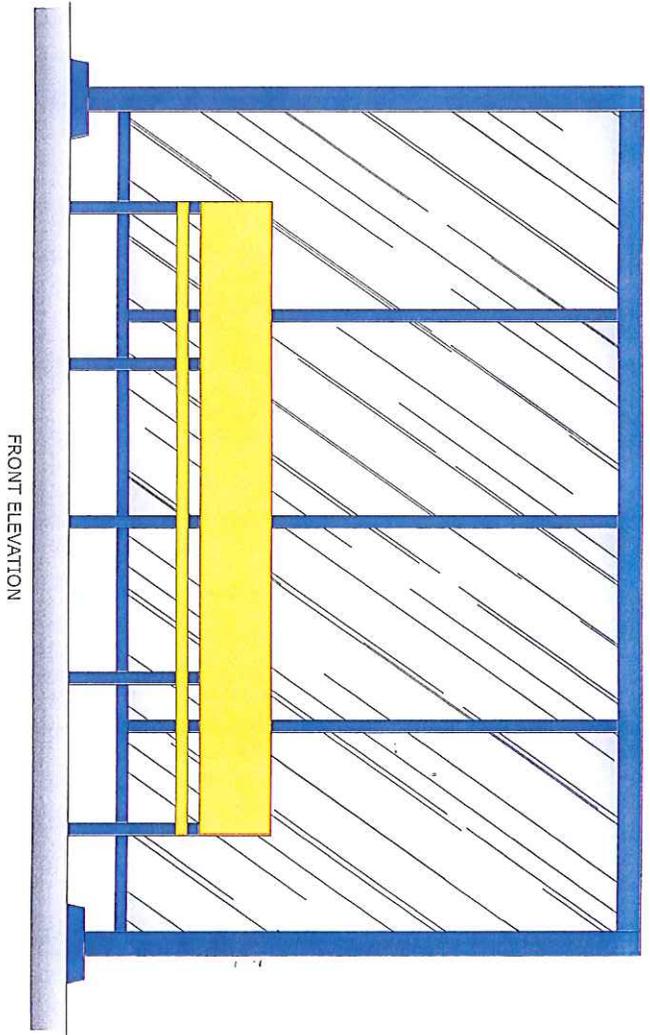
www.heritageind.com

Color Disclaimer
The link colors shown on this rendering provide conceptual colors and graphics locations only. The link colors may not match the actual automotive paint colors or vinyl colors that will be used on the kiosk or in the signs.

COLOR SPECIFICS:
ENCLOSURE:
WAYNE BLUE DEVIL BLUE
SUNNY VIEW YELLOW

CUSTOMER: KIWANIS
DEALER: HERITAGE INDUSTRIES
905 CENTENNIAL ROAD
WAYNE, NE 68787

JOB: P-8167
MODEL: 386-C
ATM: N/A
DATE: 06/04/10
DRAWN: BB



GRAPHICS APPROVED: _____ **DATE:** _____

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

Date: June 24, 2010
To: Mayor Shelton
Wayne City Council
From: Wayne Planning Commission
Sharon Braun, Planning Commission Chair
Re: Recommendations from June 7, 2010 Meeting

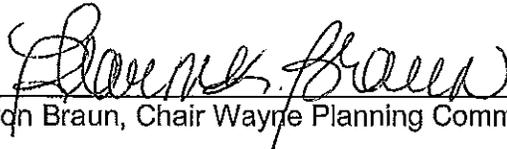
At their meeting on June 7, 2010 the Wayne Planning Commission held two duly advertised public hearings.

First Public Hearing: Amending Section 74-102(a) Administrative Subdivision

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, a motion was made by Commissioner Sweetland and seconded by Commissioner Herman to approve and forward a recommendation of approval to the City Council amending Section 74-102(a) Administrative Subdivision of the Municipal Code, by amending item #1 as follows: *"the tract of land has not been previously subdivided twice as an administrative subdivision or a lot that has been previously split twice under the lot split procedures in the 1979 subdivision regulations, Ordinance No. 947"*, with the findings of fact being, staff's recommendation. Chair Braun stated the motion and second. Roll call vote was taken with the following: Commissioner Deboer – aye; Commissioner Hill – aye; Commissioner Herman – aye; Commissioner Sweetland – aye; and Chair Braun – aye. Chair Braun declared the motion carried unanimously.

Second Public Hearing: Amending Sections 90-203; 90-233; 90-263; 90-293; 90-313; and 90-703 all related to Accessory Structures and Uses

The Planning Commission took evidence and testimony from the public at the hearing and thereafter reviewed the information and evidence presented. After deliberation and discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Deboer to approve and forward a recommendation of approval to the City Council amending Sections 90-203(1)(b) Permitted Accessory Uses and Structures, Section 90-233(1)(b) Permitted Accessory Uses and Structures, Section 90-263(1)(b) Permitted Accessory Uses and Structures, Section 90-293(2)(b) Permitted Accessory Uses and Structures, Section 90-313(1)(b) Permitted Accessory Uses and Structures, and Section 90-703(e) Accessory Uses of the Municipal Code as stated in the attachment, with the findings of fact being: staff's recommendation. Chair Braun stated the motion and second. Roll call vote: Commissioner Hill – aye; Commissioner Herman – nay; Commissioner Sweetland – aye; Commissioner Deboer – aye; and Chair Braun – aye. Chair Braun declared the motion failed by a vote of four ayes and one nay due to a lack of five aye votes.



Sharon Braun, Chair Wayne Planning Commission

Amending Permitted Accessory Use Structures

R-1 District Section 90-203 Permitted Accessory Use Structures

- (1) Accessory buildings or uses customarily incidental to the uses permitted in Section 90-202, provided that:
 - a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b. Collectively the area of all accessory structures shall not exceed 1,064 square feet or 7 percent of the lot area up to 3,000 square feet, whichever is greater.
 - c. Shall be in conformance with the provisions of Section 90-703.

R-2 District Section 90-233 Permitted Accessory Use Structures

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b. Collectively the area of all accessory structures shall not exceed 1,064 square feet or 7 percent of the lot area up to 3,000 square feet, whichever is greater.
 - c. Shall be in conformance with the provisions of Section 90-703.

R-3 District Section 90-263 Permitted Accessory Use Structures

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b. Collectively the area of all accessory structures shall not exceed 1,064 square feet or 7 percent of the lot area up to 3,000 square feet, whichever is greater.
 - c. Shall be in conformance with the provisions of Section 90-703.

R-4 District Section 90-293 Permitted Accessory Use Structures

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a. Collectively the area(s) occupied by all existing and proposed
 - b. structures, do not exceed 50% of the entire lot area and/or;

- c. Collectively the area of all accessory structures shall not exceed 1,064 square feet or 7 percent of the lot area up to 3,000 square feet, whichever is greater.
- d. Shall be in conformance with the provisions of Section 90-703.

R-5 District Section 90-313 Permitted Accessory Use Structures

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:
 - a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
 - b. ~~Collectively the area of all accessory structures shall not exceed 1,064 square feet.~~
 - c. Shall be in conformance with the provisions of Section 90-703.

Section 90-703 Accessory Uses

(e) Unattached accessory use. Any unattached accessory building(s) in combination with the principal structure, in any R designated zoning district, shall not exceed a combined area greater than 50% of the lot area, provided the combined total area of all unattached accessory structures shall not exceed 1064 square feet or 7 percent of the lot area up to 3,000 square feet, whichever is greater.

[Back to Top](#)

ORDINANCE NO. 2010-13

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 74, ARTICLE III, BY AMENDING SECTION 74-102 ADMINISTRATIVE SUBDIVISION; TO PROVIDE FOR THE REPEAL OF CONFLICTING 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 June 7, 2010, and recommended amending Section 74-102 Administrative Subdivision of the Wayne Municipal Code, with the "Finding of Fact" being that it is staff's recommendation.

Section 2. That Chapter 74, Article III, Section 74-102 (a) of the Wayne Municipal Code is hereby amended as follows:

Section 74-102 Administrative Subdivision.

(a) *Administrator.* The zoning administrator of the city is designated as the employee of the city who is authorized to approve, on behalf of the city, further subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way is involved, and such subdivision complies with the existing ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the following conditions are met:

~~(1) The tract of land has not been previously subdivided as an administrative subdivision or a lot that has been previously split under the lot split procedures in the 1979 subdivision regulations, Ordinance No. 947.~~

(1) The tract of land has not been previously subdivided twice as an administrative subdivision or a lot that has been previously split twice under the lot split procedures in the 1979 subdivision regulations, Ordinance No. 947.

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 the 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

ORDINANCE NO. 2010-14

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE I, ARTICLE IV, ARTICLE V, AND ARTICLE VIII, BY AMENDING SECTIONS 90-203, 90-233, 90-263, 90-293, 90-313, AND 90-703 REGARDING ACCESSORY USES.

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

Section 1. That Chapter 90, Article IV, of the Wayne Municipal Code is hereby amended as follows:

Section 90-203 Permitted Accessory Uses and Structures (R-1):

(1) Accessory buildings or uses customarily incidental to the uses permitted in section 90-202, provided that:

- a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
- b. Collectively the area of all accessory structures shall not exceed 1064 square feet **or 7% of the lot area up to 3,000 square feet, whichever is greater.**
- c. Shall be in conformance with the provisions of Section 90-703.

Section 90-233 Permitted Accessory Uses and Structures (R-2):

(1) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:

- a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
- b. Collectively the area of all accessory structures shall not exceed 1064 square feet **or 7% of the lot area up to 3,000 square feet, whichever is greater.**
- c. Shall be in conformance with the provisions of Section 90-703.

Section 90-263 Permitted Accessory Uses and Structures (R-3):

(1) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:

- a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
- b. Collectively the area of all accessory structures shall not exceed 1064 square feet **or 7% of the lot area up to 3,000 square feet, whichever is greater.**
- c. Shall be in conformance with the provisions of Section 90-703.

Section 90-293 Permitted Accessory Uses and Structures (R-4):

(2) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:

- a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or;
- b. Collectively the area of all accessory structures shall not exceed 1064 square feet **or 7% of the lot area up to 3,000 square feet, whichever is greater.**
- c. Shall be in conformance with the provisions of Section 90-703.

Section 90-313 Permitted Accessory Uses and Structures (R-5):

(1) Accessory uses and structures normally appurtenant to the permitted uses and structures, provided that:

- a. Collectively the area(s) occupied by all existing and proposed structures, do not exceed 50% of the entire lot area and/or
- ~~b. Collectively the area of all accessory structures shall not exceed 1064 square feet.~~
- b. Shall be in conformance with the provisions of Section 90-703.

Section 90-703 Accessory Uses

(e) Unattached accessory use. Any unattached accessory building(s) in combination with the principal structure, in any R designated zoning district, shall not exceed a combined area greater than 50% of the lot area, provided the combined total area of all unattached accessory structures shall not exceed 1064 square feet **or 7 percent of the lot area up to 3,000 square feet, whichever is greater.**

Section 2. All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 3. 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

ORDINANCE NO. 2010-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 2, ARTICLE IV, BY ADDING DIVISION 8 BOARD OF APPEALS; TO PROVIDE FOR THE REPEAL OF CONFLICTING SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. There shall be created a Board of Appeals to serve as the Board of Appeals for the currently adopted International Property Maintenance Code, International Building Code, International Residential, Plumbing, Mechanical, and Energy Conservation Codes and Flood Plain Regulations.

Section 2. That Chapter 2, Article IV, of the Wayne Municipal Code is hereby amended by adding Division 8 which shall read as follows:

Section 2-481 Application for Appeal. Any person directly affected by a decision of the code official or a notice or order issued under the International Property Maintenance Code, the International Building Code, International Residential, Plumbing, Mechanical, and Energy Conservation Codes and Flood Plain Regulation Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

- 1. Membership of Board.** The Board of Appeals shall consist of a minimum of six members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

Alternate Members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

Chairman. The board shall annually select one of its members to serve as chairman.

Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

Compensation of Members. Compensation of members shall be determined by law.

2. **Notice of Meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

3. **Open Hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

a. **Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

4. **Postponed Hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

5. **Board Decision.** The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

Records and Copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

Administration. The code official shall take immediate action in accordance with the decision of the board.

6. **Court Review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

7. **Stays of Enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

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 the 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

ORDINANCE NO. 2010-15

AN ORDINANCE AMENDING THE ZONING MAP BY CHANGING THE EXTRATERRITORIAL JURISDICTION FROM AN ARC SYSTEM TO A STRAIGHT LINE SYSTEM.

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

Section 1. 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.

Section 2. The official zoning map shall be forthwith changed by the zoning official to properly show the extraterritorial jurisdiction map as a straight line system.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby amended and repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 6th day of July, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT

City Attorney

[Back to Top](#)

RESOLUTION NO. 2010-43

A RESOLUTION ADOPTING NEW OFFICIAL ZONING MAP.

WHEREAS, due to changing the extraterritorial jurisdiction map from an arc type system to a straight line system, it is necessary to adopt a new official zoning map; and

WHEREAS, the new official zoning map will supersede and replace the Official Zoning Map previously adopted by the City Council on September 16, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Official Zoning Map attached hereto shall supersede and replace the Official Zoning Map previously adopted on September 16, 2008.

PASSED AND APPROVED this 6th day of July, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

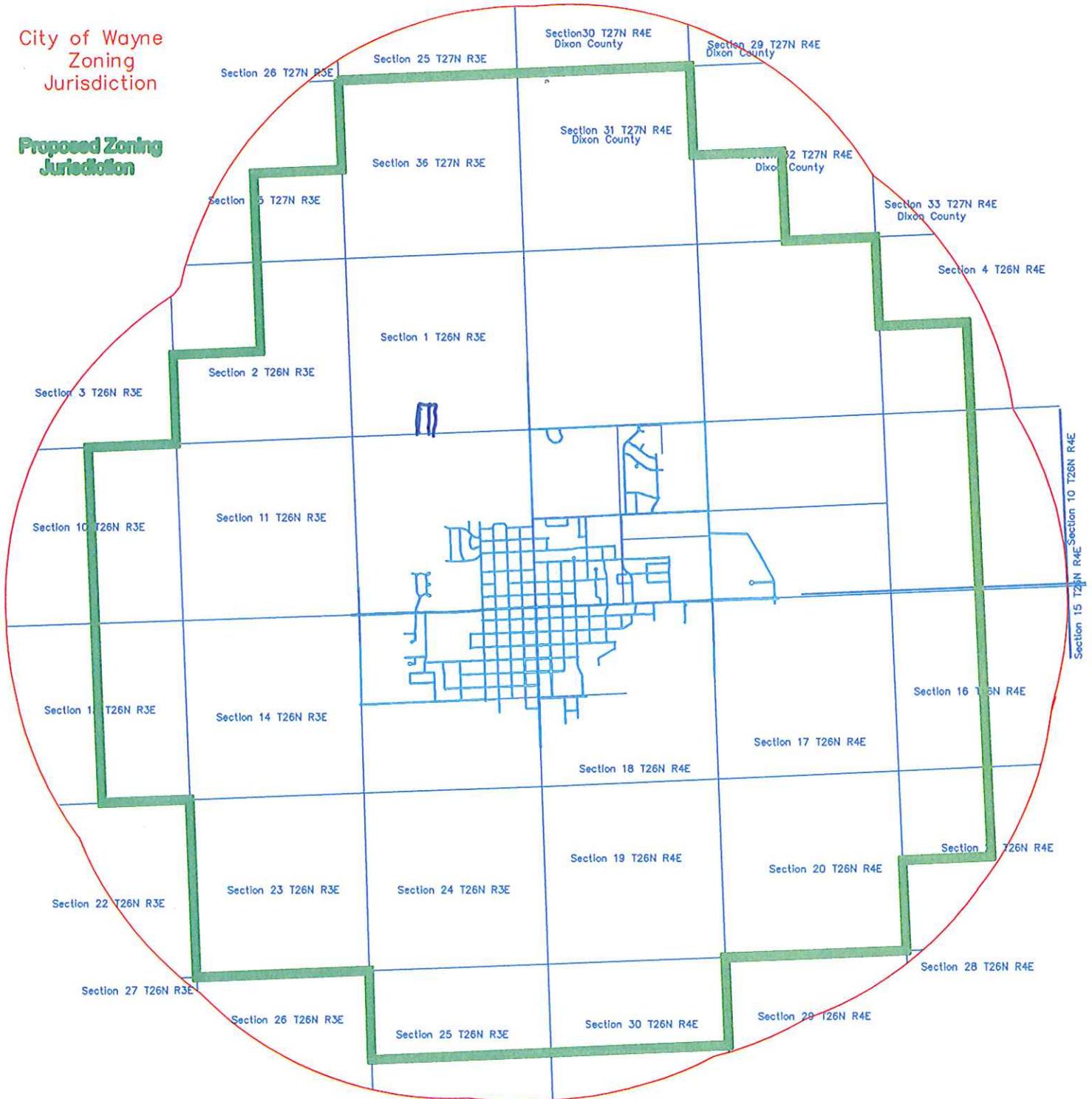
APPROVED AS TO FORM AND CONTENT:

City Attorney

City of Wayne
Zoning
Jurisdiction

Proposed Zoning
Jurisdiction

Section 28 T27N R4E
Dixon County



Section 15 T26N R4E
Section 10 T26N R4E

BID PROPOSAL

TO BETTY MCGUIRE, CITY CLERK

CITY OF WAYNE, NEBRASKA

The NORTHEAST EQUIPMENT Company of WAYNE, NE, states that we are a franchise dealer and distributor for the JOHN DEERE Company, manufacturer of Front Deck Mowers. We further affirm that we have read the specifications and conditions pertaining to a Front Deck Mower for the City of Wayne, Nebraska.

We propose to offer to the City of Wayne, Nebraska, one (1) JOHN DEERE, Model 1435, Front Deck Mower for the sum of SEVENTEEN THOUSAND SEVEN HUNDRED, (\$ 17,700), which is considered the base bid and included all the items called for in the specifications, unless otherwise noted.

Bid Option: Bidder should list price of extended warranty. Extended warranty to be 3 years in addition to manufactures warranty. SEE ATTACHED NOTES

Extended Warranty : \$ 833⁰⁰

Delivery Date

Proposed delivery date: APPROX. 2 1/2 to 3 WEEKS FROM ORDER DATE., 2010.

Exceptions, if any:

BID PROPOSAL

TO BETTY MCGUIRE, CITY CLERK

CITY OF WAYNE, NEBRASKA

The DINKEL Fmp Company of NORFOLK, NE, states that we are a franchise dealer and distributor for the KUBOTA Company, manufacturer of Front Deck Mowers. We further affirm that we have read the specifications and conditions pertaining to a Front Deck Mower for the City of Wayne, Nebraska.

We propose to offer to the City of Wayne, Nebraska, one (1) KUBOTA, Model F3080, Front Deck Mower for the sum of FIFTEEN THOUSAND TWO HUNDRED TEN, (\$ 15,210), which is considered the base bid and included all the items called for in the specifications, unless otherwise noted.

Bid Option: Bidder should list price of extended warranty. Extended warranty to be 3 years in addition to manufactures warranty.

Extended Warranty : \$ #1300 ← 2 YEARS STANDARD WARRANTY → 2 YEARS EXTENDED WARRANTY

Delivery Date HAVE ON HAND 4 TOTAL YEARS
Proposed delivery date: AS OF 6-15-10, 2010.

Exceptions, if any: Mike Finkral
Dinkel Fmp.

DINKEL'S PO Box 1404
West Hwy 275
Norfolk, NE 68702
"We can do the job for you"

(402) 371-5092
800-627-9916
Cell: (402) 841-1423
Fax: (402) 371-4416

Mike Finkral
Sales



E-mail: mikefinkral@dinkels.net
Web Site: www.newholland.com/dealers/dinkel

RESOLUTION NO. 2010-44

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT ON THE PURCHASE OF A COMMERCIAL FRONT DECK MOWER.

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

WHEREAS, two bids were received for a commercial front deck mower; and

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

<u>Name and Address</u>	<u>Amount of Base Bid</u>
Northeast Equipment Wayne, NE	\$17,700

BE IT RESOLVED that the bid, as above set forth, filed with the City Clerk in accordance with the terms of the published notice calling for the proposal of a commercial front deck mower be, and the same is hereby accepted.

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

PASSED AND APPROVED this 6th day of July, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTRACT:

City Attorney



CERTIFICATE OF PAYMENT NO. 3

Date of Issuance: July 6, 2010

Project No. 007-1652

Project: Muhs Acres Water Main Extension Wayne, Nebraska - 2009

Contractor: Robert Woehler & Sons Construction, Inc., 123 Fairgrounds Ave., Wayne, NE 68787

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		

PLEASE REMIT PAYMENT TO: Robert Woehler & Sons Construction, Inc.

Value of Work Stored & Completed: \$86,272.25

Original Contract Cost:	\$128,442.00
Approved Change Orders:	
No. _____	\$0.00
Total Contract Cost:	\$128,442.00

Value of completed work and materials stored	\$86,272.25
Less retained percentage (10%)	\$8,627.22
Net amount due including this estimate	\$77,645.03

Less: Estimates previously approved:

No. 1	\$38,526.37	No. 6	\$0.00
No. 2	\$20,944.95	No. 7	\$0.00
No. 3	\$0.00	No. 8	\$0.00
No. 4	\$0.00	No. 9	\$0.00
No. 5	\$0.00	No. 10	\$0.00

Total Previous Estimates: \$59,471.32

NET AMOUNT DUE THIS ESTIMATE: \$18,173.71

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

cc: Project File

OLSSON ASSOCIATES

By _____



CONTRACTOR'S PAY ESTIMATE NO. 2

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

DATE: June 17, 2010

ENGINEER: Kirkham Michael

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

KM PROJECT NO.: 1001235

CONTRACT FOR: Entire Work

CONTRACT DATE: 12/3/2009

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

Total Contract Amount plus Approved Change Orders	\$	65,239.87
Total Completed and Stored to Date	\$	65,239.87
Retained 10%	\$	0.00
Previous Estimates	\$	56,483.05
Due the Contractor This Estimate	\$	8,756.82

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

KIRKHAM MICHAEL

By: Rich Robinson
Rich Robinson, P.E.

Date: 6-17-10

Approved: _____
(Owner)

Date: _____



1707 Dakota Ave., South Sioux City, NE 68776

CHANGE ORDER NO. 2 (FINAL)

PROJECT:	Wayne Booster Pump Station 2009	DATE OF ISSUANCE:	July 6, 2010
CONTRACTOR:	Robert Woehler & Sons Construction, Inc.	OA PROJECT NO.:	008-1388
CONTRACT DATE:	March 2, 2009	AMOUNT OF ORIGINAL CONTRACT:	\$48,346.88

You are directed to make the changes noted below in the subject contract:

Addition of SRF Federal Assurance Requirements to contract documents.

The changes result in the following adjustments of Contract Price and Contract Time:

Contract Price Prior to This Change Order	\$49,888.85
Net Increase / Decrease Resulting from this Change Order.....	\$0.00
Current Contract Price Including this Change Order	\$49,888.85

Contract Time Prior to this Change Order/Calendar Days- Final Completion.....	May 15, 2009
Net Increase Resulting from This Change Order/Calendar Days.....	0
Current Contract Time including this Change Order/Calendar Days-Final Completion.....	May 15, 2009

The Above Change Order Accepted:

Robert Woehler & Sons Construction, Inc.
Contractor

OLSSON ASSOCIATES
Consulting Engineers

By: _____

By: _____
Rod Hanson

Date: _____

Date: _____

The Above Change Order Approved:

City of Wayne
Owner

By: _____

Date: _____

Gana Trucking & Excavating, Inc.
2200 W Panama Rd.
Martell, NE 68404
(402) 794-5000 Fax: (402) 794-5002

Date: 6/29/2010

Bid to: City of Wayne
Attn: Kirkham Michael - Blake Birkel
Fax:

Project: **Kardell Landfill Rehabilitation**
Scope: Unit Pricing

Gana Trucking and Excavating, Inc. proposes to provide the following for the project stated above.

Item No.	Desc.	Unit	QTY	Unit Cost	Total Price
1	Mobilization	LS	1	\$ 2,970.00	\$ 2,970.00
2	Prep and Grading	LS	1	\$ 16,600.00	\$ 16,600.00
3	Rip Rap	Ton	600	\$ 35.90	\$ 21,540.00
4	Silt Fence	LF	305	\$ 2.75	\$ 838.75
5	Seeding	Acre	1	\$ 1,250.00	\$ 625.00
6	Matting	SY	888	\$ 2.09	\$ 1,855.92
Total Price:					\$ 44,429.67

Notes:

Item 2 Prep and Grading includes removing the silt, preping the slope for rip rap placement, and rebuilding the upper slope. We will try and minimize the disturbance to the intact portion of the bank, but this may be difficult. We cannot do it the same way we did the initial rip rap because the bank is too unstable.

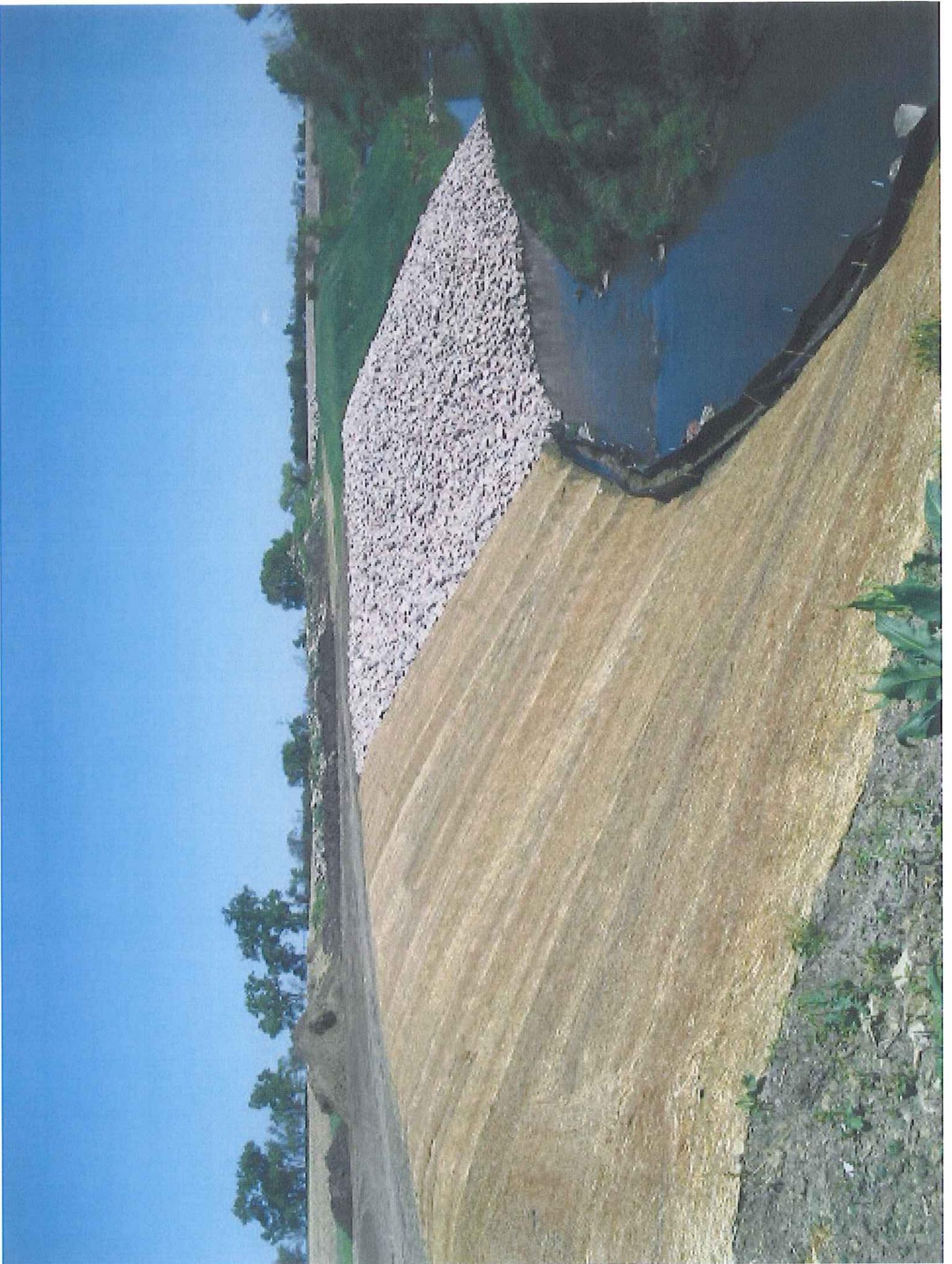
Item 3 Rip Rap - Blake figure it would be 420 tons but I want to make sure it is enough b/c 420 Tons is based on 2' deep on a 2:1 and it may vary from that. We will use the City's onsite concrete as a base to minimize the amount of rip rap we have to use. We will bill this off of load tickets to verify quantity.

Items 5 & 6 - I know we will have to use some of these items and maybe all, again we will try and preserve the remaining bank. We should consider waiting to seed during the fall planting season. I do not think grass seed will take on this bank over the Summer months.

None of the above scope includes and debris haul-off discovered during excavation. If additional debris is found we will assess those costs at that time.

Respectfully,
Gana Trucking and Excavating, Inc.

Jake Whitefoot







Proposal

2220 Hawkeye Drive • Sioux City, Iowa 51102 • Phone (712) 252-2766 FAX 712-252-2183
PROPOSAL SUBMITTED TO

PHONE 402-375-1733		DATE 6-29-10
Name City of Wayne	Job Name Lewis Drive & Schreiner Drive	
Street 306 Pearl St	Street	
City Wayne	City	State
State & Zip Code NE 68787	Architect	Date of Plans

We propose to furnish the necessary labor, materials, and equipment to do the following work.

1. Necessary cleaning to prepare the existing street surface for HMA (Hot Mix Asphalt) overlay.
 2. Install approximately 289 square yards of fabric reinforcing.
 3. Install 2" average depth HMA overlay on approximately 289 square yards requiring approximately 35 tons.
- Job cost: \$6248.55 (based on proposed quantities).

Owner will be responsible for on site locates of utilities not verified by "One Call".
 We are looking forward to doing this work for you.

Payment of the sum stipulated is to be made in cash within 30 days after completion of the work. Non-payment within specified time may result in the filing of a lien against the property. All material is guaranteed to be as specified. All work to be completed in a workman-like manner according to standard practices and shall be guaranteed for a period of one year provided the Knife River Midwest, LLC has designed and constructed the sub-base, base, and surface courses for specified loading. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Knife River Midwest, LLC shall not be responsible for delays, nonperformance or other damages due to strikes, accidents weather conditions, acts of God or other causes beyond the reasonable control of Knife River Midwest, LLC. Our workers are fully covered by Workman's Compensation Insurance.

Cracks through asphalt overlaid on old concrete slabs or cracks in any asphalt mat due to sub-base subsidence and/or temperature changes are natural occurrence. Contractor can not be held responsible for the ultimate appearance of such cracks. Contractor shall not be held

responsible for damage to retaining walls, basement walls, foundations, underground utilities or other sub-surface structures do to any phase of the paving operation unless Contractor has been notified in writing by the owner or owner's agent prior to the beginning of the work that a condition exists which might be damaged by the heat, weight or other intrusion of the Contractor's normal equipment. Final invoicing will be based on actual quantities placed.

Knife River Midwest, LLC

Authorized Signature _____
 Bruce Jorgensen

Note: This proposal may be withdrawn by us if not accepted within 15 Days

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted Date: _____

White copy to Knife River Midwest, LLC

Signature: _____

Yellow copy to Owner