

**AGENDA
CITY COUNCIL MEETING
August 17, 2010**

5:30 Call to Order

1. Approval of Minutes – July 20, 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. Proclamation of Recommitment to Full Implementation of the Americans with Disabilities Act

4. Action on Membership Application of Dillon Phillips to the Wayne Volunteer Fire Department — Tom Sievers, Fire Chief

5. Action on Membership Application of Jacob Stenka to the Wayne Firefighter Cadet Program — Tom Sievers, Fire Chief

6. Action on Membership Application of Riley McManus to the Wayne Firefighter Cadet Program — Tom Sievers, Fire Chief

7. Action on Contribution for Fire Chief

Background: The current budget allocated \$3,000 in compensation for the Wayne Fire Chief for his work in the department. That amount will be further distributed within the department at the Chief's discretion. The amounts will be made as contributions to IRA accounts. Council action is needed to authorize this distribution.

8. Public Hearing: To Consider the Planning Commissions' Recommendation on a Request for a Use by Exception Permit, according to Sec. 90-424(14) Two-Family Dwelling of the Wayne Municipal Code. Applicants are David and Connie Stuthmann who wish to construct a two-family dwelling at 721 Windom Street (Lot 1, Block 8, John Lake's Addition) (Advertised Time: 5:30 p.m.)

Background: This property is located in the B-3 Zoning District. An old house is being demolished and removed, and a new two-family dwelling is being built. A two-family dwelling is listed as a Use-By-Exception in the B-3 zoning and

must be approved by the Planning Commission and City Council before a building permit can be issued.

Recommendation: The recommendation of the Planning Commission, after their public hearing, was to approve the Use-By-Exception Permit. This project is a good example of transitioning deteriorated properties in established residential areas back into new homes where there is already street, water and sewer to the lots.

9. Resolution 2010-63: Approving the Use by Exception Permit Request of David and Connie Stuthmann

10. Ordinance 2010-17: Amending Wayne Municipal Code Section 90-205 Exceptions; Section 90-235 Exceptions; Section 90-265 Exceptions; Section 90-294 Permitted Conditional Uses; and Section 90-315 Special Exception Uses, to add the following: accessory structures exceeding 3,000 square feet, but not to exceed seven percent of the total lot area (Second Reading)

11. Resolution 2010-64: Authorizing Chief Elected Official to Request Grant Funds

Recommendation: The City Council has to vote to appoint one elected official to sign draw-down submittals for our grants. The Mayor is designated as that official, but we change this to the Council President when the Mayor is out of town and change it back when the Mayor is here.

12. Resolution 2010-65: Approving Agreement with Gill Hauling for Operation of the Wayne Transfer Station

Background: The Wayne Green Team and city staff have been discussing options for better ways to operate the Wayne Transfer Station for about a year. We developed a set of specifications for how we would like it to operate and placed a public notice requesting proposals from private firms to take over and operate it. We received one proposal. The proposal was from Gill Hauling and was a two-year agreement to operate both the garbage and the recycling portions of the Transfer Station essentially the same way they are operated now.

Enclosures: Copy of the Agreement.

Recommendation: The recommendation of the City Administrator and Superintendent of Public Works and Utilities is to approve the Agreement.

13. Ordinance 2010-18: Creating Street Improvement District No. 2010-5 (Benscoter Addition)

Background: This will create the paving district to: 1) extend Tomar Drive South from the Fire Hall past the new Cobblestone Hotel property; 2) create an intersection across the street from the entrance into the wastewater plant to extend Fourth Street east to an intersection with the new Jaxon Street; and 3) to construct the new Jaxon Street which will angle to the northeast parallel with the city pedestrian trail.

The storm drain system for this subdivision is being designed by Olsson to minimize concrete pipe and to contain and filter storm water run-off using bio-swales, detention areas and filter strips to recharge ground water and deliver the excess runoff to Logan Creek. The cost of this system is lower than the traditional, while providing immediate environmental benefits.

At this time, we also plan to use millings from the airport runway project to build a temporary road through to connect to the softball complex.

Enclosure: Map of the paving district and streets to be paved.

Recommendation: Recommendation of the Certified Street Superintendent is to approve the district.

14. Resolution 2010-66: Approving the Hiring of Special Engineers and approving Plans, Specifications and Estimate of Cost for the Construction of Certain Water System Improvements to be Constructed in the City of Wayne, Nebraska

Background: This Resolution and Resolution 2010-66 will create the utility districts to extend sewer and water mains south from the Fire Hall past the new Cobblestone Inn and Suites property and along Jaxon Street which will angle to the northeast parallel with the city pedestrian trail.

At this time, we also plan to use millings from the airport runway project to build a temporary road through to connect to the softball complex.

Enclosure: Map of the paving district and streets to be paved.

Recommendation: Recommendation of the Certified Street Superintendent is to approve the district.

15. Ordinance 2010-19: Creating Water Extension District No. 2010-1 (Benscoter Addition)

16. Resolution 2010-67: Approving the Hiring of Special Engineers and approving Plans, Specifications and Estimate of Cost for the Construction of Certain Sanitary Sewer Improvements to be Constructed in the City of Wayne, Nebraska

17. Ordinance 2010-20: Creating Sanitary Sewer Extension District No. 2010-1 (Benscoter Addition)

18. Action on Certificate of Payment No. 6 for Kardell Subdivision Paving, Drainage and Water Improvements - \$24,295.72 to Steve Harris Construction

Recommendation: This Certificate of Payment No. 6 is for work completed and approved by the engineer.

19. Action on Change Order No. 4 (Final) on the Kardell Subdivision Paving, Drainage, and Water Improvement Project (Change

[Order No. 3 listed current contract price incorrectly at \\$521,729.83; corrected amount shown on this Change Order - \\$523,729.83](#)

Recommendation: This is to correct a previous billing error for work approved and completed by the contractor.

20. [Direction from Council on Future of Sludge Lagoon](#)

Background: In 1995, the EPA changed its regulation of sludge storage so that a sludge lagoon like ours in Wayne had to be classified as either: 1) A surface storage lagoon with no discharge into Logan Creek, regular testing of the contents, and sampling wells drilled around it to detect any leakage into the ground water aquifer; or 2) a temporary sludge holding lagoon that would have the sludge removed about every two years and land applied.

Wayne chose #2 and responded in a letter to the EPA that we would remove sludge when it is economically feasible. We have operated that way and received a new discharge permit from NDEQ every five years until last November when we had a site visit by the EPA. The current City of Wayne staff has not been aware of the 1995 Wayne commitment to EPA, and we have not removed any sludge. We received a site visit from the EPA last November, and the report from that visit finds us not in compliance. We are now required to make a choice of the two options and comply.

At this time, the EPA has not fined the City of Wayne. We have retained JEO to help us respond to requests for information from the EPA about our past operation of the system and our future intentions. We have a relatively short timeframe from the EPA to decide if we intend to:

1) Keep the lagoon for long-term permanent surface sludge storage with the Aquarius plant.

- This option allows no discharge of the lagoon into Logan Creek. It requires installation of monitoring wells around the lagoon plus monitoring of the sludge and water quality.
- That work will need to be started soon unless we agree to remove the existing sludge within the next two years.

2) Keep the lagoon for temporary sludge storage and clean it out every two years.

- The sludge will need to be removed and land applied or hauled to Norfolk or other larger treatment system for disposal.
- We believe the amount of sludge to be generated by the Aquarius system will be minimal and a 2-3 acre pond would hold the small amount produced instead of the 26-acre lagoon

3) Eventually decommission the lagoon and demolish it.

- It's possible we could select the #2 option now, remove the sludge, and later find out that the Aquarius generates little or no sludge. Then we have the option of converting it into a permanent recreational lake or demolishing the lagoon and reclaim the land.

- The lake option would require us to divert some of the treated water going to Logan Creek into the lake. Since the lake is about 10 feet higher than the flow line to Logan Creek, it would require us to pump about 50,000 gallons per day into the lake. Since the lagoon depth is only about 5 feet deep, an area about

8-10 feet deep and about 1-2 acres would need to be excavated into the bottom so any fish that are stocked could survive through the winter. I don't know how the public would respond to a lake of treated water from the treatment plant, even though it will be clean water and sterilized with ultra violet light.

- The demolition and land reclamation option is estimated by JEO to cost about \$1 million.

4) I have asked JEO for cost estimates of all the above options, and we have not received them at this time. However, the discussion of what we would like to see this area become is appropriate and helpful for a final decision.

21. Recess

- a. Convene as Community Development Agency
- b. Approve Minutes – August 3, 2010
- c. Action on Request for Second Three Month Extension of the Twelve Month Deadline of April 16th to obtain an occupancy Permit for the Houses on Lot 6 and Lot 11, Western Ridge II Subdivision (October 16th) — Lou Bencoter, President of Bencoter Plumbing & Heating

Background: The lots at Western Ridge are sold with a 12-month deadline for a home to be built on. The purpose of that requirement was to keep speculators from buying up the low cost lots and holding them for a higher price later.

Recommendation: The recommendation of the Finance Director and City Administrator is to approve the extensions. The builder has a history of investing in homes in Western Ridge which helped us meet the total count requirements of our \$378,000 Construction Grant from DED. The builder has also been working on the Well #11 project for the City of Wayne and has been making some progress on each. The house on Lot #11 is nearly complete, but waiting for carpeting and a front entrance rail to get an occupancy permit.

- d. Adjourn CDA and Reconvene as Council

22. Budget Workshop (Continuation)

Enclosure: Please see the enclosed summary of Council changes to the budget last Tuesday and budget sections left to review from Nancy.

23. Adjourn

APPROVED AS TO FORM AND CONTENT:

Mayor

City Administrator

August 3, 2010

The Wayne City Council met in regular session at City Hall on Tuesday, August 3, 2010, at 5:30 o'clock P.M. Council President Doug Sturm called the meeting to order with the following in attendance: Councilmembers Brian Frevert, Jim Van Delden, Jon Haase, Dale Alexander, Kaki Ley, Kathy Berry, and Ken Chamberlain; City Attorney Kyle Dahl; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Mayor Lois Shelton.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on July 22, 2010, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Chamberlain made a motion and seconded by Councilmember Alexander, whereas the Clerk has prepared copies of the Minutes of the meetings of July 20, 2010, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the Minutes approved, as corrected.

The following claims were presented to Council for their approval:

ADDITIONS TO CLAIMS LIST OF 7/20/10: PY, 4403.12 AND UTILITY REFUNDS, 197.54

VARIOUS FUNDS: AMERICAN PUBLIC POWER, FE, 1029.24; AMERITAS, SE, 2155.53; APPEARA, SE, 100.95; ARNIE'S FORD-MERCURY, SE, 259.60; AS CENTRAL SERVICES, SE, 448.00; BANK FIRST, FE, 195.00; BLACK HILLS ENERGY, SE, 560.76; BOMGAARS, SU, 3.49; CITY EMPLOYEE, RE, 5228.92; CITY EMPLOYEE, RE, 85.43; CHANNING BETE COMPANY, SU, 1033.17; CITY OF WAYNE, RE, 425.00; CITY OF WAYNE, PY, 65706.56; CITY OF WAYNE, RE,

99.03; CITY EMPLOYEE, RE, 164.32; COMMUNITY HEALTH, RE, 4.00; DAVID H. PTAK, SE, 185.00; CITY EMPLOYEE, RE, 112.35; DUTTON-LAINSON, SU, 222.32; ECHO GROUP, SU, 149.93; CITY EMPLOYEE, RE, 944.42; ELECTRIC FIXTURE, SU, 42.14; ELLIS PLUMBING, SE, 315.80; ENERGY FEDERATION, SU, 1205.20; FIRST CONCORD GROUP, SE, 5682.17; FLOOR MAINTENANCE, SU, 635.34; GALE GROUP, SU, 29.69; GAYLORD BROS, SU, 72.61; GERHOLD CONCRETE, SU, 1252.87; HABITAT FOR HUMANITY, RE, 19472.92; HAWKINS, SU, 586.27; CITY EMPLOYEE, RE, 62.86; HOCKENBERGS, SU, 74.99; ICMA, RE, 5507.94; IRS, TX, 20339.26; JEO CONSULTING GROUP, SE, 2300.00; JOHN'S WELDING AND TOOL, SE, 82.40; JOHNSON HARDWARE, SU, 67.36; KELLY SUPPLY, SU, 86.61; KRIZ-DAVIS, SU, 1249.78; LANGEMEIER, WAYNE, SE, 125.00; MAIN STREET AUTO CARE, SE, 69.00; CITY OF WAYNE, RE, 500.00; CITY EMPLOYEE, RE, 166.89; MICROFILM IMAGING SYSTEMS, SE, 805.14; MIDWEST OFFICE AUTOMATION, SE, 1451.83; MIDWEST TAPE, SU, 179.94; MOONLIGHT TOWING, SE, 85.20; N.E. NEB ECONOMIC DEV DIS, SE, 906.64; NE DEPT OF REVENUE, TX, 2926.23; N.E. NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 2213.32; OLSSON ASSOCIATES, SE, 9066.01; PENRO CONSTRUCTION, SE, 1970.65; PETERSON THERAPY SERVICES, RE, 1027.00; QWEST, SE, 428.34; QWEST, SE, 163.42; SIEMENS WATER TECHNOLOGIES, SU, 66.00; STADIUM SPORTING GOODS, SU, 2100.00; TOM ADAMSON, SU, 8.00; UNITED WAY, RE, 32.32; UNIVERSITY OF NE-LINCOLN, FE, 30.00; VAN DIEST SUPPLY, SU, 276.70; VERIZON, SE, 301.61; VIAERO, SE, 135.34; VOSS LIGHTING, SU, 577.62; WAYNE COMMUNITY HOUSING, SE, 24178.00; WAYNE COMMUNITY THEATER, RE, 16100.00; WAYNE STATE COLLEGE, RE, 400.00; CITY EMPLOYEE, RE, 465.02; WESCO, SU, 13776.72; WHELEN ENGINEERING, SE, 23.35; WINGATE INN, SE, 140.00; BLACKBURN MANUFACTURING, SU, 160.37; BOMGAARS, SU, 418.82; CITY EMPLOYEE, RE, 1603.00; CARHART LUMBER, SU, 399.80; CHARTWELLS, SE, 5691.75; CITY OF NORFOLK, RE, 1500.00; CITY OF WAYNE, RE, 1000.00; CITY OF WAYNE, RE, 54.81; CITY OF WAYNE, RE, 20.00; CITY OF WAYNE, SU, 64.14; CLAUSSEN & SONS IRRIG., SE, 438.74; COPPLE & ROCKEY, SE, 522.40; COPY WRITE, SE, 146.00; DE LAGE LANDEN FINANCIAL, SE, 77.00; DUTTON-LAINSON, SU, 171.82; EASYPERMIT POSTAGE, SU, 1152.63; FLOOR MAINTENANCE, SU, 40.36; GALE GROUP, SU, 29.69; GILL HAULING, SE, 3196.00; GOV'T FINANCE OFFICERS, SU, 170.00; HAWKINS, SU, 1434.60; HD SUPPLY WATERWORKS, SU, METER 175.00; HEIKES AUTOMOTIVE, SE, 69.23; HOLIDAY INN "MIDTOWN", SE, 439.80; INGRAM BOOK COMPANY, SU, 35.41; ISLAND SPRINKLER SUPPLY, SU, 116.42; ELLIS PLUMBING & HEATING, SE, 285.00; JEO CONSULTING GROUP, SE, 17227.00; JOHN'S WELDING AND TOOL, SE, 99.50; KNIFE RIVER MIDWEST, SE, 225416.16; KNIFE RIVER MIDWEST, RE, 1500.00; KRIZ-DAVIS, SU, 63.90; LP GILL, SE, 7970.80; M. LEE SMITH PUBLISHERS, SU, 377.00; MARRIOTT HOTELS, SE, 358.00; MICROFILM IMAGING SYSTEMS, SE, 539.22; MIDWEST TAPE. SU, 109.97; NORTHEAST EQUIPMENT, SU, 17700.00; PAC N SAVE, SU, 19.53; PIEPER, MILLER & DAHL, SE, 4150.90; PLUNKETT'S PEST CONTROL, SE, 88.00; PROVIDENCE MEDICAL CENTER, SE, 431.00; RAMADA INN - KEARNEY, SE, 70.00; ROBERT WOehler & SONS, SE, 1050.00; SIEMENS

WATER TECHNOLOGIES, SU, 19.50; US BANK, SE, 1131.75; VAN DIEST SUPPLY, SU, 1883.20; WAED, SE, 6383.33; WAYNE COUNTY CLERK, SE, 13.00; WAYNE STATE COLLEGE, RE, 500.00; WESCO, SU, 15387.66; WINDCALL PUBLISHING, SU, 16.24

Councilmember Chamberlain made a motion and seconded by Councilmember Van Delden to approve the claims. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

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

Administrator Johnson advised the Council that requests have been received from Gene and Shirley Fletcher, Russ and Courtney Volk and Clayton and Jan Stalling to waive the sidewalk requirements in the City Code on the west side of Providence Road between Sunnyview Drive and 10th Street.

Joel Hansen, Building Inspector/Planner provided background on the matter. The Fletchers built a new home at 810 Sunnyview Drive which is a corner lot. A sidewalk has been built on the south frontage of that lot. The owners are asking for a waiver of the code requirements for a sidewalk on the east front of this corner lot until there are sidewalks continuing north with which to connect to. The adjacent neighbors are also requesting waivers. However, there are some property owners in that area that were required to put in sidewalks, which is called "gap paving." The Mayor and Council have the option, when there is enough sidewalks in an area, to go back and require the

remaining property owners to put in sidewalks to complete a gap for pedestrians to walk across.

In response to Councilmember Van Delden's question, Mr. Hansen stated there was a time when this section of the code was not enforced, and unfortunately, it has left a lot of gaps in different parts of town that were developed during that time. This is a fairness issue, which is why staff did not feel comfortable in making a recommendation to the Council. During a time when the City was creating sidewalk districts and cost-sharing with property owners who had to replace sidewalk, some of these areas that did not have sidewalk were addressed and were included in the district. However, those property owners had to pay for the full amount to have sidewalk installed. A moratorium was placed on creating sidewalk improvement districts several years ago.

Mr. Hansen stated this is not the only place in town where a new house was constructed and the property owners did not put in a sidewalk (Nebraska Street).

Council President Sturm stated as a city, we are responsible for providing a safe place for pedestrians to walk.

Administrator Johnson stated Council must decide if they want sidewalks for pedestrian traffic. If you don't, he would recommend deleting that section of the code. What is in our code is standard throughout the country. If Council is going to waive the sidewalk requirement on a case-by-case basis, they need to make sure they have a reason for each one. He recommended that if these waivers are approved, that they not be of a permanent nature.

Councilmember Chamberlain stated since the trail runs on the east side of Providence Road, he is inclined to approve this waiver. However, from Sunnyview south, he would like to see sidewalks on the west side of the street.

Chris Woehler was present and stated he also has a building permit. He is in the same situation as the Fletchers, where the sidewalk that he would have to be put in on the east side of his property would go nowhere to the south. Council President Sturm advised Mr. Woehler that at this time, the Council can only act on what is on the agenda. He would need to visit with staff about the steps he would need to take to request a waiver.

Councilmember Frevert made a motion and seconded by Councilmember Chamberlain to waive the code requirements for sidewalks on the properties of 810 Sunnyview Drive, 709 E. 10th Street, and 710 E. 10th Street at this time for the reason that the sidewalks would go nowhere, there is a gap where there is no house, this is the back of a lot instead of the front of a lot, and if you are walking north, you would still have to cross the street. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Van Delden introduced Resolution No. 2010-60 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2010-60

A RESOLUTION APPROVING RENEWAL OF INTERLOCAL AGREEMENT FOR WAYNE COUNTY AND WAYNE COUNTY LIBRARY ASSOCIATION.

Lauran Lofgren, Library Director, advised the Council that the five-year time frame on the Interlocal Agreement with Wayne County and the Wayne County Library Association has ended. The Interlocal Agreement is being renewed for a ten-year term

with the Wayne County Commissioners. The agreement establishes a small amount of county cost-share to each of the libraries in Wayne, Winside and Carroll on behalf of the rural residents who use them. The Wayne Library received \$5,000 last year

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Penny Vollbracht, Senior Center Coordinator, was present requesting Council consideration to formally approving the following agreements:

- III C Nutrition Agreement
- III B Service Agreement
- Catered Meal Agreement with Chartwells

Councilmember Ley made a motion and seconded by Councilmember Chamberlain approving the III C Nutrition Agreement for the Wayne Senior Center. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Ley made a motion and seconded by Councilmember Van Delden approving the III B Service Agreement for the Wayne Senior Center. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Councilmember Ley made a motion and seconded by Councilmember Chamberlain approving the Catered Meal Agreement with Chartwells for the Wayne Senior Center. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Mike Garvin and Dave Tietgen, owners of Renaise Energy, a small Iowa company that develops small wind turbine projects using federal funding and tax credits

were present requesting Council consideration to sending a letter of request to Nebraska Public Power District for consideration of an expansion of their ceiling of allowing a municipal utility to contain any renewable energy project to less than 2.5 megawatt, and asking NPPD if they are interested in having access to or claiming the renewable energy credits. Building a small wind turbine in Wayne to serve the industrial park will put Wayne in a position to be very competitive in an increasingly competitive economic development environment. Wayne needs something to differentiate it from other communities, and this could do it at no cost to the taxpayer and no cost to the City, because those dollars are being paid out to NPPD anyway. If the models can be built this fall, and we can work through the issues with NPPD, we could see construction of the wind turbine by June or July of next year.

Council President Sturm stated that after visiting with Mr. Garvin, Mr. Tietgen and Administrator Johnson, he was satisfied with the discussions that took place and the fact that this is basically not going to cost the rate payers of Wayne anything.

Councilmember Frevert was very much in favor of this and thought that being one of the first communities to provide renewable energy would help grow the industrial park.

Councilmember Chamberlain made a motion and seconded by Councilmember Frevert approving a letter of request be sent to Nebraska Public Power District in support of renewable energy and asking for consideration to allowing a 2.5 megawatt size wind turbine be built in Wayne. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

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

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

Chair Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the Council Chambers and was available for public inspection.

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

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

The next item on the agenda was to consider and adopt CDA Resolution 2010-2 recommending approval of an amended Redevelopment Plan/Contract for Northeast Nebraska Investors, LLC.

The original Tax Increment Financing (TIF) Agreement that was approved in 2009 allocates the new real estate taxes created by the new Cobblestone Hotel for the first 14 years to be used to reduce the cost of street and infrastructure improvements around

the hotel. The hotel construction did not get started as planned last fall. The new construction start date is October, 2010. Because of the one-year delay, the start and end dates in the TIF Agreement need to be amended to reset the clock for the 14 years of new taxes to be allocated to the infrastructure for the hotel.

Member Ley introduced CDA Resolution No. 2010-2 titled as follows and moved its passage and approval by the Agency:

CDA RESOLUTION NO. 2010-2

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF AMENDED REDEVELOPMENT PLAN/CONTRACT FOR NORTHEAST NEBRASKA INVESTORS, LLC.

Member Van Delden seconded the motion.

Because Members Haase and Ley have a vested interest in this matter, they could not vote on the matter nor could they participate in any of the discussion. Member Ley then withdrew her motion and Member Van Delden withdrew his second.

It was noted that with tax increment financing, the increased taxes from any new construction is diverted to pay off the incentive bond or financing. For the next 14 years, nothing will change on the existing taxes.

Member Van Delden introduced CDA Resolution No. 2010-2 titled as follows and moved its passage and approval by the Agency:

CDA RESOLUTION NO. 2010-2

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WAYNE, NEBRASKA, RECOMMENDING APPROVAL OF AMENDED REDEVELOPMENT PLAN/CONTRACT FOR NORTHEAST NEBRASKA INVESTORS, LLC.

Member Sturm seconded the motion.

On roll call vote, the following Agency Members voted in favor of the motion: Frevert, Van Delden, Alexander, Sturm, Berry, and Chamberlain. The following Members voted against the motion: None; the following member was absent: Shelton; and the following members abstained due to a conflict of interest: Haase and Ley. The Chair declared the motion carried.

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

Council President Sturm declared the time was at hand for the public hearing to obtain public comment prior to the consideration of a Resolution approving an amended redevelopment plan, including a redevelopment contract, for an area of the City previously declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"). The Council President opened the public hearing and invited all interested persons to be heard.

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

There being no further comments, Council President Sturm closed the public hearing.

Councilmember Chamberlain introduced Resolution No. 2010-54 and moved for its approval; Councilmember Frevert seconded.

RESOLUTION NO. 2010-54

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA, APPROVING AN AMENDED REDEVELOPMENT PLAN/CONTRACT; AND RELATED MATTERS.

Council President Sturm stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Haase and Ley who abstained due to a conflict of interest, the Council President declared the motion carried.

Council President Sturm declared the time was at hand for the public hearing to amend the One and Six Year Street Improvement Plan to add Tomar Drive, 4th Street and Jaxon Street in the Benscoter Subdivision to said plan.

Joel Hansen, Certified Street Superintendent, stated this project probably should have been in the original One and Six Year Street Improvement Plan. However, once it was not, State Statute requires that a public hearing be held to amend the One and Six Year Street Improvement Plan to include this project so that construction can begin this fall.

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

There being no further comments, Council President Sturm closed the public hearing.

Councilmember Ley introduced Resolution 2010-55, and moved for its approval; Councilmember Van Delden seconded.

RESOLUTION NO. 2010-55

A RESOLUTION APPROVING THE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM AS AMENDED TO ADD TOMAR DRIVE, JAXON STREET AND 4TH STREET.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Sturm declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the B-3 Neighborhood Commercial District, specifically Section 90-424 Exceptions by adding "Vehicle Towing Service" and Section 90-425 Special Conditions and Conditions for Granting Exceptions. The Applicants are Main Street Auto and the City of Wayne.

The recommended changes to the code were as follows:

Section 90-424 Exceptions (B-3 Neighborhood Commercial District):

(17) Vehicle Towing Service

Section 90-425 Special Conditions and Conditions for Granting Exceptions (B-3 Neighborhood Commercial District):

(8) Storage of towed vehicles:

- a) Vehicles shall only be stored on-site, pending settlement or legal disposition of vehicles by insurance carrier and / or owner
- b) All towed and stored vehicles shall be stored behind the front building line;
- c) No demolition of towed or stored vehicles shall be allowed;
- d) All stored vehicles shall be owned by persons other than the towing service owner/operator and or land owner.
- e) All vehicles shall be stored behind a solid barrier fence of sufficient height to disallow visibility. Height of fence to be set by Planning Commission at the public hearing.
- f) Use by Exception shall only be effective upon compliance to all conditions as set forth by City Council and verified by the Zoning Administrator

The Planning Commission held a public hearing on this matter and recommended approval of amending Section 90-424 Exceptions in the B-3 Neighborhood Commercial District by adding "vehicle towing service" to the list of exceptions and amending Section 90-425 Special Conditions and Conditions for Granting Exceptions in the B-3 Neighborhood Commercial District by adding item # 8 "storage of towed vehicles", with the exception of "e", described above, with the "Findings of Fact" being staff's

recommendation, and it is consistent with the comprehensive plan, and the current and future land use maps.

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

Ted Kurpoweit, a co-owner of Main Street Auto Care, was present and advised that Council that they were asking that the City include "vehicle towing service" as a use by exception in the B-3 Neighborhood Commercial District. The previous owners had a vehicle towing service for about 18 years. At the time they purchased the property, the property owners were not interested in selling their tow trucks, and not knowing how vital that would be to their business, they went without a tow truck for approximately 16 months. They inquired if they could get grandfathered in with this use since they were doing some towing with a trailer. They were advised that was not considered a towing service at that time. They have purchased a wrecker. Someone has voiced a concern about them towing vehicles in an area that is not zoned properly, so they were advised to ask for a use by exception. The City has allowed them to tow vehicles while working through this process. When they do tow vehicles, in most cases they don't store the vehicles on their location, but take the cars to a body shop. In addition, they do not have a lot of extra space on their property, so they don't want to store the towed vehicles on their property.

Joel Hansen, Zoning Administrator, advised the Council that the Planning Commission, after considerable discussion, struck subsection "e) All vehicles shall be stored behind a solid barrier fence of sufficient height to disallow visibility. Height of fence to be set by Planning Commission at the public hearing." The Planning

Commission felt there would be difficulty requiring that fence/barrier. This may be fine for one property, but may not be different for another. He is somewhat uncomfortable to remove the fence/barrier requirement from the language. The Planning Commission did not see a problem with bringing in vehicles and letting them sit in front of the building or without a fence that weren't wrecked vs. a car that has been in an accident. He suggested reviewing the language regarding stored vehicles vs. wrecked vehicles.

Mr. Hansen noted that while Main Street Auto is one of the applicants for this change in the language, this does not just affect Main Street Auto's property. It would affect all property in the City of Wayne that is zoned B-3.

He also advised the Council that once an avenue is provided in the code for a use by exception, such as vehicle towing service, you must have a very good reason to deny a permit asking for that particular use. Otherwise, you will probably lose in a court of law if the denial is challenged. This is the reason for having "special conditions." Even if you allow the use by exception, this is a chance for the Council to put a set of conditions on it to protect the adjacent neighbors that may have concerns regarding that use by exception. He also reminded the Council that the special conditions outlined in the code are the minimum conditions, so if the Council would want to place other conditions on a use by exception, they may do so. Zoning is not meant to be restrictive, it is meant to be protective. When you are considering these changes, you have to stop and think about what you would consider to be reasonable if you owned a house or property next door.

He also advised the Council that this is only a recommendation from the Planning Commission, and that they could make changes to the wording as they see fit.

Council President Sturm suggested tabling this matter and sending it back to the Planning Commission for further deliberation.

BJ Woehler, representing Moonlight Towing, was present and stated the following for the record:

“In regards to Ordinance No. 2010-16 which would allow Vehicle Towing Service in B-3 Zoning as a Use by Exception in the entire B-3 district, I have some concerns I would like you to consider before acting tonight. First I want to state that I am not opposed to Main St Auto's pending future application at their current location as long as they are held to the same standard and conditions my business was required to follow in B-1, but after just finding out today around 10:30 am the planning board removed section (e) which required fencing I would ask why would fencing not be required?

What also concerns me is that if this ordinance passes as currently changed, you will have a difficult legal time to not allow this use to any other applicant in the B-3 area as we found out at a zoning steering committee meeting with your lawyer Dave Ptak on 6/21/10. The main areas of B-3 Zoning in Wayne fall along 7th Street from Main St to approximately Runza, the properties on the South West side of WSC, Logan St around American Broadband area and from Pearl St. to Lincoln St. from First St. to the alley just behind City Hall. Within those areas, there are some locations that this use makes sense but others do not. For example I would ask Councilmen Doug Sturm what his view and vote would be if one of his neighbors would apply for this use. I ask this because his current residence falls within and is surrounded by B-3 zoning. I am not sure what his answer will be, but I would hope the Council will add back the fencing requirement and some additional conditions to protect neighborhoods like his. I would suggest adding such conditions as limiting the overall size of area or number of vehicles, time of operation, size of vehicles allowed to be towed, and other requirements that may come to mind if I had more time.

The Nebraska State Patrol application for wrecker lists three classifications of sizes of vehicles, and they also require that services shall maintain towed vehicles and adequately secured storage facility where vehicles may be safely stored. Current permits, licenses and other evidence of compliance with the zoning requirements shall be presented and maintained with that application.

Overall it saddens me that the planning board did not do this ordinance justice by removing the fencing requirement nor did they do their job to protect the community and follow the first line of NEB. REV. STAT 19-901 "For the purpose of promoting health, safety, morals, or general welfare of the community, the legislative bodies in cities of the first and second class and in villages may adopt zoning regulations which regulate and restrict the height, number of stories, and size of building and other structures, the percentage of land that may be occupied, the size of yards, court and other open spaces, the density of population, and the location and use of buildings, structures, and land for

trade, industry, residence or other purposes. On a separate note I find it difficult and concerning that the public and I were given less than 24 hours to review the planning board's decision and then comment to our councilmen. I have reviewed my concern with staff and they say it is allowed, but I would ask where it states this in State or Local Law. You may want to consider reviewing that process. I had been following this Ordinance through the stages and reviewed what was posted online last night and this morning but was unable to attend last night's planning board meeting. But after sending an email to Joel around 7:30 am and getting his quick response around 10:30 am this morning, I found out things had changed. He just emailed me around noon and said he will not be able to get me the minutes from last night's meeting for review. So I have had to clear my day and rush to get you this letter, rather than calling all of you today and interrupting your day because it would have been too late to call you tonight.

I hope to be able to make tonight's meeting so I can voice my concern and hear your responses, but if not, I would also hope you would consider revising or postponing this ordinance to better protect the community.

Again I do not object to this use in B-3, but do think it needs to have conditions on it to protect the community and it is your job to make sure that happens if the planning board will not."

Mr. Woehler did not think that the conditions in a B-3 zone should be less restrictive than those in a B-1 zone.

There being no further comments, Council President Sturm closed the public hearing.

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

After discussion, Councilmember Chamberlain made a motion and seconded by Councilmember Frevert to table action on Ordinance 2010-16 and to forward the matter back to the Planning Commission for further deliberation on the fence requirement and to come up with language that distinguishes wrecked vehicles from impounded vehicles and disabled vehicles. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Sturm declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the replat of the Benscoter Addition Planned Unit Development Replat 1, a Replat of Lots 3 and 4 and Plat of dedicated Jaxon Street. The applicant is Louis Benscoter, Jr.

The Planning Commission held a public hearing on this matter and recommended approval thereof subject to the following "Findings of Fact":

- Staff's recommendation; and
- The replat is consistent with the comprehensive plan and the current and future land use map, subject however to the following being met: Olsson Associates accurately describing the name of the replat in the Surveyor's Certificate, and subject to Olsson Associates accurately showing the property owners being Louis Benscoter Jr. and Javanah Benscoter, Northeast Nebraska Investors LLC, and the City of Wayne, and subject to Olsson Associates properly showing that the Planning Commission heard this at a regular meeting after proper notice on August 2, 2010 which appears in the bottom left-hand corner, and subject to the notes on the left hand side of Replat 1, it should reflect that zoning is R-4 for lots 5 through 23, and part of the recommendation is that the Planning Commission is in agreement with reducing the rear-yard setbacks for lots 5 through 14 as set forth in the subdivision agreement filed of record and entered into between the Benscoters, the LLC and the City of Wayne.

Louis Benscoter, Sr., was present to answer questions. They are requesting to change the plat to make the lot sizes larger to accommodate potential purchasers of the property.

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

There being no further comments, Council President Sturm closed the public hearing.

Councilmember Chamberlain introduced Resolution No. 2010-56 and moved for its approval; Councilmember Berry seconded.

RESOLUTION NO. 2010-56

A RESOLUTION APPROVING REPLAT OF THE BENSCOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 1, A REPLAT OF LOTS 3 AND 4 AND PLAT OF DEDICATED JAXON STREET.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Sturm declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending Section 90-205 Exceptions; Section 90-235 Exceptions; Section 90-265 Exceptions; Section 90-294 Permitted Conditional Uses; and Section 90-315 Special Exception Uses, to add the following: accessory structures exceeding 3,000 square feet, but not to exceed seven percent of the total lot area. The applicant is the City of Wayne.

The Planning Commission held a public hearing on this matter and recommended amending Sections 90-205, 90-235, 90-265 all Exceptions in the R-1, R-2, and R-3 districts respectively, and Section 90-294 Permitted Conditional Uses in the R-4 district, and Section 90-315 Special Exception Uses in the R-5 district of the Municipal Code, by adding the following language to each Section, "accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area", with the "Findings of Fact" being Planning Commission's recommendation, as discussed at the June 7, 2010 meeting.

Joel Hansen, Zoning Administrator, advised the Council that this recommendation comes before them to accommodate the size of accessory structures on some of the larger lots on the outskirts of Wayne. It still maintains the 7% of the total lot area as a cap, but up to 4,000 square feet.

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

There being no further comments, Council President Sturm closed the public hearing.

Councilmember Berry left the meeting at 7:18 p.m.

Councilmember Ley introduced Ordinance No. 2010-17, and moved for its approval; Councilmember Alexander seconded.

ORDINANCE NO. 2010-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV, BY AMENDING SECTIONS 90-205, 90-235, 90-265, 90-294 and 90-315 REGARDING EXCEPTIONS - ACCESSORY USES.

Council President Sturm stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Berry who abstained, the Council President declared the motion carried. The second reading will take place at the next meeting.

Councilmember Berry returned at 7:19 p.m.

Council President Sturm declared the time was at hand for the public hearing to consider the Planning Commission's recommendation regarding the Preliminary and Final Plats of Karel Acres 2nd Subdivision. The applicant is Erna Karel.

The Planning Commission held a public hearing on this matter and recommended approval of the Preliminary and Final Plats of Karel Acres 2nd Subdivision with the "Findings of Fact" being:

- Staff's recommendation; and
- That this may be done administratively in the future.

Lisa Karel was present to answer questions. They own an acreage outside of Wayne and have purchased a small parcel next to it. They want to combine the two parcels to build a house on.

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

There being no further comments, Council President Sturm closed the public hearing.

Councilmember Chamberlain introduced Resolution No. 2010-57 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2010-57

A RESOLUTION APPROVING PRELIMINARY AND FINAL PLATS OF KAREL ACRES 2ND SUBDIVISION.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would approve the amendment to the contract for engineering services with Olsson Associates for design services for completion of the Kardell lift station and force main connection to the City sewer system. The cost for said services is \$6,300.

Councilmember Frevert introduced Resolution No. 2010-58 and moved for its approval; Councilmember Chamberlain seconded.

RESOLUTION NO. 2010-58

A RESOLUTION APPROVING AMENDMENT TO CONTRACT FOR ENGINEERING SERVICES WITH OLSSON ASSOCIATES ON THE KARDELL INDUSTRIAL PARK LIFT STATION AND FORCE MAIN.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would amend the Energy Incentive Program by deleting reference to “electric entrance boxes” in section 1 and adding the following language:

5. The City will reimburse qualified applicants the sum of \$100 for undertaking an energy audit of their home or business by a certified energy auditor.
6. The City will provide an incentive of \$10.19 per installed kw to all commercial customers that design their facilities towards electric usage.

Councilmember Chamberlain introduced Resolution No. 2010-59 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-59

A RESOLUTION AMENDING THE ENERGY INCENTIVE PROGRAM OF THE CITY OF WAYNE TO ESTABLISH AND FUND THE ENERGY SAVER PROGRAM AND PROVIDE FOR COST-SHARING USING A SET ASIDE OF CITY OF WAYNE ENERGY SAVING INCENTIVE FUNDS.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Joel Hansen, Certified Street Superintendent, stated the following Resolution would adopt the Title VI – Civil Rights Regulations. This is part of the new Federal Highway Regulations for federally funded projects. In addition, this charges the Certified Street Superintendent as being responsible for the management of the Title VI Civil Rights Regulations. This is number five of ten policies that will be brought to Council for their approval in order to obtain federal funds on transportation projects. The regulations are essentially a paperwork trail for the Federal Government to verify we are not discriminating against anyone.

Councilmember Ley introduced Resolution No. 2010-61 and moved for its approval; Councilmember Alexander seconded.

RESOLUTION NO. 2010-61

A RESOLUTION ADOPTING TITLE VI – CIVIL RIGHTS REGULATIONS AND DESIGNATING THE STREET SUPERINTENDENT RESPONSIBLE FOR THE MANAGEMENT OF THE TITLE VI – CIVIL RIGHTS PROCESS.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President 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 \$14,968.55. The engineer on the project has approved the same.

Councilmember Frevert made a motion and seconded by Councilmember Alexander approving Certificate of Payment No. 4 for the Muhs Acres Water Main Extension Project in the amount of \$14,968.55 to Robert Woehler & Sons Construction, Inc. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Action on Agenda Item No. 24 - Certificate of Payment No. 6 (Final) for Kardell Subdivision Paving, Drainage and Water Improvement Project was postponed until the next Council meeting.

Administrator Johnson stated a pay request has been received from Knife River for the Asphalt Overlay Project in the amount of \$225,416.16. The engineer on the project has approved the same.

Councilmember Ley made a motion and seconded by Councilmember Chamberlain approving Certificate of Payment No. 1 for the Asphalt Overlay Project in

the amount of \$225,416.16 to Knife River. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated a pay request has been received from Layne Christensen Co. for the Well House and Municipal Well 2009-1 Project in the amount of \$38,969.83. The engineer on the project has approved the same.

Councilmember Alexander made a motion and seconded by Councilmember Chamberlain approving Pay Application No. 7 for the Well House and Municipal Well 2009-1 Project in the amount of \$38,969.83 to Layne Christensen Company. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Administrator Johnson stated the following Resolution would approve Amendment No. 2 to the agreement with Kirkham Michael for professional construction engineering services which are necessary to reconstruct and stabilize the bank of South Logan Creek (Former Kardell Landfill Improvement Project). The cost for said services is \$3,900.

Councilmember Chamberlain introduced Resolution No. 2010-62 and moved for its approval; Councilmember Ley seconded.

RESOLUTION NO. 2010-62

A RESOLUTION APPROVING AMENDMENT NO. 2 – AGREEMENT FOR PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES WITH KIRKHAM MICHAEL ON THE FORMER KARDELL LANDFILL IMPROVEMENT PROJECT.

Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Council President Sturm requested Council consideration to the appointment of Jessie Piper to the Zoning Steering Committee as the Wayne Area Economic Development representative.

Councilmember Chamberlain made a motion and seconded by Councilmember Ley approving the appointment of Jessie Piper to the Zoning Steering Committee as the Wayne Area Economic Development representative. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried.

Nancy Braden, Finance Director, gave a preliminary update/review of the 2010-2011 budget proposal.

Councilmember Alexander left the meeting at 7:48 p.m.

Councilmember Frevert made a motion and seconded by Councilmember Haase to adjourn the meeting. Council President Sturm stated the motion, and the result of roll call being all Yeas, the Council President declared the motion carried and the meeting adjourned at 7:50 p.m.

CLAIMS LISTING AUGUST 17, 2010

AMERITAS LIFE INSURANCE	POLICE RETIREMENT	2,156.47
APPEARA	LINEN & MAT SERVICE	136.92
ARCADIAN MARKSMANSHIP	MEMBERSHIP FEE	100.00
BAKER & TAYLOR BOOKS	BOOKS	898.89
BANK FIRST	FRATERNAL ORDER OF POLICE DUES	195.00
BROWN SUPPLY CO	FIRE HOSE GASKET	75.56
CITY OF WAYNE	AUDITORIUM REFUND	125.00
CITY OF WAYNE	AUDITORIUM DEPOSIT REFUND	600.00
CITY OF WAYNE	BUILDING PERMIT DEPOSIT REFUND	2,000.00
CITY OF WAYNE	CAT TRAP DEPOSIT REFUND	20.00
CITY OF WAYNE	PAYROLL	64,323.50
CITY OF WAYNE	UTILITY REFUNDS	959.26
COMMUNITY DEVELOPMENT	HABITAT HOUSE	1,131.64
COMMUNITY HEALTH	HEALTH CHARITIES	4.00
DAKOTA BUSINESS SYSTEMS	LIBRARY COPIER LEASE	101.50
DAVE'S DRY CLEANING	POLICE UNIFORM CLEANING	108.00
DIGITAL ALLY, INC	CAR VIDEO CAMERA REPAIR	260.00
DUNRITE INC	DUSTERS	40.33
EAKES OFFICE PLUS	OFFICE SUPPLIES	137.31
ECHO GROUP INC JESCO	CONTACT BLOCK	28.60
ENGINEERED CONTROLS, INC	CAC CONTROL PANEL REPAIR	757.00
ENGINEERED FLUID, INC.	MECHANICAL SEAL KITS	645.13
FLOOR MAINTENANCE	CREAMERS/TOWELS/GLOVES	232.60
GREAT PLAINS ONE-CALL	DIGGERS HOTLINE	87.51
GWEN JENSEN	ENERGY INCENTIVE	500.00
HABITAT FOR HUMANITY	HOUSING SUBSIDY	14,395.44
CITY EMPLOYEE	COMPUTER PURCHASE	500.00
HARDING & SHULTZ P.C.	ATTORNEY FEES	3,139.14
ICMA RETIREMENT TRUST	ICMA RETIREMENT	5,507.94
INDUSTRIAL TOOL	CORD WIRE	23.09
IRS	FEDERAL WITHHOLDING	19,609.42
J.V. BRUMMELS	COOLING INCENTIVE	30.00
JACK'S UNIFORMS	POLICE UNIFORM PANTS	419.65
JASON CAROLLO	MOWING-LIB/SR/CH	175.00
JEFF ELLIS	REPAIR WATER FURNACE BLOWERS	462.46
JOHN'S WELDING AND TOOL	REPAIR SHAFT-CLARIFIER/STEEL SKIDS	2,968.46
JOHNSTONE SUPPLY	FILTERS	94.89
CITY EMPLOYEE	HEALTH REIMBURSEMENT	310.27
KRIZ-DAVIS COMPANY	BATTERY	92.04
KTCH AM/FM RADIO	RADIO ADS	705.00
LANGEMEIER, WAYNE	MOWING	250.00
LAYNE CHRISTENSEN CO	WELL 11	38,969.83
LEAGUE OF NEBRASKA	MEMBERSHIP DUES	5,460.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	145.92
MICROFILM IMAGING SYSTEMS	DIGITIZE WAYNE HERALD	530.48

MID-STATE ENGINEERING	DOWNTOWN IMPROVEMENTS	3,340.00
MIDLAND EQUIPMENT INC	BELT	308.11
MIDWEST LABORATORIES, INC	BOD TESTING	73.55
MIDWEST TAPE LLC	DVD'S/AUDIO BOOKS	371.96
MULTIMEDIA SALES & MARKET	COMMUNITY PROMOTION	249.00
N.E. NEB ECONOMIC DEV DIS	WESTERN RIDGE	3,272.06
NE DEPT OF REVENUE	STATE WITHHOLDING	2,862.82
NE POWER REVIEW BOARD	POWER ASSESSMENT	891.09
NEBR PUBLIC POWER DIST	ELECTRICITY	316,236.82
NORTHEAST NE PUBLIC POWER	WHEELING CHARGES	11,051.96
OCLC, INC	ANNUAL SUBSCRIPTIONS	101.70
OFFICE SYSTEMS COMPANY	TONER	94.28
PAMIDA STORE # 165	FANS/GLUE STICKS	87.83
PEPSI-COLA	CAC POP	240.30
PRESTO X COMPANY	PEST CONTROL	112.20
QUILL CORPORATION	OFFICE SUPPLIES	198.39
QWEST	TELEPHONE CHARGES	1,345.60
RANDOM HOUSE	CD'S	32.00
ROBERT WOehler & SONS	MUHS ACRES	14,968.55
ROBERTSON IMPLEMENT CO	THROTTLE	7.78
SIMPLEXGRINNELL	CAC FIRE PROTECTION-STROBE	499.36
SPARKLING KLEAN	JANITORIAL SERVICES	1,232.00
STADIUM SPORTING GOODS	EMBROIDERY	44.00
STATE NATIONAL BANK	ACH FEES	48.44
STATE NATIONAL BANK	PETTY CASH	107.89
UTILITIES SECTION	MEMBERSHIP DUES	2,232.00
VAN DIEST SUPPLY	WEED CONTROL	276.70
WASTE CONNECTIONS	SB SANITATION SERVICE	46.70
WAYNE AREA ECONOMIC DEVEL	BECCA GRANT	2,850.45
WAYNE GRAIN & FEED INC	SCALE CHARGES	330.00
WAYNE HERALD	ADS & NOTICES	1,446.46
WAYNE STATE COLLEGE	LIGHTING EFFICIENCY	950.00
WAYNE VETERINARY CLINIC	CAT/DOG IMPOUNDS	259.00
CITY EMPLOYEE	HEALTH REIMBURSEMENT	158.83
WESTERN AREA POWER ADMIN	ELECTRICITY	33,382.48
DUANE WITT	COOLING INCENTIVE	30.00
ZACH OIL COMPANY	GASOLINE	5,070.11
ZEE MEDICAL SERVICE CO	FIRST AID SUPPLIES	134.31

CITY OF WAYNE
OFFICE OF THE MAYOR

Proclamation

WHEREAS, on July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, increasing full participation in community life. However, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA; and

WHEREAS, on the 20th Anniversary of the Americans with Disabilities Act, we the City of Wayne celebrate and recognize the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance.

NOW, THEREFORE, BE IT RESOLVED, I, Lois Shelton, Mayor of Wayne, do hereby reaffirm our commitment to work toward full ADA compliance in the City of Wayne.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the City of Wayne this 17th day of August, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Lois Shelton, Mayor

ATTEST:

City Clerk

WAYNE VOLUNTEER FIRE DEPARTMENT
And Rural Fire District No. 2
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Dillon Phillips Address PO Box 452, Stanton, NE 68779
Phone Number 402-750-3336 Social Security # _____

Employer Great Dane Trailers Occupation Security Guard
How long have you been employed by your present employer? 7 months
Previous Employer and Address Rags to Riches - 1700 Market Ln, Norfolk, NE 68701

Have you previously been a member of a Fire Department? no
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. _____

Do you have any physical ailments or disabilities that could affect your performance on the department?
no

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? yes
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? yes
- Have you read the Bylaws of the Department, and do you understand them? yes Do you agree to abide by them? yes
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Dillon Phillips Date 7-6-10
Sponsor's Signature (if applicable) _____ Date _____

.....
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Dillon Phillips Date 7-6-10

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.
Matt Whit John Helms Carol Doehle

Secretary's Signature _____ Date _____
Chief's Signature _____ Date _____

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth 7/3/89 revised February 4, 2006

WAYNE VOLUNTEER FIRE DEPARTMENT
And Rural Fire District No. 2
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Jacob Stenka Address 508 Donner Pass
Phone Number (402)-369-0711 Social Security # 507-33-4735
Employer Norfolk Area Shopper Occupation Paper Carrier
How long have you been employed by your present employer? One year
Previous Employer and Address _____

Have you previously been a member of a Fire Department? No
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. _____

Do you have any physical ailments or disabilities that could affect your performance on the department?

No

-As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? Yes

- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? Yes

-Have you read the Bylaws of the Department, and do you understand them? Yes Do you agree to abide by them? Yes

- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Jacob Stenka Date 6-4-10

Sponsor's Signature (if applicable) Jennifer Parker Date 6-4-10

.....
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Jacob Stenka Date 6-4-10

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

Secretary's Signature _____ Date _____

Chief's Signature _____ Date _____

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth _____

WAYNE VOLUNTEER FIRE DEPARTMENT
And Rural Fire District No. 2
510 Tomar Drive, Wayne, NE 68787

APPLICATION FOR MEMBERSHIP

This form is to be completed by the Applicant and filed with the Secretary at a regular meeting of the Wayne Volunteer Fire Department.

Name Riley McManus Address 2508 N HWY 15
Phone Number (402) 375-3232 Social Security # 503-23-6852
Employer Wayne Schools Occupation Student
How long have you been employed by your present employer? _____
Previous Employer and Address _____

Have you previously been a member of a Fire Department? no
If so, give the name of the fire department, your rank and positions held. If applicable, identify any related credentials and record of training. _____

Do you have any physical ailments or disabilities that could affect your performance on the department?

none

- As a member of this department, you will be required to give freely of your time to attend fire calls, meetings, drills, serve and provide leadership on committees, and participate in community events and fundraising activities. Do you agree to this? yes
- There is a 30-day waiting period from the date of this application until the Department formally acts upon this request. Do you agree to this? yes
- Have you read the Bylaws of the Department, and do you understand them? yes Do you agree to abide by them? yes
- The applicant must understand that if accepted for membership he/she will be placed on probation for a six-month period. During that time, he/she must meet certain criteria as stated in the Bylaws and follow the Standard Operating Guidelines.

Applicant's Signature Riley McManus Date 5/4/10
Sponsor's Signature (if applicable) [Signature] Date 5/4/10

.....
I agree to a background check with information provided by the Wayne Police Department.

Applicant's Signature Riley McManus Date 5/4/10

We, the undersigned representing the Standing Membership Committee, having investigated the background of the applicant, feel that he/she would be an asset to the Department and hereby recommend him/her for membership.

Secretary's Signature _____ Date _____

Chief's Signature _____ Date _____

.....
Council approved on _____ certified by City Clerk _____

.....
For record purposes only: Date of Birth 5/15/1993 revised February 4, 2006

**INTEROFFICE MEMORANDUM
CITY OF WAYNE**

Date: August 3, 2010
To: Mayor Lois Shelton
Wayne City Council
From: Wayne Planning Commission
Re: Recommendations from August 2, 2010 Meeting

At their meeting on August 2, 2010 the Wayne Planning Commission held three duly advertised public hearings and one discussion item.

Public Hearing: Amending Section 90-424 Exceptions by Adding Vehicle Towing Service & Section 90-425 Special Conditions and Conditions for Granting Exceptions

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 Melena and seconded by Commissioner Sweetland to approve and forward a recommendation of approval to the City Council by amending Section 90-424 Exceptions in the B-3 Neighborhood Commercial District by adding "vehicle towing service" to the list of exceptions and amending Section 90-425 Special Conditions and Conditions for Granting Exceptions in the B-3 Neighborhood Commercial District by adding Item # 8 "storage of towed vehicles", with the exception of "e", as stated in the attachment with the findings of fact being staff's recommendation and the comprehensive plan, and the current and future land use map. Chair Braun stated the motion and second. Roll call vote was taken with the following: Commissioner Kranz – aye; Commissioner Melena – aye; Commissioner Hill – aye; Commissioner Piper – aye; Commissioner Sweetland – aye; and Chair Braun – aye. Chair Braun declared the motion carried unanimously.

Public Hearing: Request for Use by Exception, Section 90-424(14) Two-Family Dwelling, Applicants: David & Connie Stuthmann

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 Melena to approve and forward a recommendation of approval to the City Council for the Use by Exception request under Section 90-424(14) in the B-3 Neighborhood Commercial District, for Dave and Connie Stuthmann to construct a two-family dwelling at 721 Windom Street, with the findings of fact being, staff's recommendation and the use fits with the comprehensive plan and the current and future land use map. Chair Braun stated the motion and second. Roll call vote was taken with the following: Commissioner Sweetland – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Melena – aye; Commissioner Kranz – aye; and Chair Braun – aye. Chair Braun declared the motion carried unanimously.

Windom Street

8th Street

402

721

717

4

RESOLUTION NO. 2010-63

A RESOLUTION APPROVING THE APPLICATION FOR ZONING USE BY EXCEPTION PERMIT TO ALLOW FOR THE CONSTRUCTION OF A TWO-FAMILY DWELLING ON LOT 1, BLOCK 8, JOHN LAKE'S ADDITION (721 WINDOM STREET).

WHEREAS, the Planning Commission has considered an application for zoning use by exception permit submitted by David and Connie Stuthmann to allow for the construction of a two-family dwelling on Lot 1, Block 8, John Lake's Addition (721 Windom Street); and

WHEREAS, the Planning Commission, subsequent to a public hearing held August 2, 2010, recommended approval of the use by exception permit subject to the following "Findings of Fact":

1. Staff's recommendation; and
2. The use fits with the Comprehensive Plan and the current and future land use map; and

WHEREAS, the City Council considered the aforesaid application to allow for the construction of a two-family dwelling on Lot 1, Block 8, John Lake's Addition (721 Windom Street) subsequent to a public hearing held August 17, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Council accepts the recommendation of the Planning Commission and approves the application subject to the above-stated "Findings of Fact."

PASSED AND APPROVED this 17th day of August, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

ORDINANCE NO. 2010-17

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IV, BY AMENDING SECTIONS 90-205, 90-235, 90-265, 90-294 and 90-315 REGARDING EXCEPTIONS - ACCESSORY USES.

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

Section 1. The Planning Commission held a public hearing on July 12, 2010, and recommended amending Sections 90-205, 90-235, 90-265, 90-294 and 90-315 regarding Exceptions – Accessory Uses of the Wayne Municipal Code, with the “Finding of Fact” being that it is the Planning Commission’s recommendation as discussed as their June 7, 2010, meeting.

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

Section 90-205 Exceptions (R-1 District):

(12) Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area

Section 90-235 Exceptions (R-2 District):

(8) Accessory structures exceeding 3,000 square feet but not to exceed 4,000 square feet or seven percent of the total lot area

Section 90-265 Exceptions (R-3 District):

(10) Accessory structures exceeding 3,000 square feet but not to exceed 4,000 square feet or seven percent of the total lot area

Section 90-294 Permitted Conditional Uses (R-4 District):

(b) Exceptions, in accordance with Article XI of this chapter, are:

1. Child care centers
2. Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area.

Section 90-315 Special Exception Uses (R-5 District):

(7) Accessory structures exceeding 3,000 square feet, but not to exceed 4,000 square feet or seven percent of the total lot area

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

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

PASSED AND APPROVED THIS _____ day of _____, 2010.

THE CITY OF WAYNE, NEBRASKA

By _____

ATTEST:

City Clerk

RESOLUTION 2010-64

A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO REQUEST COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

WHEREAS, the City of Wayne, Nebraska, has applied for Community Development Block Grant Funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the Mayor is authorized and directed to sign the necessary documents to request the release of the Community Development Block Grant Funds for Grant Numbers 07-ED-007, 07-NFHP-5044, 08-DTR-104, and 08-ED-006 for:

- Determination of Level Review
- Authorization to Request Community Development Block Grant Funds
- Financial Management Certification
- Procurement Procedures and Code of Conduct; and
- Excessive Force Certification

PASSED AND APPROVED this 3rd day of August, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2010-65

A RESOLUTION APPROVING AGREEMENT WITH GILL HAULING FOR OPERATION OF THE WAYNE TRANSFER STATION.

WHEREAS, the City sought Requests for Proposals for the operation of the Wayne Transfer Station; and

WHEREAS, the City received one proposal, that being from Gill Hauling of Jackson, NE; and

WHEREAS, staff has reviewed said proposal and is recommending the same be accepted, and has directed the City Attorney to prepare an agreement with the terms and conditions stipulated therein.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Wayne, Nebraska, that the Agreement between the City of Wayne and Gill Hauling for the operation of the Wayne Transfer Station, a copy of which is attached hereto and incorporated herein by reference, be accepted as recommended, and the City Administrator and/or Mayor is authorized and directed to execute said agreement on behalf of the City.

PASSED AND APPROVED this 17th day of August, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

OPERATION AGREEMENT

This Agreement is entered into by and between the **Gill Hauling, Inc.**, a Nebraska corporation, hereinafter referred to as “Gill,” and **the City of Wayne, Nebraska**, a municipal corporation, hereinafter referred to as “City”;

WHEREAS, the City has sought proposals for operation of the City’s Transfer Station, located 110 S. Windom Street in Wayne; and

WHEREAS, Gill has timely submitted its proposal for operation of the transfer station; and;

WHEREAS, the City desires to enter into an agreement with Gill to allow it to operate the transfer station under certain conditions;

NOW, THEREFORE, in consideration of mutual covenants contained herein, City and Gill enter in this Agreement under the following terms and conditions:

1. This Agreement will be effective as of the date of its execution by the parties hereto and remain in effect for a period of two (2) years unless terminated by either party as hereinafter set forth .
2. Gill agrees to pay a fee of one thousand dollars (\$1,000.00) per month to the City for the use of the building.
3. There shall be no separate legal or administrative entity created by this Agreement.
4. Gill shall operate the transfer station under the City of Wayne’s Nebraska Department of Environmental Quality (NDEQ) Solid Waste Permit, and agrees to follow all requirements and conditions of said permit.
5. Gill will provide proof of liability insurance in the amount of one million dollars (\$1,000,000), with the City named as an insured and will pay the cost of the City insurance for the transfer station.
6. City will maintain and repair the grounds, equipment, and buildings of the transfer station, and Gill agrees that it will use all reasonable efforts to keep the grounds and surrounding area free of litter.
7. Gill will pay all the utility costs associated with the operation of the transfer

station under this Agreement.

8. City will amend its City Code to eliminate the requirement that all garbage collected in the City of Wayne be dumped at the City of Wayne transfer station.

9. Gill agrees to provide staffing and management to operate the transfer station as a facility for the collection of garbage and recyclable materials which shall be open to the public for a minimum of fifteen (15) hours per week and by appointment as determined by Gill.

10. Gill agrees to accept garbage from City buildings, parks, facilities, and special events, including, but not limited to, the annual Wayne Chicken Show and related activities. Gill also agrees to accept garbage from Wayne County road litter and the Wayne County Fair at no cost to the County.

11. Gill agrees to provide continued access and space for the local Boy Scout troop to operate their current newspaper collection program.

12. Gill agrees to provide containers at the transfer station to collect co-mingled recycling and metal scrap from the City and/or the public to be transported and/or sold by Gill, and agrees to provide access to and space within the transfer station

13. Gill agrees to accept the following materials under the following conditions at the transfer station:

- i) Tires will be accepted for a fee as determined by Gill to cover the disposal costs of said tires.
- ii) Waste oil will be accepted at no charge and then collected by Wayne County at no additional charge to Gill.
- iii) Refrigeration appliances will be accepted for a fee to be paid to the City. The City will drain the appliances and certify them as free of freon for scrap for the scrap metal container.

14. City will retain control and use of Lots 4 and 5, Original Town of Wayne, Nebraska.

15. City will allow private garbage route collectors to continue to operate in Wayne with the permit requirements that they a) offer voluntary pay-to-throw pickup service-- that is, a fee-per-bag service as opposed to a flat rate per month; and b) provide a co-mingled

recycling service (curbside or drop-off location).

16. Gill will pay a monthly fee of one-thousand dollars and no cents (\$1,000.00) per month to City under the agreement.

17. In the event that either party breaches any portion of this agreement, each party may pursue any remedies allowed by applicable law.

18. This Agreement shall be binding upon and inure to the benefit of any and all successors, assigns, heirs, or their beneficiaries, of Gill.

19. This Agreement shall be construed pursuant to the laws of the State of Nebraska.

20. Any and all amendments, modifications or other changes to this Agreement shall be in writing, executed by the parties and attached to this Agreement.

21. This Agreement may be terminated at any time as follows:

- i) by either the City or Gill upon not less than thirty (30) days' prior written notice to the other party in the event that such other party has materially breached its obligations under this Agreement and has failed or refused to remedy such breach within thirty (30) days after written demand therefor is given by the aggrieved party to the other;
- ii) ii. by either City or Gill upon written notice to the other party, effective immediately, in the event the other party shall become the subject (voluntarily or involuntarily) of any proceeding relating to bankruptcy or insolvency, or makes an assignment or other arrangement for the benefit of its creditors, or is dissolved or liquidated (except as a consequence of a merger, consolidation or other corporate reorganization not involving the insolvency of such dissolved or liquidated party);
- iii) by either party, for any reason, upon ninety (90) days written notice; or
- iv) at any time and for any reason by mutual agreement of the parties

22. Gill, its successors and assigns, hereby agrees to save and hold harmless City and any of its employees or agents from all cost, injury and damage incurred by any of the above,

and from any other injury or damage to any person or property whatsoever, any of which is caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any provision of this agreement by City. The above cost, injury, damage or other injury or damage incurred by or to any of the above shall include, in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. This save harmless clause is not intended to indemnify against any cost or damage, or portion thereof, caused by City.

23. All notices required or permitted hereunder shall be in writing and shall be deemed given when personally delivered or upon enclosure thereof in the adequately post-paid envelope, sent by first-class certified mail, to that party at the following address (or to such other address of which either party may advise the other in writing):

City of Wayne	Gill Hauling, Inc.
306 Pearl Street	P.O. Box 128
Wayne, NE 68787	Jackson, NE 68743

In witness whereof, the parties have hereunto executed this Agreement on this _____ day of _____, 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Lois A. Shelton, Mayor

Attest: _____
City Clerk

GILL HAULING, INC.

By _____
Bernard A. Gill, President

ORDINANCE NO. 2010-18

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2010-5; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and City Council of the City of Wayne, Wayne County, Nebraska, hereby find and determine that it is in the best interests of the City that Dearborn Street from the south right-of-way line of Jaxon Street north to the north right-of-way line of 4th Street, including the intersections of Jaxon Street and 4th Street be improved as hereinafter described; and that it is in the best interests of the City of Wayne to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Wayne, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 2010-5, the outer boundaries of which shall contain the following property:

To be added by Olsson Associates

Within said District, Dearborn Street from the south right-of-way line of Jaxon Street north to the north right-of-way line of 4th including the intersections of Jaxon Street and 4th Street shall be improved by grading and construction of curb and gutter, concrete paving, storm sewer, sidewalk and other necessary improvements and appurtenances.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Wayne, and shall be constructed in accordance with plans and specifications to be prepared by Olsson Associates, the City's engineers, which plans shall be approved by the Mayor and City Council. The improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 2010-5 shall be published in The Wayne Herald newspaper, a legal newspaper published in and of general circulation within the City of Wayne, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this 17th day of August 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

RESOLUTION NO. 2010-66

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN WATER SYSTEM IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA.

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the hiring of Olsson Associates as engineers for the construction of certain water system improvements to be constructed in the City of Wayne in Water Extension District No. 2010-1 is hereby approved, and that the plans, specifications and estimate of cost of \$ _____ filed in the office of the City Clerk for the construction of the said improvements are hereby approved.

PASSED AND APPROVED this 17th day of August 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

ORDINANCE NO. 2010-19

AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 2010-1_ OF THE CITY OF WAYNE, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF WATER MAINS AND LINES AND WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and Council of the City of Wayne, Nebraska, hereby find and determine that it is necessary and advisable to extend the municipal water system beyond the existing system by the construction of water mains and water lines and appurtenant improvements and that for the purpose of constructing said water mains and water lines and related improvements, there is hereby created Water Extension District No. 2010-1 of the City of Wayne, pursuant to authority granted in Section 19-2402, R.R.S. Neb. 1997, as amended.

Section 2. The outer boundaries of Water Extension District No. 2010-1 shall consist of a tract of land located in Wayne County, Nebraska, being described as follows: *(To be checked and verified by Olsson Associates)*

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE ¼ NE ¼) OF SECTION 16, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼); THENCE ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼), N87°35'23"E, 1324.96 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼); THENCE ON SAID EAST LINE, S01°49'36"E, 309.00 FEET TO A POINT ON THE ABANDONED SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN

RAILROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, CONTINUING ON SAID WEST LINE, SO1°49'36"E, 959.75 FEET; THENCE, S88°03'11"W, 1602.42 FEET; THENCE N59°09'05"E, 150.91 FEET; THENCE N30°50'52"W, 64.80 FEET TO THE ABANDONED SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD; THENCE ON SAID SOUTHWESTERLY RIGHT OF WAY LINE, N59°09'08"E, 1717.54 FEET TO THE POINT OF BEGINNING, CONTAINING 18.82 ACRES MORE OR LESS.

The size, location and terminal points of the water mains and water lines and other appurtenances in said District shall consist of the following:

(To be added by Olsson Associates)

Section 3. Reference is hereby made to the plans and specifications for said water system extensions, which have been prepared by Olsson Associates, special engineers for the City, and which, together with said engineers' estimate of the total cost for the proposed water system extensions, have heretofore been filed with the City Clerk.

Section 4. The engineers' estimate of total cost for the proposed water system extension improvements in said District is \$_____.

Section 5. The Mayor and Council hereby find and determine that none of the properties located within said District are presently served by the City's existing system of water service and that said District constitutes an area of land located apart and outside the area served and benefited by said system and all of the property in said District is located within the City of Wayne, Nebraska or within two miles of the corporate limits of the City of Wayne, Nebraska.

PASSED AND APPROVED this 17th day of August 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

RESOLUTION NO. 2010-67

A RESOLUTION APPROVING THE HIRING OF SPECIAL ENGINEERS AND APPROVING PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR THE CONSTRUCTION OF CERTAIN SANITARY SEWER IMPROVEMENTS TO BE CONSTRUCTED IN THE CITY OF WAYNE, NEBRASKA.

BE IT RESOLVED by the Mayor and Council of the City of Wayne, Nebraska, that the hiring of Olsson Associates, as engineers for the construction of certain sanitary sewer improvements to be constructed in the City of Wayne in Sanitary Sewer Extension District No. 2010-1 is hereby approved, ratified and confirmed, and that the plans, specifications and estimate of cost of \$_____ filed in the office of the City Clerk, for the construction of the said improvements are hereby approved.

PASSED AND APPROVED this 17th day of August 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

ORDINANCE NO. 2010-20

AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 2010-1_ OF THE CITY OF WAYNE, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF SANITARY SEWER MAINS AND SANITARY SEWER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and Council of the City of Wayne, Nebraska, hereby find and determine that it is necessary and advisable to extend the municipal sanitary sewer system beyond the existing system by the construction of sanitary sewer mains and sanitary sewer lines and appurtenant improvements and that for the purpose of constructing said sanitary sewer mains and related improvements, there is hereby created Sanitary Sewer Extension District No. 2010-1 of the City of Wayne, pursuant to authority granted in Section 19-2402, R.R.S. Neb. 1997, as amended.

Section 2. The outer boundaries of Sanitary Sewer Extension District No. 2010-1 shall consist of a tract of land located in Wayne County, Nebraska, being described as follows: *(To be checked and verified by Olsson Associates)*

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE ¼ NE ¼) OF SECTION 16, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼); THENCE ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼), N87°35'23"E, 1324.96 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼); THENCE ON SAID EAST LINE, S01°49'36"E, 309.00 FEET TO A POINT ON THE ABANDONED SOUTHWESTERLY

RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, CONTINUING ON SAID WEST LINE, S01°49'36"E, 959.75 FEET; THENCE, S88°03'11"W, 1602.42 FEET; THENCE N59°09'05"E, 150.91 FEET; THENCE N30°50'52"W, 64.80 FEET TO THE ABANDONED SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD; THENCE ON SAID SOUTHWESTERLY RIGHT OF WAY LINE, N59°09'08"E, 1717.54 FEET TO THE POINT OF BEGINNING, CONTAINING 18.82 ACRES MORE OR LESS.

The size, location and terminal points of the sanitary sewer mains, sanitary sewer lines and other appurtenances in said District shall consist of the following:

Section 3. Reference is hereby made to the plans and specifications for said sanitary sewer extensions, which have been prepared by Olsson Associates, special engineers for the City, and which, together with said engineers' estimate of the total cost for the proposed sanitary sewer extensions, have heretofore been filed with the City Clerk.

Section 4. The engineers' estimate of total cost for the proposed sanitary sewer extension improvements in said District is \$_____.

Section 5. The Mayor and Council hereby find and determine that none of the properties located within said District are presently served by the City's existing system of sanitary sewer service and that said District constitutes an area of land located apart and outside the area served and benefited by said system and all of the property in said District is located within the City of Wayne, Nebraska or within one mile of the corporate limits of the City of Wayne, Nebraska.

PASSED AND APPROVED this 17th day of August 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney



CERTIFICATE OF PAYMENT NO. 6

Date of Issuance: August 17, 2010

1707 Dakota Avenue South Sioux City, NE 68776

Project No. 007-1096

Project: Kardell Subdivision Paving, Drainage & Water Improvements, Wayne, Nebraska - 2009

Contractor: Steve Harris Construction, Inc, PO Box 343, Homer, NE 68030

DETAILED ESTIMATE		
Description	Unit Prices	Extensions
See Attached		

PLEASE REMIT PAYMENT TO: Steve Harris Construction, Inc.

Value of Work Stored & Completed: \$509,760.67

Original Contract Cost:	\$274,669.40
Approved Change Orders:	
No. 1	\$3,168.00
No. 2	\$228,199.20
No. 3	\$17,693.23
No. 4	-\$13,969.16
No.	\$0.00
Total Contract Cost:	\$509,760.67

Value of completed work and materials stored	\$509,760.67
Less retained percentage (1 %)	\$5,097.61
Net amount due including this estimate	\$504,663.06

Less: Estimates previously approved:

No. 1	\$40,864.50	No. 6	\$0.00
No. 2	\$318,892.45	No. 7	\$0.00
No. 3	\$70,332.34	No. 8	\$0.00
No. 4	\$27,919.61	No. 9	\$0.00
No. 5	\$22,358.44	No.10	\$0.00

Total Previous Estimates: \$480,367.34

NET AMOUNT DUE THIS ESTIMATE: \$24,295.72

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: Steve Harris Construction, Inc.
Project File

OLSSON ASSOCIATES

By _____

No.	Unit	Description	Plan	Quantity	Unit Price \$	Contract Price \$	Amt Material Stored	Quantities Completed	Total Amount Completed + Stored	99% Due Contractor	1% Retainage	Amt. Paid Prev. Est.	Total Due This Est.
Bld Section "A" - Paving and Drainage													
1	SY	Build 6" Concrete Pavement	8	239	\$34.60	\$825,069.40		7955	\$273,827.00	\$773,860.73	\$2,766.27	\$762,795.65	\$11,085.08
2	SY	Remove and Replace 8" Concrete Pavement	79	79	\$3,555.00	\$3,555.00		333	\$13,075.00	\$14,924.25	\$150.75	\$14,321.25	\$603.00
3	SY	Remove and Replace 6" Concrete Driveway	192	192	\$6.00	\$6,912.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3a	LF	Pacific Coast Temp Driveway	1	4,000.00	\$4,000.00	\$4,000.00		1	\$4,000.00	\$3,960.00	\$40.00	\$3,860.00	\$160.00
4	LF	Build Concrete Header	48	48	\$38.00	\$3,384.00		48	\$3,384.00	\$3,384.00	\$3,384.00	\$3,384.00	\$15.36
5	EA	Gravel Surfacing	488	488	\$15.00	\$7,320.00		561	\$8,415.00	\$8,330.95	\$84.15	\$8,754.50	\$1,576.35
6	EA	Adjust Manhole to Grade	1	1	\$300.00	\$300.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7	EA	Earthwork - Excavation	1	1	\$32,900.00	\$32,900.00		1	\$32,900.00	\$32,571.00	\$329.00	\$31,255.00	\$1,316.00
7a	CY	Earthwork - Ditch Increase	3950	3950	\$1.90	\$7,505.00		3950	\$7,505.00	\$7,429.95	\$75.05	\$7,129.75	\$300.20
7b	LS	Rock Removal South Ditch	1	1	\$5,000.00	\$5,000.00		1	\$5,000.00	\$4,950.00	\$50.00	\$4,750.00	\$200.00
7c	LS	Subgrade Stabilization w/ Fly Ash	182	182	\$75.00	\$13,650.00		182	\$13,650.00	\$13,513.50	\$136.50	\$12,967.50	\$546.00
Total Base Bid Section "A"													
						\$366,595.40			\$363,556.00	\$345,378.20	\$18,177.80	\$344,138.45	\$15,781.59
Bld Section "B" - Storm Sewer and Erosion Control													
8	LF	Build 15" Reinforced Concrete Storm Sewer Pipe	0	0	\$20.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9	LF	Build 18" Reinforced Concrete Storm Sewer Pipe	656	656	\$21.00	\$13,776.00		338	\$7,098.00	\$7,027.02	\$70.98	\$6,743.10	\$283.92
10	LF	Build 24" Reinforced Concrete Storm Sewer Pipe	79	79	\$32.00	\$2,528.00		140	\$4,480.00	\$4,435.20	\$44.80	\$4,256.00	\$179.20
10a	LF	Build 30" Reinforced Concrete Storm Sewer Pipe	37	37	\$42.00	\$1,554.00		37	\$1,554.00	\$1,538.46	\$15.54	\$1,476.30	\$62.16
11	LF	Build 36" Reinforced Concrete Storm Sewer Pipe	0	0	\$52.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12	LF	Build 24" Corrugated Metal Storm Sewer Pipe	0	0	\$25.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
13	LF	Build 18" Corrugated Metal Storm Sewer Pipe	0	0	\$36.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
14	EA	Build 24" Concrete Flared End Section	2	2	\$800.00	\$800.00		2	\$800.00	\$792.00	\$8.00	\$760.00	\$32.00
15	EA	Build 30" Concrete Flared End Section	2	2	\$1,200.00	\$1,200.00		2	\$1,200.00	\$1,188.00	\$12.00	\$1,140.00	\$48.00
15a	EA	Build 30" Concrete Flared End Section	1	1	\$700.00	\$700.00		1	\$700.00	\$693.00	\$7.00	\$665.00	\$28.00
16	EA	Build 36" Concrete Flared End Section	0	0	\$600.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
17	EA	Build 24" Corrugated Metal Flared End Section	0	0	\$250.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
18	EA	Build 36" Corrugated Metal Flared End Section	0	0	\$600.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19	EA	Build 24" Corrugated Metal Pipe Bend	0	0	\$400.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	EA	Build 36" Corrugated Metal Pipe Bend	0	0	\$500.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
21	EA	Build Curb Inlet	4	4	\$1,750.00	\$7,000.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22	EA	Build Storm Sewer Manhole	2	2	\$2,000.00	\$4,000.00		3	\$6,000.00	\$5,940.00	\$60.00	\$5,700.00	\$240.00
22a	VF	Additional Storm Sewer Manhole Depth	3.3	3.3	\$355.24	\$1,172.29		3.3	\$1,172.29	\$1,160.57	\$11.72	\$3,036	\$1,160.57
23	EA	Build Area Inlet	2	2	\$2,500.00	\$5,000.00		3	\$7,500.00	\$7,425.00	\$75.00	\$7,125.00	\$300.00
24	TN	Build Rock Rip-Rap	30	30	\$40.00	\$1,200.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
25	SY	Erosion Control, Type 1F	4,718	4,718	\$1.70	\$8,020.60		4718	\$8,020.60	\$7,940.39	\$80.21	\$7,619.57	\$370.82
26	LF	Install Silt Fence	1,503	1,503	\$2.00	\$3,006.00		48	\$96.00	\$95.04	\$0.96	\$0.00	\$95.04
27	LF	Install Silt Fence, Type C&D	80	80	\$4.00	\$320.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
28	EA	Hay Bales	100	100	\$15.00	\$1,500.00		100	\$1,500.00	\$1,485.00	\$15.00	\$1,425.00	\$60.00
29	AC	Seeding	3.3	3.3	\$1,500.00	\$4,950.00		3.3	\$5,850.00	\$5,791.50	\$58.50	\$5,557.50	\$234.00
Total Bid Section "B"						\$57,626.89			\$45,970.89	\$45,511.18	\$459.71	\$42,467.47	\$3,043.71

No.	Unit	Description	Plan Quantity	Unit Price \$	Contract Price \$	Amt. Material Stored	Quantities Completed	Total Amount Completed + Stored	95% Due Contractor	1% Retainage	Amt. Paid Prev. Est.	Total Due This Est.
Bld Section "C" - Water												
30	LF	8" PVC Water Main, CS900	2,193	\$11.20	\$24,561.60		2140	\$23,958.00	\$23,728.32	\$239.68	\$22,769.60	\$988.72
31	EA	8" M.J. Tee	1	\$225.00	\$225.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
32	EA	8" M.J. Tee	4	\$225.00	\$900.00		5	\$1,125.00	\$1,113.75	\$11.25	\$1,066.75	\$45.00
33	EA	8" M.J. Elbow	2	\$100.00	\$200.00		2	\$200.00	\$198.00	\$2.00	\$190.00	\$8.00
34	EA	8" M.J. Bend	3	\$175.00	\$525.00		0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
35	EA	8" M.J. Bend	2	\$175.00	\$350.00		3	\$525.00	\$519.75	\$5.25	\$498.75	\$21.00
36	EA	8" M.J. Gate Valve	5	\$1,000.00	\$5,000.00		4	\$4,000.00	\$3,960.00	\$40.00	\$3,800.00	\$180.00
37	LF	11" Water Service Tubing, P.E.	129	\$6.00	\$774.00		50	\$300.00	\$295.00	\$5.00	\$0.00	\$395.00
38	EA	11" Water Service Connection	1	\$400.00	\$400.00		1	\$400.00	\$395.00	\$5.00	\$175.75	\$220.25
39	EA	Hydrant Assembly (Type III)	4	\$2,500.00	\$10,000.00		4	\$10,000.00	\$9,500.00	\$500.00	\$9,500.00	\$400.00
40	EA	Remove & Relocate Hydrant & Valve (Type IV)	1	\$500.00	\$500.00		1	\$500.00	\$495.00	\$5.00	\$475.00	\$20.00
41	EA	Wet Curb-in	2	\$350.00	\$700.00		2	\$700.00	\$693.00	\$7.00	\$665.00	\$28.00
Alternate Bid												
42	EA	8" Live Top w/ Gate Valve	1	\$2,000.00	\$2,000.00		0.71	\$1,415.00	\$1,400.85	\$14.15	\$1,344.25	\$56.60
Total Base Bid Section "C"												
					\$44,361.60			\$43,233.00	\$42,800.67	\$432.33	\$40,487.10	\$2,313.57
Bld Section "D" - Sanitary												
43	LF	8" SDR 35 Sanitary Sewer Main	950	\$27.50	\$26,125.00		1024	\$28,160.00	\$27,878.40	\$281.60	\$26,752.00	\$1,126.40
44	VF	Build 48" Sanitary Manhole	60	\$275.00	\$16,500.00		59	\$16,225.00	\$16,062.75	\$162.25	\$15,413.75	\$649.00
Total Base Bid Section "D"												
					\$42,625.00			\$44,385.00	\$43,941.15	\$443.85	\$42,165.75	\$1,775.40
Water Tie In												
45	LF	8" PVC Water Main, CS900 (Material Only)	30	\$5.19	\$155.76		30	\$155.76	\$154.20	\$1.56	\$147.97	\$6.23
46	EA	8" M.J. Bend (Material Only)	4	\$185.74	\$742.94		4	\$742.94	\$735.51	\$7.43	\$705.79	\$29.72
47	HR	Laborer Hours	14	\$55.00	\$770.00		14	\$770.00	\$762.30	\$7.70	\$731.50	\$39.00
48	HR	Laborer Hours (Overtime)	30	\$92.50	\$2,775.00		30	\$2,775.00	\$2,450.25	\$324.75	\$2,351.25	\$99.00
49	HR	Excavator w/ Operator	9	\$16.50	\$148.50		0	\$0.00	\$0.00	\$0.00	\$141.08	-\$141.08
50	HR	Excavator w/ Operator (Overtime)	9	\$165.00	\$1,485.00		9	\$1,485.00	\$1,470.15	\$14.85	\$0.00	\$1,470.15
51	HR	Excavator w/ Operator	10	\$192.50	\$1,925.00		10	\$1,925.00	\$1,905.75	\$19.25	\$1,828.75	\$77.00
51x	HR	Leader w/ Operator	0	\$1,100.00	\$0.00		0	\$0.00	\$0.00	\$0.00	\$4,180.00	-\$4,180.00
51y	HR	Leader w/ Operator	4	\$110.00	\$440.00		4	\$440.00	\$435.60	\$4.40	\$0.00	\$435.60
52	LS	Thrust Blocks (4)	1	\$1,076.03	\$1,076.03		1	\$1,076.03	\$1,065.27	\$10.76	\$1,022.23	\$43.04
PCF North Rock Drive												
53	TN	Crushed Quartzite	93	\$19.85	\$1,846.05		93	\$1,846.05	\$1,827.59	\$18.46	\$0.00	\$1,827.59
54	HR	Charrette Trucking	7.5	\$90.00	\$675.00		7.5	\$675.00	\$668.25	\$6.75	\$0.00	\$668.25
55	LS	Place PCF North Drive	1	\$1,025.00	\$1,025.00		1	\$1,025.00	\$1,014.75	\$10.25	\$0.00	\$1,014.75
Total												
					\$523,973.37	\$0.00		\$509,760.67	\$490,120.82	\$19,639.84	\$480,367.33	\$24,295.72



1707 Dakota Ave., South Sioux City, NE 68776

CHANGE ORDER NO. 4 (FINAL)

PROJECT:	Kardell Subdivision - Paving, Drainage, Water Improvements	DATE OF ISSUANCE:	August 17, 2010
CONTRACTOR:	Steve Harris Construction, Inc	OA PROJECT NO.:	007-1096
CONTRACT DATE:	May 29, 2009	AMOUNT OF ORIGINAL CONTRACT:	\$274,669.40

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

See Attached Sheet

* Change Order #3 listed current contract price incorrectly at \$521,729.83, corrected amount shown on - \$523,729.83

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

Contract Price Prior to This Change Order	\$523,729.83 *
Net Increase/ Decrease Resulting from this Change Order.....	(\$13,969.16)
Current Contract Price Including this Change Order	\$509,760.67
Contract Time Prior to this Change Order/Calendar Days- Final Completion.....	November 1, 2009
Net Increase Resulting from This Change Order/Calendar Days.....	7 months
Current Contract Time Including this Change Order/Calendar Days-Final Completion.....	June 1, 2010

The Above Change Order Accepted:

Steve Harris Construction
Contractor

OLSSON ASSOCIATES
Consulting Engineers

By: _____

By: _____
Rod Hanson

Date: _____

Date: _____

The Above Change Order Approved:

City of Wayne
Owner

By: _____

Date: _____

**CITY OF WAYNE
INTEROFFICE MEMORANDUM**

Date: August 12, 2010
To: Mayor & Council
From: Nancy L. Braden, Finance Director
Subject: Remaining budget items

We have not covered any of the administrative budgets, (pages 5 – 8; 48 – 49; 63 – 64; and 70 – 71) except the line 40 in the Electric Administration. Public Buildings (page 25 – 26) and Swimming pool (page 20) are the remaining general fund departments we have not looked at. We also should look at the 911 funds on pages 82 – 85.

I would also like to spend some time on the sales tax on page 33. It would be nice to see a consensus from council as to the direction that you want staff to take regarding the capital outlay.

In speaking with Richard Peterson, our bond attorney, this morning, he tells me that council will have to take action annually during the budget approval regarding obligating sales tax dollars for project expenditures as statute does not allow one council to commit future council budgets unless specifically voted on by the citizens of the community.

Subject: Budget Changes to date:

Vote to borrow the funds from the electric fund at 3% and repay the loan with sales tax dollars

- Will check with Smeal/Danko regarding trade in value
- Demo truck – Fire Department personnel will visit with Smeal/Danko about this option
- Finance Director will check into the lease purchase agreement with Smeal/Danko

Wages – Merit increase and no Cost of Living (COL) as presented in the budget

10-521-83.04 – Remove police car \$17,500

20-601-40.00 – Approved WADE request of \$93,600 as presented in the budget

Recreation – council requested a breakdown for the programs by revenue and expenditure, Jeff Zeiss will provide.

CAC – Approved increasing the fees 2% as recommended by the Recreation Commission

Removal of the chairs for the council chambers from the estimated expenditures

- 10-501-83.00 - (\$1,750)
- 10-551-83.00 – (\$5,000)
- 20-601-83.00 – (\$3,500)
- 31-611-83.00 – (\$875)
- 32-610-83.00 – (\$875)
- Total added to the reserves for the respective funds \$12,000

I had forgotten to add the \$75,000 sales tax transfer to the Sewer Fund as a revenue line item and have made that change.

The total effects of the changes to date are as follows:

- Total to be added to the general fund reserve + \$ 57,252 (this includes the original \$33,002 that is printed in you budget books)
- Total to be added to the Electric Fund reserve + \$ 3,500
- Total to be added to the Sewer Fund reserve + \$ 75,000
- Total to be added to the Water Fund reserve + \$ 875